

**USE OF TECHNOLOGY IN INSTRUCTION**

The Board of Trustees encourages the instructional use of computers, videotapes, interactive videodisks, distance learning, cable television and other technologies. The Board perceives that these technologies:

- Give students new ways to access information and practice skills
- Help teachers meet a wide range of learning styles
- Enable teachers to move from whole-class instruction to a mixture of small-group and individualized instruction
- Help students develop reasoning and problem-solving abilities
- Will be a part of students' everyday lives

The Board recognizes that trained teachers are needed to make the best use of the district's technology. Teachers and instructional aides shall receive training in using the technologies available to them. All district schools shall have the opportunity to obtain computers, software and other equipment.

The district's educational software shall be carefully selected and evaluated so as to meet the teachers' and students' needs and conform with district policy and regulations.

*(cf. 3512 - Equipment)*  
*(cf. 4132/4232/4332 - Publication or Creation of Materials)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*  
*(cf. 6162.6 - Use of Copyrighted Materials)*

*Legal Reference:*

EDUCATION CODE  
51865 California distance learning policy  
51870-51874 Educational Technology

*Management Resources:*

CDE PUBLICATIONS  
The California Master Plan For Educational Technology, April 1992

**USE OF TECHNOLOGY IN INSTRUCTION**

**Copyrights**

Staff shall strictly observe copyright laws related to computers and educational technology. A designated employee shall ensure that software is used and duplicated in accordance with software licensing agreements. Public domain software may be duplicated and exchanged with other schools or staff. No illegal copies of copyrighted software shall be accepted or used in the district.

*(cf. 6162.6 - Use of Copyrighted Materials)*

**Selection of Educational Software**

The following guidelines shall be considered when evaluating educational software:

1. Skill levels required to operate the program are commensurate with the skill levels being taught or practiced
2. Instructions are clear and complete, and the program operates as specified in the instructions
3. Program objectives relate to course objectives and are explicitly stated or readily apparent to the learner
4. Responses to learners are helpful and encouraging
5. Users can easily and independently operate the program
6. The pace of the program can be controlled by the teacher or learner, unless pacing is an essential element of the instructional strategy
7. Unanticipated learner input does not disrupt program operation
8. Screens are well-formatted, with appropriate use of sound and graphics
9. Support materials include:
  - a. A description of the hardware required to use the program
  - b. Procedures for installing the software
  - c. Provisions for the replacement of defective software and

**USE OF TECHNOLOGY IN INSTRUCTION** (continued)

- d. Descriptions of the program's content and objectives, usage in various instructional settings, suggested related classroom activities

**RESEARCH**

The Board of Trustees recognizes the value of academic research to improve educational programs and practices. Researchers shall respect the privacy rights of students, including their right to refrain from participation in research projects in accordance with law, Board policy and administrative regulation.

The Superintendent or designee may authorize research projects within the district by outside groups or persons when such research is aligned with district goals and objectives and is likely to benefit the district without disrupting the school program.

*(cf. 0000 - Vision)*  
*(cf. 0100 - Philosophy)*  
*(cf. 0200 - Goals for the School District)*

The Superintendent or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 5125 - Student Records)*  
*(cf. 5145.6 - Parental Notifications)*

*Legal Reference:*

EDUCATION CODE  
*51513 Personal beliefs*  
UNITED STATES CODE, TITLE 20  
*1232h Protection of pupil rights*

*Management Resources:*

WEB SITES  
*CSBA: <http://www.csba.org>*  
*CDE: <http://www.cde.ca.gov>*  
*USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/>*

**RESEARCH**

Persons or groups wishing to use district staff, students or property in connection with an academic research project shall submit to the Superintendent or designee a written proposal which includes:

1. Name of researcher(s) and academic credentials
2. Purpose and scope of the project
3. Method of study or investigation to be used
4. Extent of participation expected of students and staff
5. Use to which project results will be put
6. Benefits to the school(s) or the district

The Superintendent or designee shall evaluate the extent to which the proposal:

1. Shows potential for improving instructional programs and strategies
2. Addresses a relevant educational problem, concern or issue
3. Is designed to minimize interruptions and demands upon the time of students and staff

The Superintendent or designee may approve the proposed project for a period of one school year or less. To extend any project into a second school year, the researcher(s) must obtain approval from the Superintendent or designee.

Researchers shall certify that they will use no school names in the publication of findings without the approval of the Superintendent or designee.

**LIBRARY MEDIA CENTERS**

The Board of Trustees recognizes that school library media centers play a vital role in education by providing access to a variety of informational resources. The Board desires to provide comprehensive library media centers with up-to-date books, reference materials and electronic information resources necessary to support a high-quality educational program, promote literacy, and enable students to achieve academic standards and become lifelong learners.

*(cf. 0440 - District Technology Plan)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6161 - Equipment, Books and Materials)*  
*(cf. 6163.4 - Student Use of Technology)*

School libraries shall be open for use by students and teachers during the school day. (Education Code 18103)

The district's school libraries may provide: (5 CCR 16040)

1. Library instruction to students that enables them to become proficient users of library resources
2. Information to teachers and administrators concerning sources and availability of instructional materials that will aid in the development of school curriculum, and, in cooperation with classroom teachers, the development of instructional units and activities using library resources
3. Assistance to teachers and students in the evaluation, selection, production and uses of instructional materials
4. A collection of materials and resources that support the curriculum and are appropriate for user needs
5. Assistance to teachers, administrators and other school staff members in becoming knowledgeable about appropriate uses of library media services, materials and equipment

*(cf. 4131 - Staff Development)*

**School Library Plan**

The Superintendent or designee shall develop a districtwide school library plan for approval by the Board. (Education Code 18181)

The Superintendent or designee is encouraged to consult with school library media teachers in the development of the plan.

## **LIBRARY MEDIA CENTERS** (continued)

Individual school sites may develop site-level plans consistent with the districtwide plan.

### **Classroom Library Plan**

When state funding is available for classroom library materials, the Superintendent or designee shall develop, for certification by the Board, a districtwide classroom library plan for grades K-4. The plan shall include a means of preventing loss, damage or destruction of the materials. (Education Code 60242, 60422)

*(cf. 6161.2 - Damaged or Lost Instructional Materials)*

The Superintendent or designee is encouraged to consult with primary grade teachers and school library media teachers in the development of the plan and to consider selections from the list of books recommended by the State Librarian pursuant to Education Code 19336.

### **Selection and Evaluation of Library Materials**

Responsibility for the selection of library materials is delegated to the professional library staff through the principal. School librarians shall evaluate materials in accordance with law, Board policy and administrative regulation, and using professional selection aids and standards. The selection process shall invite recommendations from administrators, teachers, other staff, parents/guardians and students as appropriate.

*(cf. 6144 - Controversial Issues)*

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

*(cf. 6161.11 - Supplementary Instructional Materials)*

Library materials should be continually reevaluated in relation to evolving curricula, new formats of materials, new instructional methods, and the needs of students and teachers. Materials that contain obsolete subject matter or are no longer appropriate shall be removed, and lost or worn materials may be replaced if possible.

*(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)*

Complaints regarding the appropriateness of library materials shall be addressed using the district's procedures for complaints regarding instructional materials.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

### **Fees**

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. (5 CCR 16042)

## **LIBRARY MEDIA CENTERS (continued)**

*(cf. 3260 - Fees and Charges)*

To encourage students to return materials in a timely manner, a nominal fee shall be charged for the late return of materials.

### **Reports**

The district shall, on or before August 31 each year, report to the California Department of Education on the condition of school libraries for the preceding year ending June 30. (Education Code 18122)

#### *Legal Reference:*

##### EDUCATION CODE

1703 *Coordination of district library services by county superintendent*

1770-1775 *Provision of library services by county superintendent*

18010-20091 *Libraries, especially:*

18100-18103 *School libraries, establishment and maintenance*

18111 *Exclusion of books by governing board*

18120 *Librarians*

18122 *Report on conditions of libraries*

18130-18139 *Contract with county or city library*

18180-18184 *California Public School Library Act of 1998*

18202-18203 *Business Organizations and Opportunities for Kids Fund*

18300-18571 *Union high school district/unified school district library district*

19336 *Recommended books, Reading Initiative Program*

44868 *Qualifications of librarians*

45340-45349 *Instructional aides*

60240-60251.5 *State Instructional Materials Fund, including purchase of classroom library materials*

60420-60424 *Instructional Materials Funding Realignment Program*

##### CODE OF REGULATIONS, TITLE 5

16040-16043 *School libraries*

80053 *Library media service teaching credential*

#### *Management Resources:*

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Check It Out! Assessing School Library Media Programs, 1998*

*Recommended Literature: Kindergarten Through Grade Twelve*

##### WEB SITES

*CDE, School Libraries: <http://www.cde.ca.gov/library>*

*American Library Association: <http://www.ala.org>*

*American Association of School Librarians: <http://www.ala.org/aasi>*

*California Library Association: <http://www.cla-net.org>*

*California School Library Association: <http://www.schoollibrary.org>*



**ANIMALS AT SCHOOL**

The Board of Trustees recognizes that animals can be an effective teaching aid. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

Animals may be brought to school for educational purposes, subject to rules and precautions specified in administrative regulations related to health, safety and sanitation. Teachers shall ensure that these rules and precautions are observed so as to protect both the students and animals.

Seeing-eye dogs and service dogs may accompany students and staff at school as needed.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

The district assumes no liability for the safety of animals voluntarily brought to school.

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5141.1 - Accidents)*

*(cf. 5141.23 - Infectious Disease Prevention)*

*Legal Reference:*

EDUCATION CODE

233.5 *Instruction in kindness to pets and humane treatment of living creatures*

51202 *Instruction in personal and public health and safety*

51540 *Safe and humane treatment of animals at school*

GOVERNMENT CODE

810-996.6 *California Tort Claims Act, especially:*

815 *Liability for injuries generally; immunity of public entity*

835 *Conditions of liability*

*Management Resources:*

HUMANE SOCIETY OF THE UNITED STATES

*Catalogue of Publications, 1996*

*Guidelines for the Study of Animals in Elementary and Secondary School Biology, HE 1079*

**ANIMALS AT SCHOOL**

All animals brought to school must be:

1. In good physical condition
2. Vaccinated against transmittable diseases
3. In clean, safe and suitable cages or containers or otherwise appropriately controlled
4. Properly contained so there is no possibility of the animal biting or harming a student.

Students bringing animals to school must first obtain the consent of the teacher, the principal and the parent/guardian.

Animals shall not be brought to school without express permission of the principal or designee. Such permission shall not be required for seeing-eye dogs or service dogs needed by students.

*(cf. 5131.1 - Bus Conduct)*

Students shall not bring poisonous or wild animals to school. If wildlife specimens are used in a biology class, protective gloves and a face shield shall be worn by anyone handling these specimens and the animals' saliva and neurological tissue shall be treated as infectious.

*(cf. 5141.23 - Infectious Disease Prevention)*

Animals brought to school by students shall generally be taken home the same day they are brought to school.

With the consent of the principal or designee, animals may remain at school longer under the following conditions:

1. The animal shall remain in the classroom only for the number of days needed to achieve the educational goal.
2. The teacher shall provide a plan for the proper care, sanitation, feeding and handling of the animal.
3. The teacher shall be responsible for the animal's care in the event of any school closure and may allow students to take class pets home over weekends.
4. The teacher shall be familiar with any potential dangers caused by the animal and shall give special consideration to any students who have allergies to certain animals.

**STUDENT USE OF TECHNOLOGY**

The Board of Trustees intends that technological resources provided by the district be used in a responsible and proper manner in support of the instructional program and for the advancement of student learning.

*(cf. 0440 - District Technology Plan)*  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 6010 - Goals and Objectives)*  
*(cf. 6162.7 - Use of Technology in Instruction)*  
*(cf. 6163.1 - Library Media Centers)*

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers and consequences for unauthorized use and/or unlawful activities.

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*  
*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process: Students with Disabilities)*  
*(cf. 5145.12 - Search and Seizure)*

**On-Line Services/Internet Access**

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

The Board desires to protect students from access to harmful matter on the Internet or other on-line services. The Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet. He/she also shall establish regulations to address the safety and security of students when using electronic mail, chat rooms and other forms of direct electronic communication.

Disclosure, use and dissemination of personal identification information regarding students is prohibited.

Staff shall supervise students while they are using on-line services and may ask teacher aides and student aides to assist in this supervision.

Before using the district's on-line resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree to not hold the district responsible and shall agree to indemnify and hold harmless the district and all district personnel for the failure of any technology protection measures, violations of copyright restrictions, users' mistakes or negligence, or any costs incurred by users.

## **STUDENT USE OF TECHNOLOGY (continued)**

*(cf. 6162.6 - Use of Copyrighted Materials)*

In order to help ensure that the district adapts to changing technologies and circumstances, the Superintendent or designee shall regularly review this policy, the accompanying administrative regulation and other procedures. He/she shall also monitor the district's filtering software to help ensure its effectiveness.

### *Legal Reference:*

#### EDUCATION CODE

48980 Required notification at beginning of term  
51006 Computer education and resources  
51007 Programs to strengthen technological skills  
51870-51874 Education Technology  
51870.5 Student Internet access  
60044 Prohibited instructional materials

#### PENAL CODE

313 Harmful matter  
502 Computer crimes, remedies  
632 Eavesdropping on or recording confidential communications

#### UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, No Child Left Behind Act, Title II, Part D  
6777 Internet safety

#### UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

#### CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's online privacy protection

#### CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

### *Management Resources:*

#### CDE PUBLICATIONS

*K-12 Network Technology Planning Guide: Building the Future, 1994*

#### CDE PROGRAM ADVISORIES

1223.94 Acceptable Use of Electronic Information Resources

#### WEB SITES

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov>

Commission on Online Child Protection: <http://www.copacommission.org>

CDE: <http://www.cde.ca.gov>

American Library Association: <http://www.ala.org>

CSBA: <http://www.csba.org>

**STUDENT USE OF TECHNOLOGY**

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. He/she shall ensure that all students using these resources receive training in their proper and appropriate use.

- (cf. 0440 - District Technology Plan)*
- (cf. 4040 - Employee Use of Technology)*
- (cf. 4131- Staff Development)*
- (cf. 4231 - Staff Development)*
- (cf. 4331 - Staff Development)*
- (cf. 6162.7 - Use of Technology in Instruction)*

At the beginning of each school year, parents/guardians shall receive a copy of the district's policy and administrative regulation regarding access by students to the Internet and on-line sites. (Education Code 48980)

- (cf. 5145.6 - Parental Notifications)*

**On-Line/Internet Services: User Obligations and Responsibilities**

Students are authorized to use district equipment to access the Internet or on-line services in accordance with user obligations and responsibilities specified below and in accordance with Board of Trustees policy and the district's Acceptable Use Agreement.

1. The student, in whose name an on-line services account is issued, is responsible for its proper use at all times. Students shall keep personal account numbers, home addresses and telephone numbers private. They shall use the system only under their own account number.
2. Students shall use the district's system responsibly and primarily for educational purposes.
3. Students shall not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, gender, sexual orientation, age, disability, religion or political beliefs.

- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*
- (cf. 5145.9 - Hate-Motivated Behavior)*

*Harmful matter* includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct and which lacks serious literary, artistic, political or scientific value for minors. (Penal Code 313)

**STUDENT USE OF TECHNOLOGY** (continued)

4. Students shall not disclose, use or disseminate personal identification information about themselves or others when using electronic mail, chat rooms, or other forms of direct electronic communication. Students are also cautioned not to disclose such information by other means to individuals located through the Internet without the permission of their parents/guardians.

*Personal information* includes the student's name, address, telephone number, Social Security number, or other individually identifiable information.

5. Students shall not use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law or Board policy.

*(cf. 3513.3 - Tobacco-Free Schools)*

6. Copyrighted material shall not be placed on the system without the author's permission. Students may download copyrighted material for their own use only.

*(cf. 6162.6 - Use of Copyrighted Materials)*

7. Students shall not intentionally upload, download or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."

*(cf. 5131.5 - Vandalism, Theft and Graffiti)*

8. Students shall not read other users' electronic mail or files. They shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to delete, copy, modify or forge other users' mail.

9. Students shall report any security problem or misuse of the services to the teacher or principal.

The district reserves the right to monitor any on-line communications for improper use. Electronic communications and downloaded material, including files deleted from a user's account, may be monitored or read by district officials to ensure proper use of the system.

*(cf. 5145.12 - Search and Seizure)*

The principal or designee shall make all decisions regarding whether or not a student has violated Board policy or the district's Acceptable Use Agreement. The decision of the principal or designee shall be final.

**STUDENT USE OF TECHNOLOGY** (continued)

Inappropriate use shall result in a cancellation of the student's user privileges, disciplinary action and/or legal action in accordance with law and Board policy.

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

**GUIDANCE/COUNSELING SERVICES**

The Board of Trustees recognizes that a comprehensive counseling program can help promote academic achievement and serve the diverse needs of district students. Students shall be encouraged to arrange a meeting with counseling staff to discuss academic, social or personal problems and other issues that may impact student learning.

**Academic and Career Counseling**

The Board expects academic counseling to help students establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit examination, and complete the required curriculum in accordance with their individual needs, abilities and interests. Insofar as possible, parents/guardians shall be included when making educational plans.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 6011 - Academic Standards)*

*(cf. 6162.52 - High School Exit Examination)*

Counseling staff shall help students plan for the future and become aware of their career potential. Academic planning for higher education shall include information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships.

*(cf. 6010 - Goals and Objectives)*

*(cf. 6030 - Integrated Academic and Vocational Instruction)*

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6143 - Courses of Study)*

The Superintendent or designee shall establish and maintain a program of guidance, placement and follow-up for all district minors subject to compulsory continuation education. (Education Code 48431)

*(cf. 6184 - Continuation Education)*

The Superintendent or designee shall establish a specialized academic counseling program for students in the 10th grade and shall present this program to the Board for adoption.

Colleges, employers and prospective employers, including military services representatives, shall have access to students for recruiting purposes. (20 USC 7908; 10 USC 503)

**Personal Counseling**

Counseling staff shall identify and work with students whose personal problems may prevent them from functioning up to their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.



## **GUIDANCE/COUNSELING SERVICES (continued)**

*(cf. 1020 - Youth Services)*  
*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Truancy)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6164.5 - Student Success Teams)*

Personnel providing counseling services shall respect student confidentiality as appropriate and shall consult with the Superintendent or designee or with the district's legal counsel whenever unsure of how to respond to a student's personal problem. Parental consultation and consent shall be obtained as appropriate.

*(cf. 5125 - Student Records)*  
*(cf. 5022 - Student and Family Privacy Rights)*

### **Crisis Counseling**

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students before and after a crisis.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in appropriate response techniques and/or to directly help students cope with such crises if they occur.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

*(cf. 5136 - Gangs)*  
*(cf. 5141.52 - Suicide Prevention)*

**GUIDANCE/COUNSELING SERVICES** (continued)**Teacher-Based Advisory Program**

The Board recognizes that a supportive ongoing relationship with a caring adult can provide a student with valuable advice and security. The Board desires to establish a teacher-based advisory program in which teachers, with supervision and support from a credentialed school counselor, advise students in such areas as character development, conflict resolution and self-esteem. The Board expects this program to enhance student-teacher relationships and give students positive adult role models. The Superintendent or designee and a credentialed school counselor shall design this program and submit it to the Board for adoption.

*Legal Reference:*EDUCATION CODE

221.5 Prohibited sex discrimination

48431 Establishing and maintaining high school guidance and placement program

48431.6 Academic progress and counseling review program

49600-49604 Educational counseling

51513 Personal beliefs

PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

CODE OF REGULATIONS, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

*Management Resources:*WEB SITESUnited States Department of Education: <http://www.ed.gov>CDE: <http://www.cde.ca.gov>California Association of School Counselors: <http://www.schoolcounselor-ca.org>American School Counseling Association: <http://www.schoolcounselor.org>

**GUIDANCE/COUNSELING SERVICES**

**Notifications**

Beginning with the seventh grade, parents/guardians shall be notified at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

*(cf. 5145.6 - Parental Notifications)*

**Nondiscrimination**

No counselor shall unlawfully discriminate against any student. In addition, when exploring the possibility of careers and courses leading to such careers, personnel providing counseling services shall not differentiate career, vocational, or higher education opportunities on the basis of the gender of the student counseled. (Education Code 221.5; 5 CCR 4930)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The district shall not use testing or other materials for appraising or counseling students that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

**Specialized Program for 10th Grade**

The district shall provide counseling for students in 10 th grade or 16 years of age, whichever comes first, concerning options available during the last two years of high school. (Education Code 48431.6)

After reviewing individual students' academic and behavior records, personnel providing counseling services shall meet with each student to explain his/her record, the available educational options, the academic progress required for graduation from high school, and the effect of such academic work upon options for higher education and employment. Options discussed shall include regional occupational centers and programs, continuation schools, academic programs, and any other alternatives available to students. (Education Code 48431.6)

When feasible, the student's parents/guardians shall attend this meeting. (Education Code 48431.6)

Students identified as having difficulty meeting high school graduation requirements have first priority to these counseling services. (Education Code 48431.6)

**GUIDANCE/COUNSELING SERVICES** (continued)

*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6162.52 - High School Exit Examination)*  
*(cf. 6179 - Supplemental Instruction)*

**IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

The Board of Trustees recognizes the need to actively seek out and evaluate district residents from birth through age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

*(cf. 0430 - Comprehensive Local Plan for Special Education)*  
*(cf. 6164.6 - Identification and Education under Section 504)*

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review and triennial assessment. (Education Code 56301)

The Superintendent or designee shall develop a method to ensure that all eligible individuals residing within the district are currently receiving needed special education and related services. In addition, the Superintendent or designee shall consult with appropriate representatives of private school students with disabilities on how to identify, locate and evaluate these students. (20 USC 1412(a)(3); 34 CFR 300.451)

The Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

For assessment purposes, staff shall use appropriate tests to identify specific information about the individual's abilities in accordance with Education Code 56320.

The Superintendent or designee shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation and review, including the district's procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 3541.2 - Transportation for Students with Disabilities)*  
*(cf. 4112.23 - Special Education Staff)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 5145.6 - Parental Notifications)*  
*(cf. 6159 - Individualized Education Program)*  
*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*  
*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*  
*(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)*  
*(cf. 6162.51 - Standardized Testing and Reporting Program)*  
*(cf. 6162.52 - High School Exit Examination)*

*Legal Reference: (see next page)*

**IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

*Legal Reference:*

EDUCATION CODE

44265.5 Professional preparation for teachers of impaired students  
56000-56885 Special education programs, especially:  
56026 Individuals with disabilities  
56170-56177 Children in private schools  
56195.8 Adoption of policies  
56300-56304 Identification of individuals with disabilities  
56320-56330 Assessment  
56340-56347 Instructional planning and individualized education program  
56381 Reassessment of students  
56425-56435 Early education for individuals with disabilities  
56441.11 Eligibility criteria, children 3 to 5 years old  
56445 Transition to grade school; reassessment  
56500-56508 Procedural safeguards

GOVERNMENT CODE

95000-95029 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, referral and assessment  
3030-3031 Eligibility criteria

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974  
1412 State eligibility  
1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement  
104.36 Procedural safeguards  
300.1-300.756 Assistance to states for the education of students with disabilities

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

*Management Resources:*

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers  
34 CFR 300a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: <http://www.cde.ca.gov>  
U.S. Department of Education, Office of Special Education Programs:  
<http://www.ed.gov/offices/OSERS/OSEP>

**IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Education Code 56303)

All referrals for special education and related services from school staff shall include a brief reason for the referral and describe the regular program resources that were considered and/or modified for use with the student, and their effect. (5 CCR 3021)

A proposed assessment plan shall be developed within 15 days of referral for assessment, not counting days between the student's regular school session or terms or days of school vacation in excess of five school days from the date of receipt of the referral. Within 15 days of a referral for assessment, the student's parent/guardian shall receive a notice of parental rights and a written proposed assessment plan. The 15-day period does not include days between the student's regular school session or term or days of school vacation in excess of five school days, unless the parent/guardian agrees in writing to an extension. (Education Code 56043, 56321)

The proposed assessment plan shall meet all of the following requirements: (Education Code 56321)

1. Be in a language easily understood by the general public
2. Be provided in the primary language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible
3. Explain the types of assessment to be conducted
4. State that no individualized education program (IEP) will result from the assessment without parent/guardian consent

*(cf. 6159 - Individualized Education Program)*

Upon receiving the proposed assessment plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the assessment. The assessment may begin as soon as informed parental consent is given. The district shall not construe parent/guardian consent for initial assessment as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.505)

*Informed parental consent* means that the parent/guardian: (34 CFR 300.500)

1. Has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication
2. Understands and agrees in writing to the assessment

**IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

3. Understands that the granting of consent is voluntary on the part of the parent/guardian and may be revoked at any time

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

As part of the assessment plan, the parent/guardian shall receive written notice that: (Education Code 56329; 34 CFR 300.502)

1. Upon completion of the administration of tests and other assessment materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities as defined in Education Code 56026 and shall discuss the assessment, the educational recommendations and the reasons for these recommendations. A copy of the assessment report and the documentation of determination of eligibility shall be given to the parent/guardian.
2. If the parent/guardian disagrees with an assessment obtained by the district, the parent/guardian has the right to obtain, at public expense, an independent educational assessment of the student from qualified specialists, in accordance with 34 CFR 300.502.

If the district observed the student in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to the independent educational assessment. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the district's proposed placement and setting, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding.

3. The district may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent/guardian still has the right for an independent educational assessment but not at public expense.

If the parent/guardian obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the district with respect to the provision of free, appropriate public education to the student, and may be presented as evidence at a due process hearing regarding the student. If the district observed the student in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to an independent educational assessment of the student in the student's current educational placement and setting, if any, proposed by the district, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing.



**IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

4. If a parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by the parent/guardian, the student in the proposed placement. Any such observation shall only be of the student who is the subject of the observation and may not include the observation or assessment of any other student in the proposed placement unless that student's parent/guardian consents to the observation or assessment. The results of any observation or assessment of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding the free appropriate public education of that other student.

An IEP required as a result of an assessment shall be developed within a total time not to exceed 50 days, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of the receipt of the parent/guardian's consent for assessment, unless the parent/guardian agrees in writing to an extension. (Education Code 56043)

Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reassessed to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these individuals. (Education Code 56445)

**STUDENT SUCCESS TEAMS**

The Board of Trustees encourages the collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance or behavioral difficulties and in identifying strategies and programs that may assist the students. The Superintendent or designee shall establish student success teams as needed to address individual students' needs.

*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*

*(cf. 5113.1 - Truancy)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 5149 - At-Risk Students)*

The Superintendent or designee shall establish a process for initiating referrals of students to the student success team.

Each student success team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

*(cf. 1020 - Youth Services)*

*(cf. 5123 - Promotion/Acceleration/Retention)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.6 - Student Health and Social Services)*

*(cf. 5144 - Discipline)*

*(cf. 5146 - Married/Pregnant/Parenting Students)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6158 - Independent Study)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6171 - Title I Programs)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6175 - Migrant Education Program)*

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6177 - Summer School)*

*(cf. 6178 - Vocational Education)*

*(cf. 6178.1 - Work Experience Education)*

*(cf. 6179 - Supplemental Instruction)*

*(cf. 6181 - Alternative Schools)*

*(cf. 6182 - Opportunity School/Class/Program)*

*(cf. 6183 - Home and Hospital Instruction)*

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School)*

## **STUDENT SUCCESS TEAMS (continued)**

The student success team shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, and develop additional interventions as needed.

### *Legal Reference:*

#### EDUCATION CODE

8800-8807 *Healthy Start support services for children*

48260-48273 *Truancy*

48400-48454 *Continuation education*

48630-48644.5 *Opportunity schools*

49600-49604 *Educational counseling*

51745-51749.3 *Independent study programs*

52200-52212 *Gifted and talented student programs*

54400-54425 *Programs for disadvantaged children*

54440-54445 *Migrant children*

54660-54669 *Dropout prevention programs*

54720-54734 *School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act*

#### WELFARE AND INSTITUTIONS CODE

4343-4352.5 *Primary interventions program, mental health*

18986.40-18986.46 *Interagency children's services*

### *Management Resources:*

#### CDE PUBLICATIONS

*SB 65 School-Based Pupil Motivation and Maintenance Program Guidelines (2000-01 Edition), 2000*

*Student Success Teams: Supporting Teachers in General Education, 1997*

#### CALIFORNIA DROPOUT PREVENTION NETWORK PUBLICATIONS

*SST: Student Success Teams, 2000*

#### WEB SITES

California Department of Education: <http://www.cde.ca.gov/spbranch/ssp>

California Dropout Prevention Network: <http://www.edualliance.org/cdpn>

National Dropout Prevention Center: <http://www.dropoutprevention.org>

**STUDENT SUCCESS TEAMS**

**Team Membership**

Members of individual student success teams may include:

1. The principal or designee
2. One or more of the student's classroom teachers or former teachers
3. The student's parents/guardians
4. The student if appropriate
5. Resource personnel or specialists, such as a school counselor, psychologist, nurse, outreach consultant, special education resource person, categorically funded staff person, department chairperson, speech and language specialist, reading specialist, social worker, probation officer, community resource representative, mental health worker or other person relevant to the student's situation

*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*

**Team Responsibilities**

The principal or designee shall:

1. Schedule meetings and establish meeting procedures
2. Contact parents/guardians and other team members regarding team meetings
3. Consult with appropriate school or district resource personnel
4. Arrange for observation of the student in the problem situation as needed
5. Collect any additional background information necessary to inform team members about the student's strengths and needs
6. Help the student and parents/guardians prepare for the meeting
7. Facilitate the team meetings
8. Ensure that the student's progress is monitored and that follow-up meetings are regularly scheduled

**IDENTIFICATION AND EDUCATION UNDER SECTION 504**

The Board of Trustees recognizes the need to identify and evaluate children with disabilities in order to provide them with a free, appropriate public education. Under Section 504 of the federal Rehabilitation Act of 1973, individuals with a physical or mental impairment that substantially limits one or more major life activities, including learning, are eligible to receive services and aids designed to meet their needs as adequately as the needs of nondisabled students are met.

The Superintendent or designee shall establish screening and evaluation procedures to be used whenever there is reason to believe that a student has a disability that limits his/her ability to attend or function at school.

To evaluate the student's eligibility under Section 504, the Superintendent or designee shall convene a school site committee of professionals knowledgeable about the student's individual needs and school history, the meaning of evaluation data, and accommodation options. The student's parent/guardian shall be invited to participate on this committee.

If the student is found to have a disability that requires services under Section 504, the school site committee shall develop a written accommodation plan for the student. Upon reviewing the nature of the disability and how it affects the student's education, the committee shall determine what modifications and/or special services and aids are needed. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs.

The school site committee shall provide the parent/guardian with a written copy of the accommodation plan and notice of procedural safeguards guaranteed by law.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 5141.24 - Specialized Health Care Services)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

*Legal Reference: (see next page)*

**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

*Legal Reference:*

EDUCATION CODE

49423.5 *Specialized physical health care services*

CODE OF REGULATIONS, TITLE 5

3051.12 *Health and Nursing Services*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

701-795a *Rehabilitation Act*

794 *Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 *Nondiscrimination on the basis of handicap, especially*

104.1 *Purpose to effectuate Section 504 of the Rehabilitation Act of 1973*

104.3 *Definitions*

104.33 *Free appropriate public education*

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

**IDENTIFICATION AND EDUCATION UNDER SECTION 504**

**Eligibility**

A disabled student eligible for services under Section 504 is one who (a) has a physical or mental impairment that substantially limits one or more major life activities, including learning, (b) has a record of such an impairment, or (c) is regarded as having such an impairment. (34 CFR 104.3)

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Examples of students with such impairments include, but are not limited to:

1. Students with a normal ability to learn but who have a mobility impairment
2. Students with a normal ability to learn academically but who require occupational or physical therapy in order to function physically
3. Students with emotional disabilities manifested by behavior problems which result in exclusion from classes or school

Indications of a possible disability that significantly interferes with learning include, but are not limited to:

1. Medical conditions such as severe asthma or heart disease
2. Temporary medical condition due to illness or accident
3. Poor or failing grades over a lengthy period of time

**Referral and Identification Procedures**

1. Any student may be referred by a parent/guardian, teacher, other certificated school employee or community agency for consideration of eligibility as a disabled student under Section 504. This referral should be made to the school site principal.
2. The school site committee shall promptly consider the referral and determine whether an evaluation under this procedure is appropriate. This determination shall be based on a review of the student's school records (including academic, social and behavioral records) and the student's needs. Students requiring evaluation shall be referred to appropriate evaluation specialists.
3. If a request for evaluation is denied, the school site committee shall inform the parents/guardians of this decision and of their procedural rights as described below.

**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

**Accommodation Plan**

1. When a student is identified as disabled within the meaning of Section 504, the school site committee shall determine what services are necessary to ensure that the student's individual education needs are met as adequately as the needs of nondisabled students.
2. In making this determination, the school site committee shall consider all significant factors relating to the learning process for the student, including his/her adaptive behavior and cultural and language background. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the parent/guardian.
3. The parents/guardians shall be invited to participate in the school site committee meeting where services for the student will be determined and shall be given an opportunity to examine all relevant records.
4. The school site committee shall develop a written plan describing the disability and specifying the services needed by the student. A copy of this plan shall be kept in the student's cumulative file. The student's teacher and any other staff who provide services to the student shall be informed of the services necessary for the student, to the extent that they need to be informed in order to provide for the student in the school setting.
5. If the school site committee determines that no services are necessary for the student, the record of the committee's meeting shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed.
6. The disabled student shall be placed in the regular educational environment unless the district demonstrates that a more restrictive placement is required in order to meet the student's needs. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs.
7. The parents/guardians shall be notified in writing of the final decision concerning services to be provided, if any, and of the Section 504 procedural safeguards, including the right to an impartial hearing to challenge the decision.
8. The district shall complete the identification, evaluation and placement process within a reasonable time frame.



**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

9. The student's plan shall include a schedule for periodic review of the student's needs and indicate that this review may occur sooner at the request of the parent/guardian or school staff.

**Review of the Student's Progress**

1. The school site committee shall monitor the progress of the disabled student and the effectiveness of the student's plan. The committee shall periodically determine whether the services are appropriate and necessary and whether the disabled student's needs are being met as adequately as the needs of nondisabled students.
2. A reevaluation of the student's needs will be conducted before any subsequent significant change in placement.

**Procedural Safeguards**

Parents/guardians shall be notified in writing of all district decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to: (34 CFR 104.36)

1. Examine relevant records
2. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
3. Have a review procedure

*(cf. 5145.6 - Parental Notifications)*

Notifications shall also set forth the procedures for requesting a hearing, the name, address and telephone number of the person with whom the request should be made, and the fact that reimbursement for attorney's fees is available only as authorized by law.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may initiate the following procedures:

1. Within 30 days of receiving the student's accommodation plan, set forth in writing his/her disagreement and request that the school principal and school site committee review the plan in an attempt to resolve the disagreement. This review shall be held within 14 days of receiving the parent/guardian's request, and the parent/guardian shall be invited to attend the meeting at which the review is conducted.
2. If disagreement continues, request in writing that the Superintendent or designee review the plan. This review shall be held within 14 days of receiving the parent/guardian's request, and the parent/guardian shall be invited to meet with the Superintendent or designee to discuss the review.
3. If disagreement continues, request in writing a Section 504 due process hearing. The request shall include:
  - a. The specific nature of the decision with which the parent/guardian disagrees
  - b. The specific relief the parent/guardian seeks
  - c. Any other information the parent/guardian believes pertinent

Within 20 days of receiving the parent/guardian's request, the Superintendent or designee shall select an impartial hearing officer. This 20 days may be extended for good cause or by mutual agreement of the parties.

Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45 days may be extended for good cause or by mutual agreement of the parties. The Superintendent or designee shall represent the district at this hearing.

Any party to the hearing shall be afforded the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504
2. Present written and oral evidence
3. Question and cross-examine witnesses
4. Receive written findings by the hearing officer

**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

**TITLE I PROGRAMS**

In order to improve the academic achievement of disadvantaged students, the district shall use federal Title I funds to provide eligible students with supplementary services to reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments.

*(cf. 5149 - At-Risk Students)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6162.51 - Standardized Testing and Reporting Program)*

A school may operate a Title I schoolwide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. The Superintendent or designee shall inform any such eligible school and the school's parents/guardians of the school's eligibility and its ability to consolidate funds from federal, state and local sources for program purposes. (20 USC 6312, 6314)

In any school receiving Title I funds that does not operate a schoolwide program, the district shall use Title I funds only for targeted assistance programs for eligible students. (20 USC 6315)

The Superintendent or designee shall provide technical assistance and support to any school participating in the Title I program, including consultation in the development and implementation of school plans and activities.

The Superintendent or designee shall ensure the coordination of Title I activities with other programs as appropriate.

**District Plan**

The district shall submit to the California Department of Education a plan containing the components specified in 20 USC 6312, which describe the assessments, strategies and services the district will use to help low-achieving students meet challenging academic standards. (20 USC 6312)

*(cf. 0420 - School Plans/Site Councils)*

The district shall periodically review and, as necessary, revise the district plan. (20 USC 6312)

**Parent Involvement**

Title I programs, activities and procedures shall be developed and agreed upon with parents/guardians of participating students. (20 USC 6318)

## **TITLE I PROGRAMS** (continued)

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6020 - Parent Involvement)*

The Superintendent or designee shall: (20 USC 6318)

1. Involve parents/guardians in the joint development of the district's Title I plan pursuant to 20 USC 6312, and the process of school review and improvement pursuant to 20 USC 6316
2. Provide the coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance
3. Build the capacity of schools and parents/guardians for strong parent involvement
4. Coordinate and integrate Title I parent involvement strategies with parent involvement strategies under other programs specified in 20 USC 6318
5. Conduct, with parent/guardian involvement, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I, including:
  - a. Identifying barriers to greater participation by parents/guardians in parent involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background
  - b. Using evaluation findings to design strategies for more effective parent involvement
  - c. If necessary, revising the district and school parent involvement policies
6. Involve parents/guardians in the activities of schools served by Title I

This policy shall be distributed to parents/guardians of participating students and incorporated into the district's Title I plan. (20 USC 6318)

### **Comparability of Services**

State and local funds used in schools receiving Title I funds shall provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all district schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

**TITLE I PROGRAMS** (continued)

The Board of Trustees shall adopt a districtwide salary schedule and the Superintendent or designee shall establish procedures which ensure that all district schools are provided with the same level of base funding, per student, for staff services, curriculum materials and instructional supplies. At the beginning of each school year, the ratio of students to teachers and other staff shall vary as little as possible from school to school. The Superintendent or designee shall maintain records of the quantity and quality of books and equipment at each school.

The Superintendent or designee shall develop procedures for ensuring comparability of services and shall biennially update records documenting the district's compliance. (20 USC 6321)

**Program Evaluation**

The Board shall use state assessment results and other available measures or indicators to annually review the progress of each participating school and determine whether the school is making adequate yearly progress toward ensuring that all students meet the state's proficient level of achievement on state assessments. (20 USC 6312)

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 6190 - Evaluation of the Instructional Program)*

*(cf. 9000 - Role of the Board)*

*Legal Reference: (see next page)*

**TITLE I PROGRAMS** (continued)

*Legal Reference:*

EDUCATION CODE

11500-11506 *Programs to encourage parent involvement*

UNITED STATES CODE, TITLE 20

6301 *Program purpose*

6312 *Local educational agency plan*

6313 *Eligibility of schools and school attendance areas; funding allocation*

6314 *Title I schoolwide programs*

6315 *Targeted assistance schools*

6316 *School improvement*

6318 *Parent involvement*

6320 *Participation of private school students*

6321 *Comparability of services*

6322 *Coordination with early childhood education programs*

7881 *Participation of private school students*

*Management Resources:*

CSBA ADVISORIES

*Supplemental Educational Services for NCLB: School Districts and County Offices as Providers,*  
*November 2002*

*The “No Child Left Behind” Act of 2001: Policy Implications for School Districts,* July 2002

USDOE GUIDANCE

*Supplemental Educational Services,* draft nonregulatory guidance, August 6, 2002

WEB SITES

CDE: <http://www.cde.ca.gov/iasa/titleone>

U.S. Department of Education: <http://www.ed.gov>

No Child Left Behind: <http://www.nclb.gov>

**TITLE I PROGRAMS**

**Schoolwide Programs**

Any eligible school that desires to operate a Title I schoolwide program shall develop or amend, in accordance with law, a comprehensive plan for reforming the total instructional program in the school. (20 USC 6314)

A schoolwide program shall include: (20 USC 6314)

1. A comprehensive needs assessment of the entire school, including migratory children, which includes the achievement of students in relation to state academic content and achievement standards

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6175 - Migrant Education Program)*

2. Schoolwide reform strategies that:

- a. Provide opportunities for all students to meet the state's proficient and advanced levels of achievement
- b. Use effective methods and instructional strategies that are based on scientifically based research and strengthen the school's core academic program, increase the amount and quality of learning time, help provide an enriched and accelerated curriculum, and include strategies for meeting the educational needs of historically underserved populations
- c. Include strategies to address the needs of all students in the school, but particularly the needs of low-achieving students and those at risk of not meeting state achievement standards who are members of the target population of any program that is part of the schoolwide program. Such strategies may include counseling, student services, mentoring services, college and career awareness and preparation, and the integration of vocational and technical education programs.

*(cf. 5149 - At-Risk Students)*

*(cf. 6030 - Integrated Academic and Vocational Instruction)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6164.5 - Student Success Teams)*

- d. Address how the school will determine if student needs have been met
- e. Are consistent with and designed to implement state and local improvement plans, if any



**TITLE I PROGRAMS** (continued)

3. Instruction by highly qualified teachers

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

4. High-quality and ongoing professional development for teachers, principals, paraprofessionals and, if appropriate, student services personnel, other staff and parents/guardians to enable all students in the school to meet state academic achievement standards

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

5. Strategies to attract high-quality, highly qualified teachers to high-need schools

*(cf. 4111 - Recruitment and Selection)*

6. Strategies to increase parent involvement

7. Plans for assisting preschool children in the transition from early childhood programs to elementary school programs

8. Measures to include teachers in decisions regarding the use of academic assessments to provide information on, and to improve the achievement of, individual students and the overall instructional program

9. Activities to ensure that students who experience difficulty mastering the proficient and advanced levels of academic standards shall be provided with effective, timely additional assistance, which shall include measures for timely identification of students' difficulties and provision of sufficient information on which to base effective assistance

10. Coordination and integration of federal, state and local services and programs

**Targeted Assistance Schools**

Schools that receive Title I funds but do not operate schoolwide programs shall use Title I funds to serve students identified by the school as failing, or most at risk of failing, to meet the state's academic achievement standards on the basis of criteria established by the district and supplemented by the school. Students in preschool through grade 2 shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents/guardians and developmentally appropriate measures. (20 USC 6315)

**TITLE I PROGRAMS** (continued)

A targeted assistance program shall: (20 USC 6315)

1. Use program resources to help participating students meet state academic achievement standards expected for all students
2. Ensure that program planning is incorporated into existing school planning
3. Use effective methods and instructional strategies that are based on scientifically based research that strengthens the core academic program and that give primary consideration to providing extended learning time, help provide an accelerated, high-quality curriculum, and minimize removing students from the regular classroom during regular school hours
4. Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs
5. Provide instruction by highly qualified teachers
6. Provide opportunities for professional development for teachers, principals, paraprofessionals, and, if appropriate, student services personnel, other staff and parents/guardians
7. Provide strategies to increase parent involvement
8. Coordinate and integrate federal, state and local services and programs

**Participation of Private School Students**

The Superintendent or designee shall provide or contract to provide special educational services or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and benefits shall be provided on an equitable basis with participating public school students. (20 USC 6320, 7881)

The Superintendent or designee shall consult, in a meaningful and timely manner, with appropriate private school officials during the design and development of the district's Title I programs. Such consultation shall occur before the district makes any decision that affects the opportunities of eligible private school students to participate in Title I programs and shall include a discussion of: (20 USC 6320)

1. How the students' needs will be identified
2. What services will be offered

**TITLE I PROGRAMS** (continued)

3. How, where and by whom the services will be provided
4. How the services will be academically assessed and how assessment results will be used to improve those services
5. The size and scope of the equitable services to be provided to private school students and the proportion of funds that is allocated for such services
6. The method or sources of data that are used to determine the number of students from low-income families in participating school attendance areas who attend private schools
7. How and when the district will make decisions about the delivery of service to such students, including a thorough consideration and analysis of the views of private school officials on the provision of services through a third-party provider
8. How, if the district disagrees with the views of private school officials on the provision of services through a third-party provider, the district will provide to private school officials a written analysis of the reasons that the district has chosen not to use a contractor

Meetings between district and private school officials shall continue throughout implementation and assessment of services. (20 USC 6320)

The Superintendent or designee shall maintain in the district's records, and provide to the California Department of Education, a written affirmation signed by officials of each participating private school that consultation has occurred. (20 USC 6320)

*(cf. 3580 - District Records)*

Teachers, other educational personnel and families of participating private school students shall participate, on an equitable basis, in parent involvement activities and professional development pursuant to 20 USC 6318 and 6319. (20 USC 6320, 7881)

**Parent Involvement**

Each school receiving Title I funds shall develop a written policy on parent involvement. The policy shall be developed jointly with and agreed upon by parents/guardians of participating students and shall describe the means by which the school shall: (20 USC 6318)

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved

**TITLE I PROGRAMS** (continued)

2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care and/or home visits may be provided as such services relate to parent involvement
3. Involve parents/guardians in an organized, ongoing and timely way in the planning, review and improvement of Title I programs, including the planning, review and improvement of the school parent involvement policy and the joint development of the plan for schoolwide programs

The school may use an existing process for involving parents in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:
  - a. Timely information about Title I programs
  - b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet
  - c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians
5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district
6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards.

This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards

**TITLE I PROGRAMS** (continued)

- b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance, homework completion and television viewing; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education and positive use of extracurricular time

*(cf. 1240 - Volunteer Assistance)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
  - (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
  - (2) Frequent reports to parents/guardians on their children's progress
  - (3) Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities

*(cf. 5124 - Communication with Parents/Guardians)*

- 7. Help parents/guardians understand such topics as the state's academic content standards and state student academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children
- 8. Provide materials and training to help parents/guardians work with their children to improve their children's achievement, such as literacy training and using technology as appropriate to foster parent involvement
- 9. Educate teachers, student services personnel, principals and other staff, with the assistance of parents/guardians, in the value and utility of contributions of parents/guardians and in how to reach out to, communicate with and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools
- 10. Insofar as feasible and appropriate, coordinate and integrate parent involvement programs and activities with other programs, including those specified in law, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in more fully participating in their children's education

**TITLE I PROGRAMS** (continued)

11. Ensure that information related to school and parent/guardian programs, meetings and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand

*(cf. 5145.6 - Parental Notifications)*

12. Insofar as practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities and parents/guardians of migratory children, including providing information and school reports required under 20 USC 6311, in a format and language such parents understand
13. Provide other reasonable support for parent involvement activities as requested by parents/guardians

In addition, the district and/or participating schools may use Title I funds to: (20 USC 6318)

1. Involve parents/guardians in the development of training for teachers, principals and other educators to improve the effectiveness of such training
2. Provide necessary literacy training when the district has exhausted all other reasonably available sources of funding for this purpose
3. Pay reasonable and necessary expenses associated with local parent involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions
4. Train parents/guardians to enhance the involvement of other parents/guardians
5. Arrange school meetings at a variety of times or, when parents/guardians are unable to attend such conferences at school, conduct in-home conferences between parents/guardians and teachers or other educators who work directly with participating students
6. Adopt and implement model approaches to improving parent involvement
7. Establish a districtwide parent advisory council to provide advice on all matters related to parent involvement in Title I programs
8. Develop appropriate roles for community-based organizations and businesses in parent involvement activities

*(cf. 1020 - Youth Services)*

*(cf. 1700 - Relations Between Private Industry and the Schools)*

**TITLE I PROGRAMS** (continued)

Each school's parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

The school's policy shall be updated periodically to meet the changing needs of parents/guardians and the school. (20 USC 6318)

Parents/guardians of participating students shall be involved in deciding how Title I funds reserved for parent involvement activities will be allotted. (20 USC 6318)

**GIFTED AND TALENTED STUDENT PROGRAM**

The Board of Trustees believes that all students deserve an education that challenges them to meet their full potential. The Board shall provide gifted and talented students opportunities for learning commensurate with their particular abilities and talents.

Programs for gifted and talented students may include special day classes, part-time groupings and cluster groupings which shall be planned and organized as an integrated, differentiated learning experience within the regular school day. These programs may be augmented or supplemented with other differentiated activities related to the core curriculum using such strategies as independent study, acceleration, postsecondary education, and enrichment. (Education Code 52206)

*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 6141.5 - Advanced Placement)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*  
*(cf. 6158 - Independent Study)*  
*(cf. 6177 - Summer School)*

The Board shall determine the most appropriate curricular components for participating students. Each participating student's program shall include an academic component and, as appropriate, instruction in basic skills. (Education Code 52206)

The Superintendent or designee shall ensure the full participation of eligible students regardless of their ethnic, cultural, linguistic or economic background.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 6174 - Education for English Language Learners)*

Staff development shall be provided to support teachers of gifted and talented students in understanding the unique learning styles and abilities of these students and in developing appropriate instructional strategies.

*(cf. 4131 - Staff Development)*

The Board shall regularly evaluate the effectiveness of the district's program in meeting the needs of gifted and talented students.

*(cf. 0500 - Accountability)*  
*(cf. 6190 - Evaluation of the Instructional Program)*

Program planning, implementation and evaluation shall involve parents/guardians, staff, community members and students as appropriate.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 6020 - Parent Involvement)*

*Legal Reference: (see next page)*



**GIFTED AND TALENTED STUDENT PROGRAM** (continued)

*Legal Reference:*

EDUCATION CODE

48800-48802 *Enrollment of gifted students in community college*

51740 *Instruction by correspondence*

51745-51749.3 *Independent study programs*

52200-52212 *Gifted and Talented Pupil Program*

76001 *Enrollment in community college*

76002 *Community college courses*

CODE OF REGULATIONS, TITLE 5

1633 *Instruction by correspondence*

3820-3870 *Gifted and Talented Pupil Program*

*Management Resources:*

WEB SITES

CDE: <http://www.cde.ca.gov>

California Association for the Gifted: <http://www.cagifted.org>

National Association for Gifted Children: <http://www.nagc.org>

**GIFTED AND TALENTED STUDENT PROGRAM**

**Definitions**

A *gifted and talented student* is one who is identified as possessing demonstrated or potential abilities that give evidence of high performance capability in categories selected by the Board of Trustees. (Education Code 52201)

A *highly gifted student* is one who has achieved a measured intelligence quotient of 150 or more points on an assessment of intelligence administered by qualified personnel or has demonstrated extraordinary aptitude and achievement in language arts, mathematics, science, or other academic subjects, as evaluated and confirmed by both the student's teacher and principal. Highly gifted students shall generally constitute not more than one percent of the student population. (Education Code 52201)

A *special day class* for gifted and talented students consists of one or more classes totaling a minimum school day where each class: (5 CCR 3840)

1. Is composed of gifted and talented students
2. Is designed to meet the specific academic needs of gifted and talented students for enriched or advanced instruction and is appropriately differentiated from other classes in the same subjects at the school
3. Is taught by a teacher who has specific preparation, experience, personal attributes and competencies in the teaching of gifted children

A *part-time grouping* is one in which students attend classes or seminars that are organized to provide advanced or enriched subject matter for a part of the school day and those classes are composed of identified gifted and talented students. (5 CCR 3840)

A *cluster grouping* is one in which students are grouped within a regular classroom setting and receive appropriately differentiated activities from the regular classroom teacher. (5 CCR 3840)

*Independent study* provides additional instructional opportunities supervised by a certificated district employee through special tutors or mentors or through enrollment in correspondence courses specified in Education Code 51740 and 5 CCR 1633. (5 CCR 3840)

(cf. 6158 - Independent Study)

*Acceleration* means that students are placed in grades or classes more advanced than those of their chronological age group and are provided special counseling and/or instruction outside the regular classroom in order to facilitate their advanced work. (5 CCR 3840)

(cf. 5123 - Promotion/Acceleration/Retention)

## **GIFTED AND TALENTED STUDENT PROGRAM** (continued)

*Postsecondary education opportunities* offer students the opportunity to attend classes conducted by college or community college or to participate in Advanced Placement programs. (5 CCR 3840)

*(cf. 6141.5 - Advanced Placement)*

*Enrichment activities* are supplemental educational activities that augment students' regular educational programs in their regular classrooms. Students use advanced materials and/or receive special opportunities from persons other than the regular classroom teacher. (5 CCR 3840)

### **Program Plan**

The Superintendent or designee shall develop a written plan for the district's program which includes the components specified in 5 CCR 3831.

### **Identification of Gifted and Talented Students**

Students shall be selected for the program based on their demonstrated or potential ability for high performance in accordance with the categories specified in Education Code 52202 and 5 CCR 3822.

Evidence of a student's capability shall include any of the data specified in 5 CCR 3823 and shall consider the economic, linguistic and cultural characteristics of students' background. (5 CCR 3823)

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

*(cf. 6162.5 - Student Assessment)*

The Superintendent or designee shall design methods to seek out and identify gifted and talented students from varying linguistic, economic and cultural backgrounds. (5 CCR 3820)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 6174 - Education for English Language Learners)*

Prior to making a final determination of a student's eligibility, the pertinent evidence shall be evaluated by the student's principal or designee, a classroom teacher familiar with the student's work, and, when appropriate, a credentialed school psychologist. A person recognized as an expert in the gifted and talented category under consideration, and/or a person who has in-depth understanding of the student's linguistic or cultural group, shall participate in the evaluation of the evidence unless there is no doubt as to the student's eligibility. These persons shall meet as necessary to resolve any differences in assessment and recommendations. (5 CCR 3824)

**GIFTED AND TALENTED STUDENT PROGRAM** (continued)

The Superintendent or designee shall make the final determination of a student's eligibility.

The Superintendent or designee may also identify as gifted and talented any student who has transferred from a district in which he/she was identified as a gifted and talented student. (Education Code 52202)

The Superintendent or designee may establish an identification and placement committee to review evidence of students' capacities and make recommendations regarding the eligibility of individual students.

Written parental consent shall be secured before students participate in the program. (5 CCR 3831)

**Community College Enrollment**

With parental consent, a principal may recommend students of any age or grade level for part-time enrollment in community college courses. For any particular grade level, a principal may not recommend for community college summer session attendance more than five percent of the total number of students who completed that grade immediately prior to the time of recommendation. (Education Code 48800)

The principal may only recommend a student for community college summer session if that student satisfies all of the following conditions: (Education Code 48800)

1. Demonstrates adequate preparation in the discipline to be studied
2. Exhausts all opportunities to enroll in an equivalent course, if any, at his/her school of attendance

If a community college course is to be held at a district high school campus, the Board shall define, at a regularly scheduled meeting, the times that the campus will be closed to the general public. (Education Code 76002)

Special part-time students may enroll in up to 11 units per semester, or the equivalent, in a community college. Such students shall receive credit for community college courses that they complete at a level jointly determined appropriate by the Board and community college governing board. (Education Code 48800, 76001)

Any student's parent/guardian may petition the Board to authorize the student to attend a community college as a special full-time student if he/she believes the student would benefit from advanced scholastic or vocational work that would thereby be available. (Education Code 48800.5)

**GIFTED AND TALENTED STUDENT PROGRAM** (continued)

If the Board denies a request for special part-time or full-time enrollment at a community college for a student who is identified as highly gifted and talented as defined above, the Board shall issue its written recommendation and the reasons for the denial within 60 days. The written recommendation and denial shall be issued at the next regularly scheduled Board meeting that falls at least 30 days after the request has been submitted. (Education Code 48800, 48800.5)

**EDUCATION FOR HOMELESS CHILDREN**

The Board of Trustees recognizes its obligation to ensure that homeless children have access to the same free and appropriate public education provided to other children within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging performance standards as other students. Students shall not be segregated into a separate school or program based on their status as homeless, nor shall homeless students be stigmatized in any way.

*(cf. 3553 - Free and Reduced Price Meals)*

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

*(cf. 5111.13 - Residency for Homeless Children)*

**Transportation**

The district shall provide transportation for a homeless student to and from a district school of origin when the student is residing within the district and the parent/guardian requests that such transportation be provided. If the student moves outside of district boundaries but continues to attend this district's school of origin, the Superintendent or designee shall consult with the Superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

*(cf. 3250 - Transportation Fees)*

*(cf. 3541 - Transportation Routes and Services)*

*Legal Reference:*

EDUCATION CODE

1980-1986 County community schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

*Management Resources:*

CDE PUBLICATIONS

Enrolling Students in Homeless Situations, 1999

FEDERAL REGISTER

U.S. Department of Education: Notice of school enrollment guidelines, 67 Fed. Reg. 10698

WEB SITES

CDE: <http://www.cde.ca.gov/cilbranch/homeless/homelesstoc.html>

U.S. Department of Education: <http://www.ed.gov/offices/OESE/CEP/hmlsprogresp.html>

National Law Center on Homelessness and Poverty: <http://www.nlchp.org>

**EDUCATION FOR HOMELESS CHILDREN**

**Definitions**

*Homeless* means students who lack a fixed, regular and adequate nighttime residence and includes: (42 USC 11434a)

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above

*School of origin* means the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 USC 11432)

*Best interest* means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. (42 USC 11432)

**District Liaison**

The Superintendent is the district liaison for homeless students (42 USC 11432):

Superintendent  
32248 Crown Valley Road  
Acton, CA 93510  
661-269-0750

The district's liaison for homeless students shall ensure that: (42 USC 11432)

1. Homeless students are identified by school personnel and through coordination activities with other entities and agencies

*(cf. 1400 - Relations between Other Governmental Agencies and the Schools)*  
*(cf. 3553 - Free and Reduced-Price Meals)*  
*(cf. 5141.6 - Student Health and Social Services)*

**EDUCATION FOR HOMELESS CHILDREN** (continued)

2. Homeless students enroll in, and have a full and equal opportunity to succeed in, district schools
3. Homeless families and students receive educational services for which they are eligible
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children
5. Notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens
6. Enrollment disputes are mediated in accordance with law, Board of Trustees policy and administrative regulation
7. Parents/guardians are fully informed of all transportation services

*(cf. 3250 - Transportation Fees)*

*(cf. 3541 - Transportation Routes and Services)*

**Enrollment**

Placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432)

The student may continue attending the school of origin for the duration of the homelessness and until the end of any academic year in which the student moves into permanent housing. (42 USC 11432)

If the student is placed at a school other than the school of origin or a school requested by the parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision. (42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment. (42 USC 11432)

*(cf. 5111.13 - Residency for Homeless Children)*

*(cf. 5125 - Student Records)*

*(cf. 5141.31 - Immunizations)*



**EDUCATION FOR HOMELESS CHILDREN** (continued)

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the district homeless student liaison. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 USC 11432)

**Enrollment Disputes**

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted, pending resolution of the dispute, to the school in which enrollment is sought. (42 USC 11432)

The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the district liaison. (42 USC 11432)

The district liaison shall carry out the dispute resolution process provided by the state as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

*(cf. 1312.3 - Uniform Complaint Procedures)*

**EDUCATION FOR FOSTER YOUTH**

The Board of Trustees recognizes its obligation to ensure that foster youth have access to the academic resources, services and extracurricular and enrichment activities that are available to district students. The district shall provide students in foster care within the district with access to educational opportunities and other services necessary to help such students achieve the district's performance standards.

*(cf. 6011- Academic Standards)*  
*(cf. 6173 - Education for Homeless Children)*

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation.

As appropriate, the Superintendent or designee shall collaborate with the county placing agency and other appropriate agencies to ensure maximum utilization of available funds and to meet the educational needs of foster youth within the district.

*(cf. 1400 - Relations between Other Governmental Agencies and the Schools)*  
*(cf. 5141.6 - Student Health and Social Services)*

*Legal Reference:*

EDUCATION CODE

- 42920-42925 Foster children educational services
- 48645.1 Juvenile court schools
- 48850-48859 Educational placement of students residing in licensed children's institutions
- 49061 Student records
- 49069.5 Foster care students transfer of records
- 49076 Access to student records
- 56055 Rights of foster parents in special education

WELFARE AND INSTITUTIONS CODE

- 300 Children subject to jurisdiction
- 309 Investigation and release of child
- 361 Limitations on parental or guardian control
- 366.27 Educational decision by relative providing living arrangements
- 602 Minors violating law; ward of court
- 726 Limitations on parental or guardian control
- 727 Order of care, ward of court

UNITED STATES CODE, TITLE 42

- 11431-11435 McKinney-Vento Homeless Assistance Act

*Management Resources:*

WEB SITES

- California Department of Education, Foster Youth Services Program:  
<http://www.cde.ca.gov/spbranch/ssp/fysprfa/fysrfa.htm>
- California Department of Social Services, Foster Youth Ombudsman Office:  
<http://www.fosteryouthhelp.ca.gov>

**EDUCATION FOR FOSTER YOUTH**

**Definitions**

*Foster youth* means a child who has been subject to one of the following: (Education Code 48853.5)

1. Has been removed from his/her home pursuant to Welfare and Institutions Code 309 (investigation and release of child)
2. Is the subject of a petition filed under Welfare and Institutions Code 300 (jurisdiction of juvenile court) or 602 (minors ward of court, violating law)
3. Has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602

Person holding the *right to make educational decisions* means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 727.

*School of origin* means the school that the foster youth attended when permanently housed or the school in which the student was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended with which the youth is connected, the district liaison shall, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, determine, in the best interest of the foster youth, the school of origin. (Education Code 48853.5)

*Best interest* means a placement that ensures that the youth is placed in the least restrictive educational programs and has access to academic resources, services, and extracurricular and enrichment activities that are available to district students. (Education Code 48853)

**District Liaison**

The Superintendent or designee is the district liaison for foster youth. (Education Code 48853.5)

*(cf. 6173 - Education for Homeless Children)*

The district's liaison for foster youth shall: (Education Code 48853.5)

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care

*(cf. 1400 - Relations between Other Governmental Agencies and the Schools)*

*(cf. 5141.6 - Student Health and Social Services)*

**EDUCATION FOR FOSTER YOUTH** (continued)

2. Assist foster youth when transferring from one school to another or from one district to another in ensuring proper transfer of credits, records and grades

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

*(cf. 5125 - Student Records)*

**Enrollment**

A foster youth placed in a licensed children's institution or foster family home shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency.

*(cf. 6159 - Individualized Education Program)*

*(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)*

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program or that the student continue in his/her school of origin, as specified below.

At the initial detention or placement, or any subsequent change in placement of a foster youth, the district shall allow the student to continue his/her education in the school of origin for the duration of the academic school year. However, the district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interest. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how this recommendation serves the youth's best interests. (Education Code 48853.5)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

**EDUCATION FOR FOSTER YOUTH** (continued)

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agree that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth, even if the youth is unable to produce records, such as academic, medical or proof of residency, or clothing normally required for enrollment. (Education Code 48853.5)

*(cf. 5132 - Dress and Grooming)*  
*(cf. 5141.31 - Immunizations)*

The liaison shall within two business days of enrollment contact the school last attended by the student to obtain all academic and other records. Upon receiving a request from a new school, the liaison for the school last attended shall provide all records within two business days of receiving the request. (Education Code 48853.5)

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

*(cf. 1312.3 - Uniform Complaint Procedures)*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Board of Trustees intends to provide English language learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving the district's academic standards. The district's program shall be based on sound instructional theory and shall be adequately supported so that English language learners can achieve results at the same academic level as their English-proficient peers in the regular course of study.

The Board encourages staff to exchange information with staff in other districts and the county office of education about programs, options and strategies for English language learners that succeed under various demographic conditions.

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their redesignation based on criteria adopted by the Board and specified in administrative regulations.

To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English and the progress of students who have been redesignated as fluent English proficient. The Superintendent or designee shall annually report these findings to the Board and shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

*(cf. 6190 - Evaluation of the Instructional Program)*

**Type of Instruction**

Students who are English language learners shall be educated through "sheltered English immersion" or "structured English immersion" during a temporary transition period not normally intended to exceed one year. All of the classroom instruction in the district's sheltered English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305, 306)

When an English language learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education or any locally developed assessments and using other criteria developed by the district, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is "overwhelmingly" in English. (Education Code 305; 5 CCR 11301)

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

An English language learner has acquired a “reasonable level of English proficiency” when he/she has achieved the benchmarks set forth in district policy.

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6171 - Title I Programs)*

Upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom. (5 CCR 11301)

**Parental Exception Waivers**

At any time during the school year, the parent/guardian of an English language learner may have his/her child moved into an English language mainstream program.

Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.

If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the Superintendent's decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.

*Legal Reference: (see next page)*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

*Legal Reference:*

EDUCATION CODE

300-340 *English language education for immigrant children*  
430-446 *English Learner and Immigrant Pupil Federal Conformity Act*  
33308.5 *CDE guidelines not binding*  
44253.5-44253.10 *Certification for bilingual-cross-cultural competence*  
48985 *Notices to parents in language other than English*  
51101 *Rights of parents to information*  
51101.1 *Rights for parents of English learners*  
52015 *Components of school improvement plan*  
52130-52135 *Impacted languages act of 1984*  
52160-52178 *Bilingual Bicultural Act*  
52180-52186 *Bilingual teacher training assistance program*  
54000-54041 *Programs for disadvantaged children*  
60810-60812 *Assessment of language development*  
62001-62005.5 *Evaluation and sunseting of programs*

CODE OF REGULATIONS, TITLE 5

4320 *Determination of funding to support program to overcome the linguistic difficulties of English learners*  
11300-11316 *English Language Learner Education*  
11510-11517 *California English Language Development Test*

UNITED STATES CODE, TITLE 20

1701-1705 *Equal Educational Opportunities Act*  
6312 *Local education agency plans*  
6801-6871 *Title III, Language instruction for limited English proficient and immigrant students*

COURT DECISIONS

*Valeria G. v. Wilson*, (9<sup>th</sup> Circuit) 2002 U.S. App. Lexis 20956  
*California Teachers Association et al. v. State Board of Education et al.*, (9<sup>th</sup> Circuit, 2001) 271 F.3d 1141  
*McLaughlin v. State Board of Education*, (1999) 75 Cal.App.4<sup>th</sup> 196  
*Teresa P. et al v. Berkeley Unified School District et al.*, (1989) 724 F.Supp. 698  
*Casteneda v. Pickard*, (5<sup>th</sup> Cir. 1981) 648 F.2d 989

ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 40 (2000)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Guidelines for Reclassification of English Learners*, September 2002  
*Accommodations for the California English Language Development Test*, Revised 8/13/01

WEB SITES

CDE: <http://www.cde.ca.gov>  
CSBA: <http://www.csba.org>



**EDUCATION FOR ENGLISH LANGUAGE LEARNERS****Definitions**

*English learner* means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a limited English proficient or LEP child. (Education Code 306)

*English language classroom* means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. (Education Code 306)

*English language mainstream classroom* means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English. (Education Code 306)

*Sheltered English immersion* or *structured English immersion* means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education Code 306)

*Bilingual education/native language instruction* means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code 306)

**Identification and Assessment**

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (5 CCR 11307)

Within 30 calendar days of their initial enrollment, students who are identified as having a primary language other than English, as determined by the home language survey, and for whom there is no record of results from an English language development test shall be assessed using the California English Language Development Test (CELDT). (5 CCR 11511)

All students shall have sufficient time to complete the CELDT as provided in the directions for test administration. (5 CCR 11516)

Any student with a disability shall take the CELDT with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. (5 CCR 11516.5)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education under Section 504)

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

The district shall notify parents/guardians of their child's results on the CELDT within 30 calendar days. (5 CCR 11511.5)

*(cf. 5145.6 - Parental Notifications)*

Within 90 days of initial enrollment, students identified as having limited English proficiency shall be further assessed for primary language proficiency in comprehension, speaking, reading and writing. The Superintendent or designee shall develop criteria for determining student needs on the basis of these assessments. (former Education Code 52164.1, 62002)

Before students are enrolled in a program for English language learners, parents/guardians shall receive information about the program and their opportunities for parental involvement. This information shall include the fact that an individual student's participation in the program is voluntary on the part of the parent/guardian. (Education Code 52173)

Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following: (Education Code 440; 20 USC 6312)

1. The reason for the student's classification as English language learner
2. The level of English proficiency
3. A description of the program for English language development instruction, including a description of all of the following:
  - a. The manner in which the program will meet the educational strengths and needs of the student
  - b. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards
  - c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learner students, and the expected rate of graduation from secondary school if Title I funds are used for students in secondary schools
  - d. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

4. Information regarding a parent/guardian's option to decline to allow the student to become enrolled in the program or to choose to allow the student to become enrolled in an alternative program
5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

Parent/guardians also shall be notified of the results of any reassessments. (Education Code 52164.3)

**Parental Exception Waivers**

At the beginning of each school year, parents/guardians shall be informed of the placement of their children in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)

A parent/guardian may request that the district waive the requirements of Education Code 305, pertaining to the placement of a student in a structured English immersion program if the one of the following circumstances exists:

1. Students who already know English: The student already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower. (Education Code 311(a))
2. Older students: The student is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills. (Education Code 311(b))
3. Students with special needs: The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the student has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311(c))

The parent/guardian shall personally visit the school to apply for the waiver. (Education Code 310)

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

Upon request for a waiver, the Superintendent or designee shall provide to the parents/guardians: (Education Code 310, 311; 5 CCR 11309)

1. A full written description, and a spoken description upon request, of the intent and content of the structured English immersion program, any alternative courses of study and all educational opportunities offered by the district and available to the student, and the educational materials to be used in the different educational program choices
2. For a request for waiver pursuant to Education Code 311(c) for students with special needs, notification that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the Superintendent must approve the waiver pursuant to Board of Trustees guidelines

Pursuant to Education Code 311(b) and 311(c), the principal and educational staff may recommend a waiver to a parent/guardian for a student 10 years or older and a student with special needs. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310. (5 CCR 11309)

When evaluating waiver requests pursuant to Education Code 311(a) for students who already know English and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include local assessments, local standards and teacher evaluations.

Parental exception waivers pursuant to Education Code 311(b) for students 10 years or older shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)

Parental exception waivers pursuant to Education Code 311(c) for students with special needs shall be granted if it is the informed belief of the principal and educational staff that, due to the student's special physical, emotional, psychological or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

The principal shall consider all waiver requests made pursuant to Education Code 311(c) for students with special needs and shall submit a rationale of the decision regarding the waiver to the Superintendent or designee. When determining whether or not to recommend the approval of the waiver request, the principal shall assume that the facts justifying the request attested by the parent/guardian are a true representation of the child's condition.

Each waiver shall be considered on its individual merits with great deference given to parental preference for student placement.

The principal or designee shall act upon all parental exception waivers within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to Education Code 311(c) for students with special needs shall not be acted upon during the 30-day placement in an English language classroom. These waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)

All parental exception waivers shall be granted unless the principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student. (5 CCR 11309)

Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the students to transfer to a public school in which such a class is offered. (Education Code 310)

Students wishing to transfer shall be subject to the district's intradistrict and interdistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district's interdistrict attendance policies and administrative regulations.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

In cases where a parental exception waiver pursuant to Education Code 311(b) or (c) is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court. (5 CCR 11309)

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

### **Reclassification/Redesignation**

The district shall continue to provide additional and appropriate educational services to English language learners for the purposes of overcoming language barriers until the English language learners have: (5 CCR 11302)

1. Demonstrated English language proficiency comparable to that of the district's average native English language speakers
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English language learners shall be redesignated as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in the regular program and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The following measures shall be used to determine whether an English language learner shall be reclassified as fluent English proficient: (5 CCR 11303)

1. Assessment of English language proficiency utilizing the CELDT as the primary criterion, and objective assessment of the student's English reading and writing skills
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions
3. Parent/guardian opinion and consultation during a redesignation interview

Parents/guardians shall receive notice and a description of the redesignation process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.

4. Comparison of performance in basic skills, including performance on the English-Language Arts section of the California Standards Test
5. Objective data on the student's academic performance in English

The Superintendent or designee shall provide subsequent monitoring and support for redesignated students, including but not limited to monitoring the performance of redesignated students in the core curriculum in comparison with their native-English speaking peers, monitoring the rate of redesignation, and ensuring correct classification and placement.

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

The Superintendent or designee shall develop a process to monitor the effectiveness of the district's program for English language learners. The district's program shall be modified as needed to help ensure language and academic success for each English language learner.

**Advisory Committees**

At the district level when there are more than 50 English language learners in the district and at each school with more than 20 English language learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law. (5 CCR 11308)

Parents/guardians of English language learners shall constitute committee membership in at least the same percentage as their children represent of the total number of students in the school. (Education Code 52176)

The district's English language advisory committee shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a district master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures
7. Review of and comments on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

In order to assist advisory members in carrying out their responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)



**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**PARENTAL EXCEPTION WAIVER  
EDUCATION CODE 311(a): Children who know English**

Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Language Designation: \_\_\_\_\_

My child possesses good English language skills and for that reason I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible.

I have personally visited the school to apply for this waiver.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**For School Use Only:**

Child's English standardized test scores: Scores must be at or above the state average for the child's grade level or above the 5th grade average:

\_\_\_\_\_

Waiver Granted/Denied: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**PARENTAL EXCEPTION WAIVER  
EDUCATION CODE 311(b): Children age 10 or older**

Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Language Designation: \_\_\_\_\_

My child is 10 years of age or older and I believe that an alternate course of study is better suited to my child's rapid acquisition of English. For that reason, I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible.

I have personally visited the school to apply for this waiver.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**For School Use Only:**

\_\_\_\_\_  
Waiver Granted/Denied: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**PARENTAL EXCEPTION WAIVER  
EDUCATION CODE 311(c): Children with Special Needs**

Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Language Designation: \_\_\_\_\_

I believe that my child has special needs and that an alternate course of study is better suited to his/her educational development. (Check all that apply and provide a brief statement)

Educational Needs                       Physical Needs                       Emotional/Psychological Needs

\_\_\_\_\_  
\_\_\_\_\_

Therefore, I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible. I have personally visited the school to apply for this waiver.

I understand that my child must be placed in an English language classroom for 30 calendar days and that this waiver will be considered by the Superintendent pursuant to Board-established guidelines.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**For School Use Only:**

\_\_\_\_\_  
Waiver Granted/Denied: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**Solicitud de Excepción Pedido por los Padres  
Código de Educación 311(a): Niños que saben inglés**

Nobre: \_\_\_\_\_ Grado: \_\_\_\_\_

Escuela: \_\_\_\_\_ Fecha de nacimiento: \_\_\_\_\_

Idioma natal: \_\_\_\_\_

Mi hijo(a) posee buenas habilidades del idioma inglés y por esa razón yo solicito una excepción del Programa de Inmersión al Inglés Estructurado. Comprendo que el objetivo para mi hijo(a) debe ser el que se le enseñe inglés lo más rápido y efectivamente posible.

Yo visité personalmente la escuela de mi hijo(a) para solicitar esta excepción.

Se me ha entregado una completa descripción por escrito de: el propósito y el contenido del Programa de Inmersión al Inglés Estructurado; cualquier otro curso de estudio ofrecido por el distrito creado para estar al alcance de mi hijo(a); todas las oportunidades educativas ofrecidas por el distrito creadas para estar al alcance de mi hijo(a); y de los materiales educativos para ser usados en las diferentes opciones de programas educativos.

Entiendo que debo solicitar esta excepción anualmente, cada año escolar.

Firma de Padre/Madre o tutor dativo: \_\_\_\_\_ Fecha: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Teléfono: \_\_\_\_\_

**Para uso exclusivo de la escuela:**

Calificaciones del examen uniforme de inglés: Las calificaciones deben estar al nivel o arriba del promedio del estado para el grado al que corresponde el niño o arriba del promedio de quinto grado:

\_\_\_\_\_

Excepción otorgada/negada: \_\_\_\_\_ Fecha: \_\_\_\_\_

Firma: \_\_\_\_\_

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**Solicitud de Excepción Pedido por los Padres  
Código de Educación 311(b): Niños de 10 años de edad o mayor**

Nobre: \_\_\_\_\_ Grado: \_\_\_\_\_

Escuela: \_\_\_\_\_ Fecha de nacimiento: \_\_\_\_\_

Idioma natal: \_\_\_\_\_

Mi hijo(a) tiene, o es mayor de, 10 años de edad y creo que un curso alternativo es el más adecuado para dar a mi hijo(a) una pronta enseñanza del inglés. Por esa razón solicito una excepción del Programa de Inmersión al Inglés Estructurado. Comprendo que el objetivo para mi hijo(a) es que se le enseñe inglés lo más rápido y efectivamente posible.

Yo personalmente visité la escuela de mi hijo(a) para solicitar esta excepción.

Se me ha entregado una completa descripción por escrito de: el propósito y el contenido del Programa de Inmersión al Inglés Estructurado; cualquier otro curso de estudio ofrecido por el distrito creado para estar al alcance de mi hijo(a); todas las oportunidades educativas ofrecidas por el distrito creadas para estar al alcance de mi hijo(a); y de los materiales educativos para ser usados en las diferentes opciones de programas educativos.

Entiendo que debo solicitar esta excepción anualmente, cada año escolar.

Firma de Padre/Madre o tutor dativo: \_\_\_\_\_ Fecha: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Teléfono: \_\_\_\_\_

**Para uso exclusivo de la escuela:**

Calificaciones del examen uniforme de inglés: Las calificaciones deben estar al nivel o arriba del promedio del estado para el grado al que corresponde el niño o arriba del promedio de quinto grado:

\_\_\_\_\_

Excepción otorgada/negada: \_\_\_\_\_ Fecha: \_\_\_\_\_

Firma: \_\_\_\_\_

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

**Solicitud de Pedido por los Padres  
Código de Educación 311(c): Niños que requieren de educación especial**

Nobre: \_\_\_\_\_ Grado: \_\_\_\_\_

Escuela: \_\_\_\_\_ Fecha de nacimiento: \_\_\_\_\_

Idioma natal: \_\_\_\_\_

Mi hijo(a) requiere educación especial y creo que un curso alternativo es el más adecuado para su desarrollo educativo. (Marque todo lo que corresponda a su hijo(a) y dé una explicación breve)

\_\_\_\_ Necesidades educativas      \_\_\_\_ Necesidades físicas      \_\_\_\_ Necesidades emocionales y psicológicas

\_\_\_\_\_  
\_\_\_\_\_

Solicito una excepción del Programa de Inmersión al Inglés Estructurado. Comprendo que el objetivo para mi hijo(a) es que se le enseñe inglés lo más rápido y efectivamente posible. Yo personalmente visité la escuela de mi hijo(a) para solicitar esta excepción.

Comprendo que mi hijo(a) será colocado en un salón de instrucción de inglés por 30 días del calendario escolar y que esta excepción será considerada por el superintendente escolar de acuerdo a las guías establecidas por la mesa directiva escolar.

Se me ha entregado una completa descripción por escrito de: el propósito y el contenido del Programa de Inmersión al Inglés Estructurado; cualquier otro curso de estudio ofrecido por el distrito creado para estar al alcance de mi hijo(a); todas las oportunidades educativas ofrecidas por el distrito creadas para estar al alcance de mi hijo(a); y de los materiales educativos para ser usados en las diferentes opciones de programas educativos.

Entiendo que debo solicitar esta excepción anualmente, cada año escolar.

Firma de Padre/Madre o tutor dativo: \_\_\_\_\_ Fecha: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Teléfono: \_\_\_\_\_

**Para uso exclusivo de la escuela:**

Calificaciones del examen uniforme de inglés: Las calificaciones deben estar al nivel o arriba del promedio del estado para el grado al que corresponde el niño o arriba del promedio de quinto grado:

\_\_\_\_\_  
Excepción otorgada/negada: \_\_\_\_\_ Fecha: \_\_\_\_\_

Firma: \_\_\_\_\_

**MIGRANT EDUCATION PROGRAM**

The Board of Trustees desires to provide a comprehensive education program for migrant students that attempts to mitigate the impact of disruptions on their education and provides them the opportunity to meet the district's academic standards. The district shall make use of available funds to provide supplementary services for migrant students.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 5141.6 - Student Health and Social Services)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 6011 - Academic Standards)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

The Superintendent or designee shall plan for late enrollments of migrant students and shall ensure that all migrant students are correctly identified and placed at the appropriate grade level. He/she shall acquire records from students' previous school districts, as appropriate, and shall consult these records when identifying students' comprehensive needs and preparing their individual learning plans.

When a migrant student transfers to another district, his/her records shall be provided to the receiving district upon request at no cost in order to assist the district in meeting the needs of the student. (20 USC 6398)

*(cf. 5125 - Student Records)*

The Superintendent or designee shall convene a district parent/guardian advisory council to actively involve parents/guardians in planning, operating and evaluating the migrant education program. (Education Code 54444.2)

*(cf. 1220 - Citizen Advisory Committees)*

The Superintendent or designee shall coordinate the district's migrant program services with other public agencies that serve migrant workers and their families.

*(cf. 1400 - Relations between Other Governmental Agencies and the Schools)*

*Legal Reference: (see next page)*

**MIGRANT EDUCATION PROGRAM (continued)**

*Legal Reference:*

EDUCATION CODE

54440-54445 Migrant education program

UNITED STATES CODE, TITLE 20

6391-6399 Migrant education program

7881 Services for private school students

CODE OF FEDERAL REGULATIONS, TITLE 34

200.81-200.88 Migrant education program

*Management Resources:*

WEB SITES

CDE, Migrant Education Office: <http://www.cde.ca.gov/iasa/migrant.html>

USDOE, Office of Migrant Education: <http://www.ed.gov/offices/OESE/MEP>



**MIGRANT EDUCATION PROGRAM**

**Eligibility**

A student age 3 to 21 years shall be eligible for the migrant education consortium's program if he/she is, or if his/her parent/guardian or spouse is, a migratory agricultural worker, migratory dairy worker, or migratory fisher and the student has moved from one district to another within the past 36 months in order to obtain temporary or seasonal employment or to accompany a parent/guardian or spouse to obtain such employment. (20 USC 6399; 34 CFR 200.81)

In providing these services, the district shall give first priority to migrant students who are failing, or most at risk of failing, to meet state content standards and challenging state performance standards, and whose education has been interrupted during the regular school year. (20 USC 6394)

*(cf. 6011 - Academic Standards)*

A student who ceases to be a migrant student during a school term shall be eligible for services until the end of the term. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year.

The district shall provide services to eligible private school students residing within the district on an equitable basis with participating public school students. (20 USC 7881; 34 CFR 200.87)

The Superintendent or designee shall monitor the accuracy, completeness and timeliness of eligibility determinations.

**Program Components**

The migrant education program shall provide: (Education Code 54443.1)

1. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment
2. A general needs assessment summarizing the needs of the population to be served
3. A comprehensive program to meet the educational, health and related needs of participating students which supplements the district program and which provides:
  - a. Academic instruction
  - b. Remedial and compensatory instruction
  - c. Bilingual and multicultural instruction

**MIGRANT EDUCATION PROGRAM** (continued)

*(cf. 6141.6 - Multicultural Education)*

*(cf. 6174 - Education for English Language Learners)*

- d. Vocational instruction

*(cf. 6178 - Vocational Education)*

- e. Counseling and career education services

*(cf. 6164.2 - Guidance/Counseling Services)*

- f. Preschool services

*(cf. 5148 - Child Care and Development)*

- g. Other educational services that are not otherwise available in sufficient quantity or quality to eligible migrant students

- h. Instructional materials and equipment necessary for appropriate services

- i. Other related services needed to enable migrant students to participate effectively in instructional services

- j. The coordination and teaming of existing resources serving migrant students, such as bilingual-crosscultural education, health screening, and compensatory education

*(cf. 5141.6 - Student Health and Social Services)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

- 4. A brief individual learning plan listing the services to be provided to each student, which shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and each time the student moves to a new district

- 5. Staffing and staff development plans and practices to meet the needs of students and implement the program

*(cf. 4131 - Staff Development)*

- 6. Parent/guardian and community involvement as specified in Education Code 54444.2, including but not necessarily limited to the establishment of a parent/guardian advisory council

## **MIGRANT EDUCATION PROGRAM** (continued)

*(cf. 6020 - Parent Involvement)*

7. Evaluations which include annual student progress and overall program effectiveness and quality control reports

The migrant education program shall provide for the same opportunities for parent involvement that are provided to parents/guardians for federal Title I programs. (20 USC 6394)

*(cf. 6171 - Title I Programs)*

The district shall conduct summer school programs for eligible migrant students in accordance with Education Code 54444.3.

*(cf. 6177 - Summer School)*

Specific services to be provided shall be described in the district's service agreement with the regional service center for the migrant education program.

### **Parent Advisory Council**

All parents/guardians of students enrolled in the migrant education program shall be invited to a general meeting and informed in a language they understand that they have the sole authority to decide the advisory council's composition. At least two-thirds of the advisory council shall consist of migrant parents/guardians elected by their peers. (Education Code 54444.2)

The membership of each parent advisory council shall be comprised of persons who are knowledgeable on the needs of migrant children. All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students, shall be nominated by the groups they represent. All other community candidates shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall: (Education Code 54444.4)

1. Establish program goals, objectives and priorities
2. Review annual needs, year-end assessment and program activities for each school, as well as individual learning plans
3. Advise on the selection, development and reassignment of migrant education program staff

**MIGRANT EDUCATION PROGRAM** (continued)

4. Participate actively in planning and negotiating program applications and service agreements
5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement training programs for advisory council members to enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)

The Superintendent or designee shall provide the council, and each member upon request, without charge, copies of all applicable state and federal migrant education statutes, rules, regulations and guidelines and applicable state and federal audits, monitoring reports and evaluations. (Education Code 54444.2)

**WEEKEND/SATURDAY CLASSES**

The Board of Trustees may provide classes on Saturday and/or Sunday in order to meet the academic needs of students.

*(cf. 6111 - School Calendar)*

Weekend classes may include but are not limited to: (Education Code 37223)

1. Continuation classes

*(cf. 6184 - Continuation Education)*

2. Special day classes for mentally gifted minors

*(cf. 6172 - Gifted and Talented Student Program)*

3. Makeup classes for unexcused absences occurring during the week

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

*(cf. 6154 - Homework/Makeup Work)*

4. The programs of a regional occupational center or regional occupational program

Saturday classes also may be used to provide supplemental instruction for students who are failing to meet academic requirements and/or students who desire enrichment in core academic subjects in accordance with law, Board policy and administrative regulation. (Education Code 423, 37252, 37252.5, 37252.6, 37253, 53029, 53093)

*(cf. 5123 - Promotion/Acceleration/Retention)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6179 - Supplemental Instruction)*

*Legal Reference: (see next page)*

**WEEKEND/SATURDAY CLASSES** (continued)

*Legal Reference:*

EDUCATION CODE

*423 Conditions for offering intensive English language and literacy instruction on Saturdays*

*37223 Weekend classes*

*37252-37253 Supplemental instruction*

*41601 Reports of average daily attendance*

*42239 Summer school attendance computation*

*44824 Weekend classes, assignment of certificated employees*

*48070-48070.5 Promotion and retention, supplemental instruction*

*48205 Excused absence for personal reasons*

*48260 Truants, definition*

*51000-52706 General instructional programs, especially*

*51002 Development of local programs within guidelines*

*53029 Conditions for offering intensive reading instruction on Saturdays*

*53093 Conditions for offering intensive algebra instruction on Saturdays*

**WEEKEND/SATURDAY CLASSES**

Any class offered on a Saturday or Sunday pursuant to Education Code 37223, except in regional occupational centers or programs, shall be one offered Monday through Friday during the regular school week. (Education Code 37223)

*(cf. 6111 - School Calendar)*

Except in regional occupational centers or programs, weekend attendance shall not result in crediting any student with more than five days of attendance per week. (Education Code 37223)

Attendance at weekend classes offered pursuant to Education Code 37223 shall be voluntary, except that truants, as defined in Education Code 48260, may be required to attend makeup classes on one day of a weekend in order to make up lost instructional time. (Education Code 37223)

*(cf. 5113.1 - Truancy)*

A student shall be excused from a weekend class if it is held on a day when such attendance would be in conflict with his/her religious beliefs. (Education Code 37252-37253, 48205)

*(cf. 6141.2 - Recognition of Religious Beliefs and Customs)*

**SUMMER SCHOOL**

The Board of Trustees recognizes that summer school provides valuable opportunities for students to improve their skills and make academic progress. When the need is demonstrated and funds are available, the Superintendent or designee, with Board approval, shall establish summer school day and/or evening classes for purposes of remediation, enrichment or acceleration.

The district shall offer summer instructional programs for high school seniors who need courses for graduation prior to September. (Education Code 41976.5)

*(cf. 6146.1 - High School Graduation Requirements)*

The district's summer school program may be used to provide supplemental instruction for students failing to meet academic requirements and/or students who desire enrichment in core academic subjects in accordance with law, Board policy and administrative regulation. (Education Code 37252, 37252.2, 37252.8, 37253, 53029, 53093; 5 CCR 11472)

*(cf. 5123 - Promotion/Acceleration/Retention)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

*(cf. 6162.52 - High School Exit Examination)*

*(cf. 6179 - Supplemental Instruction)*

**Enrollment Priorities**

Priority to enroll in summer programs shall be given to district students who:

1. Need course credits in order to graduate from high school by September
2. Are eligible for supplemental instruction on the basis of retention, recommendation for retention, or insufficient progress toward the state high school exit examination pursuant to Education Code 37252 and 37252.2

The remaining openings shall be offered to district students on a first-come first-serve basis.

To the extent that space is available after district students have enrolled, remaining openings in high school summer classes for core academic subjects may be open to private school students.

**Attendance**

Because summer courses cover extensive instructional content in a relatively short time period, consistent class attendance is crucial.



## **SUMMER SCHOOL (continued)**

Students who have more than three excused absences or one unexcused absence may not receive credit for their summer session class(es) unless they make-up missed work in accordance with law, Board policy and administrative regulation.

*(cf. 5113 - Absences and Excuses)*

*(cf. 6154 - Homework/Make-Up Work)*

### **Rotation of School Sites**

Sites for summer school programs may be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area, and to equalize long-term facility and maintenance needs.

#### *Legal Reference:*

##### EDUCATION CODE

*37252-37253.5 Supplemental instructional programs*

*41976.5 Summer school programs, substantially disabled persons or graduating high school seniors*

*42239-42239.2 Summer school apportionments*

*48070-48070.5 Promotion and retention*

*51210 Areas of study for elementary schools*

*51220 Areas of study for grades 7-12*

*51730-51732 Powers of governing boards (authorization for elementary summer school classes)*

*53025-53031 Intensive reading instruction, summer school*

*53091-53094 Intensive algebra instruction, summer school*

*58700-58702 Credit towards summer school apportionments for tutoring and homework assistance program*

*58806 Summer school apportionments*

*60851 Supplemental instruction toward exit examination*

##### CODE OF REGULATIONS, TITLE 5

*3043 Extended school year*

*11470-11472 Summer schools*

##### ATTORNEY GENERAL OPINIONS

*70 Ops.Cal.Atty.Gen. 282 (1987)*

**VOCATIONAL EDUCATION**

The Board of Trustees desires to provide a quality, expanded and modernized vocational and technical education program which provides services and activities that are of sufficient size, scope and quality to be effective. The goal of the program is to provide for an integration of academic and vocational components through a coherent sequence of courses to ensure learning in all subjects. The program shall also provide curriculum and program strategies reflecting workplace needs.

The district's program shall provide linkages between secondary and postsecondary vocational and technical education, including the implementation of tech-prep programs. Students shall also be given a strong experience and understanding of all aspects of an industry.

The Superintendent or designee shall expand the use of technology in the district's vocational program. He/she shall also provide professional development programs to teachers, counselors and administrators designed to provide effective practices to improve parental and community involvement and to ensure that teachers stay current with an industry.

*(cf. 1700 - Relations Between Private Industry and the Schools)*

*(cf. 4131 - Staff Development)*

*(cf. 6010 - Goals and Objectives)*

*(cf. 6030 - Integrated Academic and Vocational Instruction)*

*(cf. 6141 - Curriculum Development and Evaluation)*

The district's program shall provide equal access to students who are members of special populations. Students who are members of special populations shall not be unlawfully discriminated against on the basis of their status as a member of a special population. (20 USC 2354)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

**Expenditures of Supplemental Funding**

Every three years, the Board shall compare the district's existing vocational curriculum, course content and course sequence with model state curriculum standards. (Education Code 51226, 52376)

*(cf. 3440 - Inventories)*

The Superintendent or designee shall establish procedures for the systematic review of district vocational education classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. The Superintendent or designee shall present the Board with evidence that enables the Board to ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

**VOCATIONAL EDUCATION (continued)**

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*  
*(cf. 6181 - Alternative Schools)*

**Advisory Committee**

The Board shall appoint a career technical advisory committee as required by law to develop recommendations on the career technical education program and provide liaison between the district and potential employers. (Education Code 8070)

*(cf. 1220 - Citizen Advisory Committees)*

*Legal Reference:*

EDUCATION CODE

8070 Appointment of vocational education advisory committee  
48430 Legislative intent; continuation education schools and classes  
51225.3 Requirements for graduation commencing with 1988-89 school year  
51226 Model curriculum standards  
51228 Graduation requirements; minimum standards; required curriculum; pupil demonstration of competence  
52300-52499.6 Career technical education

54728 Funds allocated pursuant to the School-Based Motivation and Maintenance Program

54761 Calculation; base funding; deposit; use

UNITED STATES CODE, TITLE 20

2301-2415 Carl D. Perkins Vocational and Technical Act of 1998

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX

*Management Resources:*

WEB SITES

CDE, Secondary Education, Academic and Career Integration: <http://www.cde.ca.gov/shsd/aci>

USDE, Office of Vocational and Adult Education: <http://www.ed.gov/offices/OVAE>

**WORK EXPERIENCE EDUCATION**

In order to provide students with valuable instruction in the skills, attitudes and understandings necessary for successful employment, the Board of Trustees may offer a program of work experience education. Students enrolled in this program shall receive guidance and supervision designed to ensure maximum educational benefit from placement in suitable work experience education courses.

*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 6030 - Integrated Academic and Vocational Education)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6178 - Vocational Education)*

Work experience education shall include the part-time employment of students in jobs which are selected or approved as having educational value for the employed students and which are coordinated by school employees. (Education Code 51764)

The Board may provide for liability insurance for students participating in work experience programs of study off school grounds in accordance with law and Board policy. (Education Code 51760)

*(cf. 5143 - Insurance)*

*Legal Reference:*

EDUCATION CODE

46144 *Minimum school day for vocational training and work experience program*  
46300 *Method of computing ADA*  
48402 *Enrollment in continuation education, minors not regularly employed*  
49110-49119 *Permits to work*  
51760-51769.5 *Work experience education*  
54720-54734 *School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act*

LABOR CODE

3070-3099 *Apprenticeship*  
3200-6002 *Workers' compensation and insurance*

CODE OF REGULATIONS, TITLE 5

10070-10075 *Work experience education*

*Management Resources:*

WEB SITES

CDE: [www.cde.ca.gov](http://www.cde.ca.gov)

**WORK EXPERIENCE EDUCATION**

**Criteria for Credit**

Upon the satisfactory completion of a work experience education program, a student shall be granted credit in an amount not to exceed 40 semester credits, no more than 10 of which shall be awarded in any one semester, provided that the student satisfies all of the following requirements: (Education Code 51760.3)

1. At the time of enrollment, the student is at least 16 years of age or, if under the age of 16 years, fulfills one of the following criteria:
  - a. The student is enrolled in grade 11 or higher.
  - b. The principal certifies that the student is in need of immediate work experience education in order to pursue employment opportunities.
  - c. The principal certifies that there is a probability that the student will no longer be enrolled as a full-time student without being provided the opportunity to enroll in a work experience education program.
  - d. The student's individualized education program prescribes the type of training for which participation in a work experience education program is deemed appropriate.

*(cf. 6159 - Individualized Education Program)*

2. During the course of the student's enrollment in the program, the student receives at least the equivalent of one instructional period per week of related classroom instruction or counseling by a certificated employee. The work experience instruction or counseling shall be offered in sessions scheduled intermittently throughout the semester.
3. The work experience education program meets all of the requirements of law.

**Minimum Day**

The minimum day for students enrolled in a work experience education program shall be four periods totaling at least 180 minutes in duration, with the following exceptions:

1. A different schedule may be established for students who are enrolled in a continuation school or class pursuant to Education Code 48402 or who are participating in the School-Based Pupil Motivation and Maintenance Program. (Education Code 46144, 54729)

*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*  
*(cf. 6184 - Continuation Education)*

**WORK EXPERIENCE EDUCATION** (continued)

2. When a school's regularly scheduled period is greater than 60 minutes, the minimum day shall be one or more periods totaling at least 180 minutes in duration. (Education Code 46144)

**Work Experiences and Related Instruction**

The district shall enter into a formal training agreement with each employer to provide one or more of the following paid and unpaid types of on-the-job experiences: (5 CCR 10071)

1. Vocational work experience education which reinforces and extends vocational learning opportunities for students through a combination of related classroom instruction in work experience education and supervised paid employment in the occupation for which their vocational course in school prepares them
2. General work experience education which has as its purpose the application of basic skills of reading, writing and computation, and which enables students to acquire general and specific occupational skills through a combination of a supervised paid employment in any occupational field and related classroom instruction in work experience education
3. Nonpaid exploratory work experience education which provides students opportunities to observe and sample systematically a variety of conditions of work for the purpose of ascertaining their interest and suitability for the occupation they are exploring

*(cf. 6030 - Integrated Academic and Vocational Education)*  
*(cf. 6178 - Vocational Education)*

The Superintendent or designee may establish and supervise work experience programs in areas outside the district, either within California or in a contiguous state. (Education Code 51767)

All laws or rules applicable to minors in employment relationships shall be applicable to students enrolled in work experience courses. (Education Code 51763)

A work permit may be issued to a minor between under the age of 18 and over the age of 14 who is regularly enrolled in a high school or community college or who has been assigned to a vocational course in a place of employment, and who will work part-time as a student enrolled in a work experience education course. (Education Code 49113)

*(cf. 5113.2 - Work Permits)*

**WORK EXPERIENCE EDUCATION** (continued)

**Responsibilities of Teacher-Coordinator**

The work experience teacher-coordinator shall conduct the related classroom instruction, prepare individual training plans, observe and consult with students, and make at least two on-site contacts per semester with each work station supervisor and at least one on-site contact during summer school to evaluate student performance. (5 CCR 10074)

**SUPPLEMENTAL INSTRUCTION**

The Board of Trustees shall provide supplemental instructional programs to motivate and support students to overcome academic deficiencies, attain grade-level academic standards and/or acquire critical skills.

*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*

*(cf. 5113.1 - Truancy)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 5149 - At-Risk Students)*

*(cf. 6011 - Academic Standards)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

*(cf. 6164.5 - Student Success Teams)*

Supplemental instructional programs shall be offered outside the regular school day. Such programs may be offered during the summer, before school, after school, on Saturday and/or during intersessions. (Education Code 37252, 37252.2, 37252.8, 37253)

*(cf. 6111 - School Calendar)*

*(cf. 6112 - School Day)*

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6177 - Summer School)*

The Board shall offer direct, systematic and intensive supplemental instruction for students in grades 2-9 who have been retained or recommended for retention pursuant to Education Code 48070.5. (Education Code 37252.2)

*(cf. 5123 - Promotion/Acceleration/Retention)*

The Board shall offer direct, systematic and intensive supplemental instruction for students in grades 7-12 who do not demonstrate “sufficient progress” toward passing the state exit examination required for high school graduation. (Education Code 37252, 60851)

*(cf. 6162.52 - High School Exit Examination)*

For purposes of determining students’ eligibility for supplemental instruction, “sufficient progress” toward passing the high school exit examination shall be determined by students’ results on the state Standardized Testing and Reporting assessments and the minimum levels of proficiency recommended by the State Board of Education.

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

Whenever a school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more years, supplemental educational services shall be provided in accordance with law to eligible students from low-income families. (20 USC 6316)

*(cf. 0520.2 - Title I Program Improvement Schools)*



**SUPPLEMENTAL INSTRUCTION** (continued)

As funding, facilities and staffing permit, supplemental instruction may be offered to:

1. Students in grades 2-6 who have been identified as being at risk of retention pursuant to Education Code 48070.5 (Education Code 37252.8)
2. Students in grades 2-6 who have been identified as having a deficiency in mathematics, reading or written expression based on the results of the Standardized Testing and Reporting Program (Education Code 37252.8)
3. Students in grades K-12 who seek enrichment in mathematics, science or other core academic areas designated by the Superintendent of Public Instruction (Education Code 37253; 5 CCR 11472)

*(cf. 6143 - Courses of Study)*

4. Students in grades K-4 who need or desire intensive reading opportunities that meet the standards specified in Education Code 44259 and 53027 for a research-based comprehensive reading program, including appropriate support to address the needs of English language learners (Education Code 53025-53031)

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6174 - Education for English Language Learners)*

5. Students in grades 7-8 who need or desire intensive opportunities to practice skills in algebra and/or pre-algebra in accordance with standards specified in Education Code 53092 (Education Code 53091-53094)

*(cf. 6142.92 - Mathematics Instruction)*

The programs described in items #4-5 above shall be offered four hours a day for six continuous weeks during the summer or when school is not in session. When necessary due to facilities constraints or other educational reasons, such programs be offered before school, after school, on Saturday and/or during intersessions. (Education Code 53029, 53093)

*Legal Reference: (see next page)*

**SUPPLEMENTAL INSTRUCTION** (continued)

*Legal Reference:*

EDUCATION CODE

37200-37202 *School calendar*

37223 *Weekend classes*

37252-37253.5 *Supplemental instruction*

42239-42239.2 *Supplemental instruction, apportionments*

44259 *Comprehensive reading program*

46100 *Length of school day*

48070-48070.5 *Promotion and retention*

51210 *Courses of study, elementary schools*

51220 *Courses of study, secondary schools*

53025-53031 *Intensive reading instruction*

53091-53094 *Intensive algebra instruction*

60640-60648 *Standardized Testing and Reporting Program*

60850-60859 *High school exit examination*

99223 *Algebra Academies Professional Development Institutes*

CODE OF REGULATIONS, TITLE 5

11470-11472 *Summer school*

UNITED STATES CODE, TITLE 20

6316 *Program improvement schools*

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

*Supplemental Educational Services, August 22, 2003*

WEB SITES

*California Department of Education: <http://www.cde.ca.gov>*

*CSBA: <http://www.csba.org>*

**SUPPLEMENTAL INSTRUCTION**

If a minor student's parent/guardian or a student age 18 or older informs the Superintendent or designee that the student is unable to attend a Saturday school program for religious reasons, that student shall be given priority for enrollment in supplemental instruction offered at a time other than Saturday before a student who does not have a religious reason to attend a Saturday school program. (Education Code 37252, 37252.2, 37252.8, 37253)

*(cf. 6141.2 - Recognition of Religious Beliefs and Customs)*

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6177 - Summer School)*

**Eligibility Based on Retention or Academic Deficiencies**

Students in grades 2-9 who have been retained or recommended for retention shall be eligible for supplemental instruction under the following circumstances: (Education Code 37252.2)

1. With parental consent, the Superintendent or designee may require a student who has been retained to participate in the supplemental instructional program.
2. For the purposes of identifying students as eligible for supplemental instruction, a student shall be considered to be enrolled in a grade immediately upon completion of the preceding grade.
3. Students who were enrolled in grade 6 or 9 during the prior school year who have been retained or recommended for retention shall be eligible for summer school instruction.

*(cf. 5123 - Promotion/Acceleration/Retention)*

To the extent that the district provides supplemental instruction to students in grades 2-6 who are at risk of retention or have deficiencies in mathematics, reading or written expression, those students also shall be subject to the provisions set forth in items #2 and #3 above. (Education Code 37252.8)

The Superintendent or designee shall seek the active involvement of parents/guardians and classroom teachers in the development and implementation of supplemental instructional programs. (Education Code 37252.2, 37252.8)

An intensive remedial program in reading or written expression shall, as needed, include instruction in phoneme awareness, systematic explicit phonics and decoding, word attack skills, spelling and vocabulary, explicit instruction of reading comprehension, writing, and study skills. (Education Code 37252.2, 37252.8)

*(cf. 6142.91 - Reading/Language Arts Instruction)*

**SUPPLEMENTAL INSTRUCTION** (continued)

**Eligibility Based on Progress Toward Passing Exit Examination**

Students in grades 7-12 who do not demonstrate sufficient progress, as defined in Board policy, toward the state exit examination required for high school graduation shall be eligible for supplemental instruction under the following circumstances: (Education Code 37252)

1. For the purposes of this program a student shall be considered to be enrolled in a grade immediately upon completion of the preceding grade.
2. Students who were enrolled in grade 12 during the prior school year shall be eligible for supplemental instructional programs.
3. Students who do not possess sufficient English language skills to be assessed shall be considered students who do not demonstrate sufficient progress towards passing the exit examination and shall receive supplemental instruction designed to help them succeed on the exit examination.

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6162.52 - High School Exit Examination)*

The curriculum of the supplemental instruction program shall reflect state academic content standards to the extent that the district curriculum is aligned with those state standards, and shall be designed to assist students to succeed on the exit examination. (Education Code 60851)

*(cf. 6011 - Academic Standards)*

**ALTERNATIVE SCHOOLS**

The Board of Trustees desires to provide a variety of education programs designed to address students' diverse learning needs and enhance student achievement through innovative methods and ideas.

The Board may establish and maintain alternative schools or separate class groups within a school in order to fulfill the objectives specified in Education Code 58500.

The parent/guardian of any student may request the Board to establish an alternative school or program. (Education Code 58502)

The Superintendent or designee may establish an advisory committee of staff and community members to evaluate proposals for alternative schools. The Board shall approve or disapprove proposals after considering the recommendation of the committee and the Superintendent or designee.

*(cf. 1220 - Citizen Advisory Committees)*

Alternative schools or class groups shall offer the Board-adopted core curriculum. With Board approval, the schools or programs may differ from ongoing programs in other ways that include, but are not limited to, the following:

1. They may emphasize a specific element of the approved curriculum.
2. They may present the approved curriculum in a sequence different from that used in other district programs.
3. Their staff may emphasize specific instructional strategies.
4. The decision-making process for their governance may differ from the processes used in other programs.

Alternative schools shall comply with state and federal law and Board policy regarding nondiscrimination in district programs.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

The Superintendent or designee shall annually evaluate alternative schools in accordance with law. (Education Code 58510)

He/she shall report the evaluation results to the Board.

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*

**ALTERNATIVE SCHOOLS** (continued)

*Legal Reference:*

EDUCATION CODE

35160.5 *Intradistrict open enrollment*

52900-52904 *Alternative education and work centers for school dropouts*

58500-58512 *Alternative schools*

60850-60856 *High school exit examination*

CODE OF REGULATIONS, TITLE 5

11705 *Charter schools as alternative schools*

*Management Resources:*

WEB SITES

CDE: [www.cde.ca.gov](http://www.cde.ca.gov)

**ALTERNATIVE SCHOOLS**

**Notifications**

At the beginning of each school year, the "Notice of Alternative Schools" shall be sent to all parents/guardians as set forth in Education Code 58501. During the entire month of March of each year, a copy of this notice shall be posted at each school in at least two places normally visible to students, teachers and visiting parents/guardians. (Education Code 58501)

*(cf. 5145.6 - Parental Notifications)*

Copies of Education Code 58500-58512, providing for alternative schools, shall be placed in the district office and in the principal's office at each school and shall be made available to any interested parent/guardian, teacher or student. (Education Code 58501)

**Proposals**

All proposals for the establishment of an alternative school or class group shall:

1. Address district program goals and academic standards

*(cf. 0200 - Goals for the School District)*

*(cf. 6010 - Goals and Objectives)*

*(cf. 6011 - Academic Standards)*

2. Demonstrate that the number of students interested in enrolling in the alternative school is sufficient to meet desired student/teacher staffing ratios

*(cf. 6151 - Class Size)*

3. Demonstrate that teachers are willing to work within the program

4. Demonstrate that the proposed operational plan conforms with district timelines and makes equitable use of district staff, facilities and resources

5. Provide a statement of the specific anticipated costs of implementing the proposal as well as funding sources, including outside funding sources and/or district support

6. Include a comprehensive plan for a yearly evaluation of the program to be carried out by the district

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*

## **ALTERNATIVE SCHOOLS** (continued)

### **Enrollment**

Students enrolled in alternative schools shall be selected entirely from volunteers. (Education Code 58503)

The district may establish alternative schools in each attendance area and/or on a districtwide basis, with enrollment open to all students districtwide. (Education Code 58505)

*(cf. 5116.1 - Intradistrict Open Enrollment)*

Previous classroom performance shall not be a criterion limiting any student from the opportunity to attend an alternative school. (Education Code 58504)

When an alternative class group is established within a school, the Superintendent or designee shall ensure that students currently enrolled in the school will not be displaced.

A parent/guardian may request that a student's enrollment in an alternative school be rescinded at any time. Such requests shall be effective at the end of the school year in which they are received unless an earlier date is agreed upon by the principals of the schools involved or by the principal and teachers of the class groups involved.

### **Operations**

The district shall maintain and fund alternative schools at the same level of support as other district educational programs for students of the same age level. (Education Code 58507)

Teachers employed in alternative schools shall be selected entirely from volunteers. (Education Code 58503)

Students who have satisfactorily completed the prescribed course of study in a district alternative school and have passed the state high school exit examination shall be awarded a diploma.

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6162.5 - Student Assessment)*

Students enrolled in alternative schools may be eligible for district transportation in the same manner as students attending other district schools.

*(cf. 3250 - Transportation Fees)*

*(cf. 3540 - Transportation)*



**ALTERNATIVE SCHOOLS** (continued)

**Program Evaluation**

The Superintendent or designee shall conduct an annual evaluation of alternative schools which includes testing of basic skills for student participants and which identifies the variables that may have affected student academic achievement. The evaluation process shall include input from teachers, parents/guardians and students from the alternative school. Evaluation reports shall be sent for review, by August 1, to the Superintendent of Public Instruction. (Education Code 58510)

**OPPORTUNITY SCHOOL/CLASS/PROGRAM**

The Board of Trustees shall maintain an opportunity school, class or program to assist students who are, or who are in danger of becoming, insubordinate or disorderly, irregular in attendance, or habitual truants. The purpose of the opportunity school, class or program shall be to help such students resolve their problems in order to be maintained in regular classes or returned to regular classes or schools as soon as practicable.

- (cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*
- (cf. 5113 - Absences and Excuses)*
- (cf. 5113.1 - Truancy)*
- (cf. 5131 - Conduct)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1- Suspension and Expulsion/Due Process)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*
- (cf. 5147 - Dropout Prevention)*
- (cf. 5149 - At-Risk Students)*
- (cf. 6181 - Alternative Schools)*
- (cf. 6184 - Continuation Education)*

Students in grades 1 through 12 may be assigned to an opportunity school, class or program in accordance with law.

The opportunity school, class or program shall provide instruction and services designed to meet the needs of enrolled students.

- (cf. 1020 - Youth Services)*
- (cf. 6164.2 - Guidance/Counseling Services)*
- (cf. 6164.5 - Student Success Teams)*

Students who have satisfactorily completed the prescribed course of study in the district's opportunity school and have passed the state high school exit examination shall be awarded a diploma.

- (cf. 5127 - Graduation Ceremonies and Activities)*
- (cf. 6146.1 - High School Graduation Requirements)*
- (cf. 6146.11 - Alternative Credits Toward Graduation)*
- (cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

*Legal Reference:*

- EDUCATION CODE**
- 48630-48641 Opportunity schools, classes and programs*
- 48643-48644.5 Reimbursement for opportunity school students in grades 7-9*
- 60850-60856 High school exit examination*

**OPPORTUNITY SCHOOL/CLASS/PROGRAM**

Before assigning a student to an opportunity school, class or program, the student and his/her parent/guardian shall be notified in writing of the intended assignment. Insofar as practicable, the notice shall be in the parent/guardian's primary language and shall request the parent/guardian to respond within 10 days. If the parent/guardian does not respond, the Superintendent or designee shall make a reasonable effort to contact him/her by telephone to directly communicate the information contained in the written notice. (Education Code 48637.1)

*(cf. 5145.6 - Parental Notifications)*

Students shall be assigned to an opportunity school, class or program only upon the recommendation of a school committee which includes, but is not necessarily limited to, the following members: (Education Code 48637.2)

1. A district representative who is familiar with the student's progress
2. A representative of the opportunity school, class or program
3. The student's parent/guardian, at the parent/guardian's option

The parent/guardian may designate a representative such as a counselor, social worker or other community member to attend the committee meeting. (Education Code 48637.2)

At least twice each school year, a review shall be conducted to examine the progress of each student assigned to an opportunity school, class or program and to determine whether the student would benefit by returning to regular school or classes. A representative of the opportunity school, class or program who is familiar with the student's progress shall participate in the review, as shall the student's parent/guardian if he/she so desires. (Education Code 48637.3)

If a student is a habitual truant, irregular in attendance, or insubordinate or disorderly while assigned to an opportunity school, class or program, the Superintendent or designee may refer the student to a school attendance review board in the county. (Education Code 48638)

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

**HOME AND HOSPITAL INSTRUCTION**

A student with a temporary disability which makes school attendance impossible or inadvisable shall receive individual instruction in the student's home or in a hospital or other residential health facility, excluding state hospitals. This instruction applies to students incurring a physical, mental or emotional disability after which they can reasonably be expected to return to regular day classes or an alternative education program without special intervention. It does not apply to students identified as individuals with exceptional needs pursuant to Education Code 56026. (Education Code 48206.3)

*(cf. 6158 - Independent Study)*

*(cf. 6164.4 - Identification of Individuals for Special Education)*

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

The district shall offer at least one hour of instruction for every day of instruction offered by the district in the regular education program. No student shall be credited with more than five days of attendance per calendar week or credited with more than the total number of calendar days that regular classes are offered by the district in any fiscal year. (Education Code 48200, 48206.3)

Insofar as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program.

The Superintendent or designee may require verification through any reasonable means that the student requires home instruction. In addition, this verification shall also state that the disabling condition will not expose the teacher to a contagious disease that can be transmitted through casual contact. Home or hospital instruction shall not be denied to students with Hepatitis B, herpes or HIV/AIDS, as long as the home or hospital practices current preventive protocol as determined by the U.S. Centers for Disease Control.

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

*(cf. 5112.2 - Exclusions from Attendance)*

*(cf. 5141.22 - Infectious Diseases)*

**Nondistrict Students**

A student of another district who is temporarily disabled and confined to a hospital or health facility within this district shall be eligible to receive individual instruction in this district. (Education Code 48207)

**HOME AND HOSPITAL INSTRUCTION** (continued)

In such circumstances, it is the responsibility of the parent/guardian to notify the district of the student's presence in a qualifying hospital. (Education Code 48208)

Upon receiving such notification, the Superintendent or designee shall: (Education Code 48208)

1. Within five working days of the notification, determine whether the student is able to receive individualized instruction and, if so, when it shall begin. Instruction shall begin no later than five working days after the Superintendent or designee has determined that the student is able to receive individualized instruction.
2. Within five working days of the beginning of the individualized instruction, the Superintendent or designee shall provide written notification to the district in which the student was previously enrolled stating that the student shall not be counted by that district for purposes of computing average daily attendance, effective the date on which individualized instruction began.

Alternatively, the Superintendent or designee may enter into an agreement with the district in which the student was previously enrolled to have that district provide the individualized instruction. (Education Code 48208)

**Parental Notifications**

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians that: (Education Code 48208, 48980)

1. Individual instruction is available for temporarily disabled students as prescribed by Education Code 48206.3.
2. If a student becomes temporarily disabled, it is the parent/guardian's responsibility to notify the receiving district of the student's presence in a qualifying hospital.

*(cf. 5145.6 - Parental Notifications)*

*Legal Reference: (see next page)*

**HOME AND HOSPITAL INSTRUCTION (continued)**

*Legal Reference:*

EDUCATION CODE

44865 *Qualifications for home teachers*

45031 *Home teachers*

48200 *Minimum school day*

48206.3 *Pupils with temporary disabilities; individual instruction; definitions; computing average daily attendance*

48206.5 *Continuation of individual instruction programs for students with temp. disabilities*

48207 *Pupils with temporary disabilities in hospitals out- side of school district; compliance with residency requirements*

48208 *Presence of pupils with temporary disabilities in qualifying hospitals; notice by parents or guardians; commencement of individualized instruction*

48980 *Required notification of rights and availability of nutrition and individualized instruction programs*

51800-51802 *Employment of home teachers*

CODE OF REGULATIONS, TITLE 5

421 *Method of verification*

423 *Prolonged illness*

**CONTINUATION EDUCATION**

The Board of Trustees shall provide a continuation education program to meet the educational needs of district students who are not attending a high school or other appropriate educational institution and who are not legally exempted from compulsory continuation school attendance.

*(cf. 0420.4 - Charter Schools)*  
*(cf. 5112.1 - Exemptions from Attendance)*  
*(cf. 6030 - Integrated Academic and Vocational Instruction)*  
*(cf. 6158 - Independent Study)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6178 - Vocational Education)*  
*(cf. 6178.1 - Work Experience Education)*  
*(cf. 6181 - Alternative Schools)*  
*(cf. 6182 - Opportunity School/Class/Program)*  
*(cf. 6183 - Home and Hospital Instruction)*  
*(cf. 6185 - Community Day School)*

The Board shall establish a plan to coordinate instruction and training in the school with the home, employment and other agencies and shall designate one or more persons as coordinators. (5 CCR 11003)

The Superintendent or designee shall develop administrative regulations governing the involuntary transfer of students into the continuation education program. (Education Code 48432.5)

The Superintendent or designee may allow the voluntary enrollment of students in the continuation education program as space permits and when it is determined to be in the best interests of the student.

Minors otherwise subject to compulsory attendance in continuation education classes may be exempted if they meet any of the conditions specified in Education Code 48410.

*(cf. 5112.1 - Exemptions from Attendance)*

The Board may maintain continuation classes during the district's regular school hours, during special school hours for these classes established by the Board, or during such hours and for such length of time during the day or evening that adult education classes are maintained. (Education Code 48434)

*(cf. 6112 - School Day)*  
*(cf. 6200 - Adult Education)*

**CONTINUATION EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

48400-48454 *Compulsory continuation education in general, especially:*

48401 *Weekly minimum attendance requirement*

48402 *Minors not regularly employed*

48410-48416 *Compulsory continuation education*

48430-48438 *Continuation classes*

48450-48454 *Violation*

48900 *Grounds for suspension and expulsion*

48903 *Limitations on days of suspension*

51224 *Courses of study*

51225.3 *Requirements for graduation*

60850-60856 *High school exit examination*

FAMILY CODE

7000-7002 *Emancipation of minors law*

7050 *Purposes for which emancipated minor considered an adult*

CODE OF REGULATIONS, TITLE 5

11000-11010 *Continuation education*

*Management Resources:*

WEB SITES

CDE: [www.cde.ca.gov](http://www.cde.ca.gov)



**CONTINUATION EDUCATION**

**Program Components**

The curriculum offered by the continuation high school shall enable students to meet requirements for high school graduation prescribed in Education Code 51224-51225. (5 CCR 11004)

*(cf. 6146.1 - High School Graduation Requirements)*

In order to receive a high school diploma, students in continuation education must pass the high school exit examination. (Education Code 60850)

*(cf. 6162.5 - Student Assessment)*

Instruction in continuation education classes shall be based on individual needs as determined by the findings of the counseling and coordination services. (5 CCR 11002)

The Superintendent or designee shall provide to all minors in the district subject to compulsory continuation education a program that includes: (Education Code 48431; 5 CCR 11001)

1. Personal guidance

*(cf. 6164.2 - Guidance/Counseling Services)*

2. Occupational guidance

3. Placement in suitable employment whenever the student can benefit from such employment

*(cf. 5113.2 - Work Permits)*

*(cf. 6178.1 - Work Experience Education)*

4. Follow-up services including:

- a. Visitations at places of employment to determine the effectiveness of the guidance and placement services
- b. Regular home contacts and parent conferences when students are not succeeding in the continuation program

*(cf. 6020 - Parent Involvement)*

- c. Regular contacts with students enrolled for only four hours per week and all students suspended from continuation education with the intent of eventually returning them to the full-time continuation education program

## **CONTINUATION EDUCATION (continued)**

The continuation high school shall be conducted for not less than 175 days during a school year. (5 CCR 11004)

### **Program Administration**

The director of continuation education shall be responsible for the organization and administration of the district's continuation education program and guidance, placement and follow-up. (5 CCR 11000)

### **Involuntary Transfer**

Students eligible for continuation education classes shall be age 16 or 17 at the time of their enrollment and shall not have graduated from high school. (Education Code 48400, 48413)

A decision to transfer a student involuntarily into continuation education classes shall be based on a finding that the student meets either of the following conditions: (Education Code 48432.5)

1. The student committed an act enumerated in Education Code 48900.

Involuntary transfer to a continuation school shall be made only when other means fail to bring about student improvement. However, a student may be involuntarily transferred the first time he/she commits an act enumerated in Education Code 48900 if the principal determines that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48432.5)

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

2. The student has been habitually truant or irregular in legally required school attendance.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

Prior to an involuntary transfer, the student and parent/guardian shall be given written notice that they may request a meeting with the Superintendent or designee. (Education Code 48432.5)

*(cf. 5145.6 - Parental Notifications)*

## **CONTINUATION EDUCATION (continued)**

At the meeting, the student or parent/guardian shall be informed of the specific facts and reasons for the proposed transfer. The student or parent/guardian shall have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the student's behalf. The student may designate one or more representatives and witnesses to be present with him/her at the meeting. (Education Code 48432.5)

A written decision to transfer, stating the facts and reasons for the decision, shall be sent to the student and parent/guardian. It shall indicate whether the decision is subject to periodic review and the procedure for such review. (Education Code 48432.5)

The persons making the final decision for involuntary transfer shall not be members of the staff of the school in which the student is enrolled at the time. (Education Code 48432.5)

No involuntary transfer to a continuation school shall extend beyond the end of the semester following the semester when the acts leading to the involuntary transfer occurred. (Education Code 48432.5)

However, at the request of a student or parent/guardian, the Superintendent or designee shall conduct an annual review of the involuntary transfer.

### **Voluntary Enrollment**

With the consent of the Superintendent or designee, a student may voluntarily enroll in continuation classes in order to receive special attention such as individualized instruction. Students so enrolled may return to the regular high school at the beginning of the following school year, or at any time the Superintendent or designee gives consent. (Education Code 48432.5)

### **Reenrollment**

Any person age 16 or 17 who left school after obtaining a certificate of proficiency may reenroll in the district without prejudice. If the student leaves a second time, the Superintendent or designee may deny reenrollment until the beginning of the next semester. (Education Code 48414)

### **Minimum Attendance Requirement**

Each student in the continuation education program shall attend classes for not less than four 60-minute hours per week for the regular school term. The requirement may be met by attendance in a continuation education class and/or regional occupational center or program. (Education Code 48400)

**CONTINUATION EDUCATION** (continued)

If a student subject to compulsory attendance in continuation education classes cannot give satisfactory proof of regular employment, the student shall attend continuation education classes and/or a regional occupational center or program for not less than 15 hours per week during the period of unemployment. (Education Code 48402)

**COMMUNITY DAY SCHOOL**

The Board of Trustees recognizes the need to provide an appropriate alternative educational program for expelled students who are prohibited from attending regular schools in the district and for certain students referred by probation or district processes. The district shall operate one or more community day schools designed to meet the needs of these students. The Superintendent or designee shall ensure that any such school is operated in accordance with legal requirements related to enrollment, instructional time and facilities.

The Board perceives the community day school as a flexible component of a comprehensive effort to meet the needs of expelled and other at-risk students throughout the county. The Superintendent or designee shall solicit input from the County Superintendent of Schools and neighboring districts when designing the district community day school and shall collaborate with them in fulfilling countywide needs.

In order to foster positive attitudes and academic progress, the Board recognizes that community day schools must give students substantial individual help with their problems. Community day school staff shall collaborate with district counselors, psychologists, and other support staff and with the county office of education, law enforcement, probation, and human services agency staff who work with at-risk youth. To the extent possible, community day school programs shall provide a low student-teacher ratio as well as individualized instruction and assessment.

*(cf. 1020 - Youth Services)*

*(cf. 5149 - At-Risk Students)*

*(cf. 6164.2 - Guidance/Counseling Services)*

The Superintendent or designee shall establish procedures for the involuntary transfer of students to a community day school in accordance with law and administrative regulation.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

The Superintendent or designee may require community day school students to attend school for up to seven days each week in a directed program designed to provide students with the skills and attitudes necessary for success when they are returned to a regular school environment.

*Legal Reference: (see next page)*

**COMMUNITY DAY SCHOOL (continued)**

*Legal Reference:*

EDUCATION CODE

1980-1986 County community schools

17085-17096 Emergency portable facilities

17280-17316 Field Act, approvals

17365-17374 Field Act, fitness of occupancy

48660-48666 Community day schools

48900-48926 Suspension or expulsion

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

*Management Resources:*

CDE PROGRAM ADVISORIES

0306.96 Expulsion Policies and Expulsion Placements, SPB: 95/96-04

WEB SITES

CDE, Educational Options Office: <http://www.cde.ca.gov/spbranch/essdiv/edoptshome.html>

**COMMUNITY DAY SCHOOL**

**Involuntary Transfer**

A student may be assigned to a community day school only upon meeting one or more of the following conditions: (Education Code 48662)

1. The student is expelled for any reason.

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

2. The student is probation-referred pursuant to Welfare and Institutions Code 300 and/or 602.
3. The student is referred by a school attendance review board (SARB) or other district-level referral process.

The first priority for assignment to a community day school shall be given to students expelled pursuant to Education Code 48915(d). Second priority shall be given to students expelled for other reasons, and third priority shall be given to students referred according to item #2 or #3 above. These priorities are applicable unless the district has an agreement that the County Superintendent of Schools shall serve any of the above students. (Education Code 48662)

In the case of any student who has been identified as eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973, assignment to a community day school shall be first approved by the student's Individualized Education Program (IEP) team or school site committee (e.g., student study team) as required by law.

*(cf. 5144.2 - Suspension and Expulsion (Students with Disabilities))*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

*(cf. 6164.6 - Identification and Education under Section 504)*

At least 10 calendar days prior to the involuntary transfer of a student as a result of a district-level referral process, the Superintendent or designee shall provide written notice of the transfer to the student's parent/guardian or to the adult student age 18 or older. The notice shall contain a statement of the facts and circumstances upon which the transfer is based, its duration, and the conditions for readmission. The notice shall advise the student's parent/guardian or adult student of the opportunity to inspect and obtain copies of all documents supporting the transfer. In addition, the notice shall also state that the parent/guardian or adult student has five school days to request a meeting with the Superintendent or designee to discuss the transfer.

## **COMMUNITY DAY SCHOOL** (continued)

If the Superintendent designates an individual to represent the district at the meeting, the individual so designated shall not be a member of the staff of the school at which the student is currently enrolled.

At the meeting, the reason for the transfer shall be reviewed with the parent/guardian or adult student and the parent/guardian or adult student may present evidence on the student's behalf.

The Superintendent or designee shall send the parent/guardian or adult student written notice of the decision to transfer or not transfer within three school days of the meeting.

If the parent/guardian or adult student desires to appeal the Superintendent's decision to the Board, he/she shall file written notice of the intent to appeal within five school days of receiving the decision. The Board shall determine whether or not to hear the appeal within 15 calendar days. If the Board desires to hear the appeal, the Board shall decide the appeal within 30 calendar days of receipt of the notice of the appeal. The Board's decision shall be final.

### **Instruction**

Academic programs offered in the community day school shall be comparable to those available to students of a similar age in the school district. (Education Code 48663)

The minimum school day for community day school students shall be 360 minutes of classroom instruction provided by a certificated employee of the district reporting attendance for apportionment purposes. Independent study shall not be used as a means of providing any part of this minimum day. (Education Code 48663)

*(cf. 6158 - Independent Study)*

### **Facilities**

To house community day school operations, the district shall do one or more of the following: (Education Code 17292.5)

1. Use available school facilities conforming with Field Act requirements
2. Apply for emergency portable classrooms pursuant to Education Code 17085-17096.
3. Upon certifying to the State Allocation Board that all reasonable efforts have been made to use facilities that conform with the Field Act requirements of item #1 above, enter into lease agreements for facilities for which a structural engineer has submitted a report stating that substantial structural hazards do not exist.



**COMMUNITY DAY SCHOOL** (continued)

Every three years, the Superintendent or designee shall report to the State Allocation Board on the facilities used for the district's community day programs and efforts to place these programs in facilities that conform with the requirements of item #1 above. (Education Code 17292.5)

**Location of the School Site**

A district desiring to operate a community day school to serve any of grades K-6, but no higher grades, may situate the community day school on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity or continuation school when the Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school in those grades. (Education Code 48661)

A district with 2,500 ADA or less, may situate a community day school on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school when the Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school. (Education Code 48661)

Such Board certifications shall be valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the Board. (Education Code 48661)

**EVALUATION OF THE INSTRUCTIONAL PROGRAM**

The Board of Trustees recognizes that it is accountable to the students, parents/guardians and community for conducting a continual evaluation of the curriculum and the instructional program.

*(cf. 0500 - Accountability)*  
*(cf. 6000 - Concepts and Roles)*  
*(cf. 6010 - Goals and Objectives)*  
*(cf. 9000 - Role of the Board)*

The Superintendent or designee shall review the effectiveness of district programs in meeting desired outcomes. He/she shall provide the Board and the community with regular reports on student progress toward Board-established standards of expected achievement at each grade level in each area of study. Based on these evaluations, the Board shall take appropriate actions to maintain the effectiveness of programs and, as needed, to improve the quality of education that district students receive.

*(cf. 0510 - School Accountability Report Card)*  
*(cf. 6011 - Academic Standards)*

**Coordinated Compliance Reviews**

The Superintendent or designee shall cooperate with the California Department of Education in the conduct of coordinated compliance reviews to ensure that all district categorical programs comply with federal and state laws and regulations. The Superintendent or designee shall notify the Board of the results of these reviews.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0420.1 - School-Based Program Coordination)*  
*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 6171 - Title I Programs)*  
*(cf. 6172 - Gifted and Talented Student Program)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 6178 - Vocational Education)*  
*(cf. 6178.1 - Work Experience Education)*  
*(cf. 6179 - Child Care and Development Programs)*

**Evaluation of Consolidated Programs**

The Superintendent or designee shall conduct annual evaluations to determine whether the district's consolidated programs are supportive of the core curriculum and are effective in meeting the needs of the students they are intended to serve. As a basis for this evaluation, the Superintendent or designee shall recommend specific, measurable criteria that shall be used at each school and at the district level. These criteria shall include, but not necessarily be limited to, progress toward goals contained in the school plan and progress of the total student population and each numerically significant subgroup toward growth targets on the statewide Academic Performance Index.

## **EVALUATION OF THE INSTRUCTIONAL PROGRAM** (continued)

The Superintendent or designee shall submit the recommended criteria for approval by the Board. Evaluations conducted for each school shall be presented annually to the Board.

### **Western Association of Schools and Colleges (WASC) Accreditation**

The Board believes that accreditation by the Western Association of Schools and Colleges (WASC) can foster excellence and ongoing academic improvement in the district's schools. The accreditation process also may demonstrate to parents/guardians and the community that the schools are meeting their goals and objectives and the WASC criteria for school effectiveness through a viable instructional program.

The Superintendent or designee shall undertake procedures whereby the district's schools may achieve and maintain full WASC accreditation status. The schools shall conduct a self-study in accordance with WASC requirements, cooperate with the WASC committee during a site visit, and develop and review action plans to increase the effectiveness of the instructional program for students. The Superintendent or designee shall regularly report to the Board on the status of district schools and any WASC recommendations for school improvement.

If any district school loses its accreditation status, the Board shall give official notice at a regularly scheduled Board meeting. The Superintendent or designee shall provide written notification to each parent/guardian of a student in the school that the school has lost its accreditation status, including the potential consequences of the loss of accreditation status. (Education Code 35178.4)

*(cf. 5145.6 - Parental Notifications)*

*Legal Reference: (see next page)*

**EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)**

*Legal Reference:*

EDUCATION CODE

- 33400-33407 Educational evaluations (by CDE)
  - 35178.4 Notice of loss of accreditation status
  - 44662 Evaluation and assessment guidelines
  - 51041 Education program, evaluation and revisions
  - 51226 Model curriculum standards
  - 52034 Evaluations required for School Improvement Program
  - 54650-54659 Education Improvement Incentive Program
  - 62005.5 Failure to comply with purposes of funds
  - 64000-64001 Consolidated application process
- CODE OF REGULATIONS, TITLE 5
- 3930-3937 Program requirements
  - 3942 Continuity of funding

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Leadership: Curriculum, 1996*

CDE PUBLICATIONS

*Update on the Status of Program Quality Review and Implementation of SB 374, Nov. 14, 2001*

WEB SITES

CSBA: <http://www.csba.org>

CDE, School and District Accountability Division: <http://www.cde.ca.gov/ccpdiv>

WASC, Accrediting Commission for Schools: <http://www.acswasc.org>

**ADULT EDUCATION**

The Board of Trustees recognizes that education is a lifelong process and that it is important for individuals to continuously develop new skills.

The district may participate in the adult education program administered by the county office of education. Students enrolled in this program shall be under the immediate supervision of a certificated district employee.

*Legal Reference:*

EDUCATION CODE

- 8500-8538 Adult education
- 41975-41976.2 Adult education; authorized classes and courses
- 44865 Qualifications for home teachers and teachers in special classes
- 46190-46192 Adult school; days of attendance
- 46300.4 Independent study in adult education
- 46351-46352 Adult classes
- 51040 Prescribed courses
- 51225.3 Requirements for graduation
- 51241-51246 Exemptions from attendance
- 51730-51732 Elementary school special day and evening classes
- 51810-51815 Community service classes
- 51938 Parental excuse from sexual education or HIV/AIDS prevention education
- 52500-52523 Adult schools
- 52530-52531 Use of hospitals
- 52540-52544 Adult English classes
- 52550-52556 Classes in citizenship
- 52570-52572 Disabled adults
- 52610-52616.24 Finances
- 52651-52656 Immigrant Workforce Preparation Act
- 52900-52904 Alternative education and work centers for high school dropouts
- 60410 Books for adult classes
- CODE OF REGULATIONS, TITLE 5
- 10501 Adult education
- 10508 Records and reports
- 10530-10560 Standards
- 10600-10615 Adult education innovation
- UNITED STATES CODE, TITLE 8
- 1184 Foreign students

*Management Resources:*

CDE PUBLICATIONS

*Adult Education Handbook for California, 1997*

CDE LEGAL ADVISORIES

0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97

CDE PROGRAM ADVISORIES

0600.92 Using Independent Study in Adult Education Programs: An Option

0609.88 Education Fees for F-1 Visa Students

0622.87 Discrimination Against the Handicapped in Adult Education Programs

**ADULT EDUCATION**

As available, adult education programs, courses and classes and their enrollment period shall be listed in the district's catalog of adult education classes provided to the public. (Education Code 52523)

**Enrollment**

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period. (Education Code 52523)

For purposes of these programs, "adults" include persons age 18 or older or other persons not concurrently enrolled in a regular high school program. (Education Code 52610)

Students possessing or seeking an F-1 visa designation shall not be enrolled in district adult school programs. Students currently enrolled with an F-1 visa designation shall continue to be eligible for enrollment in district adult schools until their visas expire or until they leave the United States. (8 USC 1184)

*(cf. 5111.2 - Nonresident Foreign Students)*

**Concurrent Enrollment of High School Students**

High school students shall be permitted to enroll in an adult education program, course or class for sound educational purposes. Such classes shall supplement and not supplant the regular high school curriculum. Sound educational purposes include, but are not limited to, the following: (Education Code 52523)

1. The adult education program, course or class is not offered in the regular high school curriculum.
2. The student needs the adult education program, course or class in order to make up deficient credits for graduation from high school.
3. The adult education program, course or class allows the student to gain vocational and technical skills beyond that provided by the regular high school's vocational and technical education program.

*(cf. 6178 - Vocational Education)*

4. The adult education program, course or class supplements and enriches the high school student's educational experience.

High school students are expected to enroll in regular high school classes before seeking admission to any similar classes offered in the adult education program. A failed course, however, may be repeated through adult education.

**ADULT EDUCATION** (continued)

Before enrolling in an adult education class, the high school student shall complete a counseling session that includes his/her parent/guardian and a certificated representative of the high school. The certificated high school representative shall ensure that the student's school record includes written documentation of the meeting and both of the following statements: (Education Code 52500.1, 52523)

1. That the student is enrolling voluntarily in the adult education class
2. That this enrollment will enhance the student's progress toward meeting educational requirements for high school graduation

The above statement shall be signed by the student, the parent/guardian and the certificated high school representative.

*(cf. 6164.2 - Guidance/Counseling Services)*

**Courses**

A proposed adult education class shall have an educational purpose and meet the following criteria required for approval by the California Department of Education:

1. The class shall be located in a facility which clearly identifies the class as being open to the general public, with the exception of apprenticeship training classes, classes designed to serve the needs of disabled adults, classes in state hospitals and classes in jails and prisons. (Education Code 52517, 52570)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

2. Class time shall be devoted to instruction.
3. Course content shall be educational and intended to teach a skill or knowledge unrelated to repetitive practices.
4. The course title shall clearly indicate its educational nature.

When available, adult education classes or courses shall offer instruction in one or more of the following categories: (Education Code 41976)

1. Parenting, including parent cooperative preschools, classes in child growth and development, and parent-child relationships
2. Elementary and secondary basic skills and other courses and classes required for the high school diploma

**ADULT EDUCATION** (continued)

3. English as a second language (ESL)
4. Programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making and problem solving, and other classes required for preparation to participate in job-specific technical training
5. Programs for substantially disabled persons
6. Short-term vocational programs with high employment potential
7. Programs for older adults
8. Programs for apprentices
9. Home economics
10. Health and safety education

Classes for adults may be offered any day or evening, including weekends, for such length of time during the school year as determined by the Board of Trustees. (Education Code 52505, 52513)

**Community Service Classes**

As part of the adult education program, the Board may establish and maintain community service classes to provide instruction that contributes to the physical, mental, moral, economic or civil development of any persons who may wish to enroll. (Education Code 51810)

Certificates of skill or accomplishment may be provided upon the satisfactory completion of community service classes. (Education Code 51813)

**Independent Study**

The Superintendent or designee may make independent study available as an instructional strategy for students enrolled in adult education as appropriate to meet their individual needs.

*(cf. 6158 - Independent Study)*

Participation in independent study shall be voluntary. (Education Code 51747)



## **ADULT EDUCATION** (continued)

For students 21 years of age or older, or students 19 years of age or older who have not been continuously enrolled in school since their 18th birthday, any course taken through independent study must be a course listed in Education Code 51225.3 or otherwise required by the Board as a prerequisite to receiving a diploma for high school graduation. (Education Code 46300.4)

*(cf. 6143 - Courses of Study)*

### **Fees**

The district may charge adult education students a registration fee for each adult education class, with the following exceptions:

1. No fee shall be charged for a class for which high school credit is granted if the class is taken by an individual who does not hold a high school diploma. (Education Code 52612)
2. No charge shall be made for a class in an elementary subject or a class in English or citizenship for foreigners unless the student is a nonimmigrant alien with an F-1 visa status. Any nonimmigrants enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged. (Education Code 52612, 52613)

Except for those fees required by law, at the recommendation of the Superintendent or designee, the payment of fees may be waived in cases of unusual hardship.

The Board may fix a charge, not to exceed costs, for books furnished to adult education students. In some cases books may be obtained from the district at cost or may be obtained on loan with the payment of a refundable deposit. In addition, materials purchased from the incidental expense account may be sold to adult school students for use in their classes. (Education Code 52615, 60410)

*(cf. 3260 - Fees and Charges)*

### **Graduation Requirements**

A certificate of completion of the eighth grade shall be awarded through the adult school upon successful completion of the following:

1. At least one term in the adult elementary program which includes reading, writing, arithmetic, spelling, current events, geography, California and U.S. history, civics and natural science

**ADULT EDUCATION** (continued)

2. Overall eighth-grade placement on a recognized standard achievement test
3. Successful passage of a district test in U.S. history and Constitution

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

*(cf. 6146.1 - High School Graduation Requirements)*