

CONCEPTS AND ROLES

The Board of Trustees shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The Board expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others.

(cf. 5113 - Absences and Excuses)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)

The Board is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The Board shall not tolerate the intimidation or harassment of any student for any reason.

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall establish and keep parents/guardians and students well informed about school and district rules and regulations related to attendance, health examinations, records, grades and student conduct. When conducting hearings related to discipline, attendance and other student matters, the Board shall afford students their due process rights in accordance with law.

(cf. 5125 - Student Records)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5145.6 - Parental Notifications)
(cf. 9000 - Role of the Board)

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts
35291-35291.5 Rules

PARENT RIGHTS AND RESPONSIBILITIES

The Board of Trustees recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

Legal Reference: (see next page)

PARENT RIGHTS AND RESPONSIBILITIES (continued)

Legal Reference:

EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

PARENT RIGHTS AND RESPONSIBILITIES

Parent/Guardian Rights

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled (Education Code 51101)

Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board of Trustees policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by parents/guardians, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. (Education Code 49091.10)

(cf. 3515.2 - Disruptions)

(cf. 6116 - Classroom Interruptions)

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal (Education Code 51101)
3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)
4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)

(cf. 5113 - Absences and Excuses)

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

(cf. 6174 - Education for English Language Learners)

PARENT RIGHTS AND RESPONSIBILITIES (continued)

6. To request a particular school for their child and to receive a response from the district (Education Code 51101)

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)

7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)
(cf. 5142 - Safety)

8. To examine the curriculum materials of the class(es) in which their child is enrolled (Education Code 51101; 20 USC 1232h)

Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, tapes and software. (Education Code 49091.10)

Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)

The school may charge an amount not to exceed the cost of duplication. (Education Code 49091.14)

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5124 - Communication with Parents/Guardians)

PARENT RIGHTS AND RESPONSIBILITIES (continued)

10. For parents/guardians of English learners, to support their child's advancement toward literacy (Education Code 51101.1)

The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)

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

11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts (Education Code 51101.1)

12. To have access to the school records of their child (Education Code 51101)

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (Education Code 51101)

(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

14. To be informed in advance about school rules, including disciplinary rules and procedures pursuant to Education Code 35291, attendance, retention and promotion policies pursuant to Education Code 48070.5, dress codes and procedures for visiting the school (Education Code 51101)

The District retains the right to allow for an immediate change in policies and rules if exigent or immediate circumstances exist that warrant such an immediate change.

(cf. 1250 - Visitors/Outsiders)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5132 - Dress and Grooming)
(cf. 5144 - Discipline)

15. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision. (Education Code 51101)

16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (Education Code 51101)

PARENT RIGHTS AND RESPONSIBILITIES (continued)

(cf. 5022 - Student and Family Privacy Rights)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information (Education Code 49091.18; 20 USC 1232h)
18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. (Education Code 51101.1)

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)
(cf. 0420.5 - School-Based Decision Making)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6171 - Title I Programs)
(cf. 6175 - Migrant Education Program)

19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)

(cf. 5125.3 - Challenging Student Records)

20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in, a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.3 - Health Examinations)

PARENT RIGHTS AND RESPONSIBILITIES (continued)

Parent Responsibilities

Parents/guardians may support the learning environment of their children by: (Education Code 51101)

1. Monitoring attendance of their children
2. Ensuring that homework is completed and turned in on time

(cf. 6154 - Homework/Makeup Work)

3. Encouraging their children to participate in extracurricular and cocurricular activities

(cf. 6145 - Extracurricular and Cocurricular Activities)

4. Monitoring and regulating the television viewed by their children

5. Working with their children at home in learning activities that extend the classroom learning

6. Volunteering in their children's classroom(s) or for other school activities

(cf. 1240 - Volunteer Assistance)

7. Participating in decisions related to the education of their own children or the total school program as appropriate

NONCUSTODIAL PARENTS

Noncustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the noncustodial parent. These rights include but are not limited to accessing his/her child's student records, participating in school activities and visiting the child at school. If a completed or pending legal action curtails the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the Superintendent or designee.

(cf. 5125 - Student Records)
(cf. 5142 - Safety)
(cf. 6020 - Parent Involvement)

Upon request, the district shall provide noncustodial parents with announcements and notices that are sent to the custodial parent.

While both parents can visit the child at school, only the custodial parent has the right to remove the child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision.

(cf. 5141 - Health Care and Emergencies)

In the event of an attempted violation of a court order that restricts access to a student, staff shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

Legal Reference:

EDUCATION CODE
49061 Definitions
49069 Absolute right to access
FAMILY CODE
3025 Parental access to records

STUDENT AND FAMILY PRIVACY RIGHTS

The Board of Trustees believes that personal information concerning district students and their families should be kept private in accordance with law.

- (cf. 0000 - Vision)*
- (cf. 0100 - Philosophy)*
- (cf. 0200 - Goals for the School District)*
- (cf. 5020 - Parent Rights and Responsibilities)*
- (cf. 5021 - Noncustodial Parents)*
- (cf. 5125 - Student Records)*
- (cf. 5125.1 - Release of Directory Information)*
- (cf. 6000 - Concepts and Roles)*
- (cf. 6162.8 - Research)*

The Superintendent or designee shall consult with parents/guardians regarding the development and adoption of this policy.

Collection of Personal Information for Marketing Purposes

The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

Legal Reference:

- EDUCATION CODE
- 49450-49457 Physical examinations*
- 49602 Confidentiality of pupil information*
- 51101 Parents Rights Act of 2002*
- 51513 Personal beliefs*
- 51938 Sexual Health And HIV/AIDS Prevention Education Act; notice and parental excuse*
- UNITED STATES CODE, TITLE 20
- 1232g Family Educational Rights and Privacy Act*
- 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/>*

STUDENT AND FAMILY PRIVACY RIGHTS

Definition

Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student participates in a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.8 - Research)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Exceptions to Collection of Personal Information

Any district restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

Parent/Guardian Access to Surveys and Instructional Materials

Before school staff administers a survey or evaluation containing personal information as identified above or distributes an instrument to a student for the purpose of collecting personal information for marketing, the student's parent/guardian may: (20 USC 1232h; Education Code 51938)

1. Upon request, inspect that survey or instrument before it is administered or distributed to his/her child or any instructional material used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time of receiving a request, the principal or designee shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

2. Refuse to allow his/her child to participate in the activity

Students whose parents/guardians exercise this option shall not be penalized by the district. (20 USC 1232h)

Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)

(cf. 5141.3 - Health Examinations)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation
3. The specific or approximate dates during the school year when the following activities are scheduled:
 - a. Survey requesting personal information
 - b. Physical exams or screenings

ADMISSION

The Board of Trustees believes that all children should have the opportunity to receive educational services. Staff shall encourage parents/guardians to enroll all school-aged children in school.

The Superintendent or designee shall maintain procedures which provide for the verification of all entrance requirements specified in law and in Board policies and regulations.

- (cf. 5111.1 - District Residency)*
- (cf. 5111.12 - Residency Based on Parent/Guardian Employment)*
- (cf. 5111.13 - Residency for Homeless Children)*
- (cf. 5119 - Students Expelled from Other Districts)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.31 - Immunizations)*

Legal Reference:

EDUCATION CODE

- 46600 Agreements for admission of pupils desiring interdistrict attendance*
- 48000 Minimum age of admission (kindergarten)*
- 48002 Evidence of minimum age required to enter kindergarten or first grade*
- 48010 Minimum age of admission (first grade)*
- 48011 Admission from kindergarten or other school; minimum age*
- 48050-48053 Nonresidents*
- 48200 Children between ages of 6 and 18 years (compulsory full-time education)*
- 48211 Habits and disease*
- 49076 Access to records by persons without written consent or under judicial order*
- 49408 Information of use in emergencies*

HEALTH AND SAFETY CODE

- 120325-120380 Education and child care facility immunization requirements*
- 121475-121520 Tuberculosis tests for pupils*

CODE OF REGULATIONS, TITLE 5

- 200 Promotion from kindergarten to first grade*
- 201 Admission to high school*

CODE OF REGULATIONS, TITLE 17

- 6000-6075 School attendance immunization requirements*

UNITED STATES CODE, TITLE 20

- 11431-11435 McKinney Homeless Assistance Act*

Management Resources:

CDE MANAGEMENT ADVISORIES

- 0900.90 Changes in law concerning eligibility for admission to kindergarten*

ADMISSION

Age of Admission

Proof of age shall be required of all enrolling students. The legal evidences of age, in order of desirability, are a birth certificate, baptismal certificate, passport, immigration certificate, Bible record, or affidavit from the parent/guardian.

A child who will reach the age of five on or before December 2 of the school year shall be eligible for enrollment in kindergarten at the beginning of that school year or at any later time in the same year. (Education Code 48000)

A child who will reach the age of five on or before December 2 of the school year shall be eligible for enrollment in the district pre-kindergarten summer program. (Education Code 48000)

A child who will have reached the age of six years on or before December 2 of the current school year shall be eligible for enrollment in the first grade. (Education Code 48010)

DISTRICT RESIDENCY

Criteria for Residency

A student shall be deemed to have complied with district residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside within district boundaries. (Education Code 48200)

(cf. 5111.13 - Residency for Homeless Children)
(cf. 6173 - Education for Homeless Children)

2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

(cf. 6173.1 - Education for Foster Youth)

3. The student has been admitted through the district's interdistrict attendance program. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a caregiving adult within district boundaries. (Education Code 48204)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

(cf. 6183 - Home and Hospital Instruction)

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

Proof of Residency

Prior to admission in district schools, students shall provide proof of residency.

(cf. 5111 - Admission)

DISTRICT RESIDENCY (continued)

The Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)

Upon enrollment of a student residing in the home of a caregiving adult within district boundaries, the caregiving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

(cf. 5141 - Health Care and Emergencies)

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts
2. Rent payment receipts
3. Utility service payment receipts
4. Declaration of residency executed by the student's parent/guardian

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine that the student meets legal residency requirements.

Safe at Home Program

When a victim of domestic violence or stalking participating in the Safe at Home Program presents an actual residence address to establish residency within district boundaries, the Superintendent or designee shall not include the actual address in the student's file or any other public record and shall instead use the substitute address designated by the Secretary of State for all future communications and correspondence. (Government Code 6207)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

Admission of Residents of Other States or Countries

The Superintendent or designee may, with the approval of the County Superintendent of Schools, admit a student living in an adjoining state contiguous with the district, as long as an agreement has been reached with the governing authority of the district in which the student resides and payment is made in accordance with law. (Education Code 48050)

DISTRICT RESIDENCY (continued)

A student whose actual and legal residence is in a foreign country adjacent to California, regardless of whether or not his/her parents/guardians are citizens of the United States, may be admitted to a district school provided that the student is otherwise eligible for admission to a California district and the student regularly returns within a 24-hour period to the foreign country. As a condition to admittance of such a student, the student's parent/guardian shall agree to pay the district reimbursement of costs in accordance with law. (Education Code 48051, 48052)

(cf. 5111.2 - Nonresident Foreign Students)

Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, within 10 school days, to schedule a meeting with a hearing officer to inspect supporting documents, rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. For good cause, the hearing officer may extend the meeting date for an additional 10 days to permit the parent/guardian to obtain required documentation.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked 11 school days after the date of the notice.

If the above meeting is held, the hearing officer shall prepare a written decision describing his/her findings. If the hearing officer's decision is upheld, the parent/guardian shall be informed of his/her right to appeal to the Board within 10 days.

A parent/guardian who appeals to the Board shall have the right to have a representative present and to rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. Except in cases where good cause is shown, the Board shall not reopen the record to consider evidence or argument which was not presented to the hearing officer. The student may continue to attend school during the period of the appeal. The Board's decision shall be final.

Legal Reference: (see next page)

DISTRICT RESIDENCY (continued)

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

48050-48054 Nonresidents

48200-48208 Persons included (compulsory education law)

48980 Notification of parent or guardian

52317 ROP, admission of persons including nonresidents to attendance area

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6211 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

UNCODIFIED STATUTES

AB 687, Ch. 309, Statutes of 1995

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:

CDE LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

WEB SITES

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

California Secretary of State, Safe at Home Program: <http://www.ss.ca.gov/safeathome>

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

District residency status may be granted to a student whose parent/guardian is employed within district boundaries. (Education Code 48204)

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance)

Applications for Admission

When applying for his/her child's admission to a district school based on employment, the parent/guardian shall provide proof of employment within district boundaries, such as a paycheck stub or letter from his/her employer.

The Board of Trustees may deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (Education Code 48204)
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan. (Education Code 48204)
3. The school facilities are overcrowded at the relevant grade level.
4. Other circumstances exist that are not arbitrary. (Education Code 48204)

The Superintendent or designee shall notify the parent/guardian in writing of the Board's decision to deny the student admission. The notice shall include specific reasons for the denial.

Students enrolled in the district on the basis of parent/guardian employment shall not be required to reapply for enrollment in subsequent school years. Such students may continue to attend school in the district through the highest grade provided by the district, if the parent/guardian so chooses and if one or both of the student's parents/guardians continue to be employed within district boundaries, subject to the restrictions specified in law related to excess costs and negative impact on desegregation plans. (Education Code 48204)

District Students Attending Other Districts Based on Parent/Guardian Employment

When a student's parents/guardians request a transfer to another district based on the parent/guardian's employment within that other district, the Board may deny the request if the percentage of district students admitted to other districts on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. A transfer may also be denied if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan. (Education Code 48204)

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT (continued)

The student's parent/guardian shall be notified in writing of the Board's decision to deny the transfer to the school district in which the parent/guardian's employer is situated. The notice shall include specific reasons for the denial.

Legal Reference:

EDUCATION CODE

48200-48204 Compulsory education law

ATTORNEY GENERAL OPINIONS

84 *Ops.Cal.Atty.Gen.* 198 (2001)

Management Resources:

WEB SITES

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

RESIDENCY FOR HOMELESS CHILDREN

Homeless students living in the district shall be admitted to district schools upon presentation of any of the following:

1. Hotel or motel receipts
2. A letter from a social service agency or homeless shelter verifying that the student lives within the district
3. An affidavit from the parent/guardian stating that the family lives within the district

A reasonable effort shall be made to secure an address, phone number and medical release from the parent/guardian when a student is placed in a classroom.

(cf. 5125 - Student Records)
(cf. 5141.31 - Immunizations)
(cf. 6173 - Education for Homeless Children)

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>
U.S. Department of Education: <http://www.ed.gov>
National Law Center on Homelessness and Poverty: <http://www.nlchp.org>

NONRESIDENT FOREIGN STUDENTS

Definitions

F-1 Visa Students: An F-1 visa student is a nonimmigrant visa category intended for use by nonresident aliens whose primary purpose for visiting the United States is to study at an academic school. (8 USC 1184)

J-1 Visa Students: A J-1 visa student is a nonimmigrant exchange student who has come to the United States to study for a specific period of time under the sponsorship of a government approved agency. (8 USC 1184)

(cf. 6145.6 - International Exchange)

Nonimmigrant foreign students may be admitted to the United States for a temporary stay for the purpose of study.

(cf. 5111.1 - District Residency)

F-1 Visa Students

On a case-by-case basis, students with or seeking an F-1 visa designation may be accepted for admission to district schools in grades 9-12.

(cf. 6200 - Adult Education)

In determining whether to admit the student, the Superintendent or designee shall consider whether the following conditions exist: (8 CFR 214.3, 22 CFR 41.61)

1. A suitable program exists at the school the student has selected
2. The student's English proficiency is sufficient for successful study at that school
3. Space is available
4. The student has provided proof of financial responsibility

In addition, the student shall also submit evidence that he/she has been fully immunized in accordance with California law.

(cf. 5141.31 - Immunizations)

A student shall be admitted for a maximum of one year. In addition, a student granted admission under this program shall pay the district the full, unsubsidized per-student cost of attendance at the secondary school. (8 USC 1184)

Legal Reference: (see next page)

NONRESIDENT FOREIGN STUDENTS (continued)

Legal Reference:

EDUCATION CODE

8050-48054 Nonresidents

UNITED STATES CODE, TITLE 8

1184 Foreign students

CODE OF FEDERAL REGULATIONS, TITLE 8

214.3 Petition for school approval

214.4 Withdrawal of school approval

CODE OF FEDERAL REGULATIONS, TITLE 22

41.61 Students; academic and nonacademic

Management Resources:

CDE LEGAL ADVISORIES

0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97

EXEMPTIONS FROM ATTENDANCE

Each child between the ages of 6 and 18 shall be subject to compulsory full-time education. (Education Code 48200)

However, the Board of Trustees may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student who is a disciplinary problem.

- (cf. 5111 - Admission)*
- (cf. 5112.2 - Exclusions from Attendance)*
- (cf. 5112.3 - Student Leave of Absence)*
- (cf. 5113.2 - Work Permits)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 6158 - Independent Study)*
- (cf. 6183 - Home and Hospital Instruction)*

Legal Reference:

EDUCATION CODE

- 33190 Affidavit by persons conducting private school instruction*
- 46113 Minimum schoolday for grades four through eight*
- 48200-48341 Compulsory education law*
- 48400-48454 Compulsory continuation education*
- 48800.5 Petition for enrollment as special full-time student*

LABOR CODE

- 1295.5 Employment of minors; performance of sports-attending services*
- 1390-1399 Employment of minors*

UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX, Discrimination*

UNITED STATES CODE, TITLE 29

- 794 Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 106.40 Marital or parental status*

COURT DECISIONS

- Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 342*

EXEMPTIONS FROM ATTENDANCE

A student may be exempted from full-time attendance in the district's regular education program if he/she:

1. Is being instructed in a private full-time school and the district attendance supervisor or designee verifies that the private school has filed an affidavit pursuant to Education Code 33190 (Education Code 48222, 48223)
2. Is being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year (Education Code 48224)
3. Holds a work permit to work temporarily in the entertainment or allied industry (Education Code 48225)

(cf. 5113.2 - Work Permits)

4. Holds a work permit and attends part-time classes (Education Code 48230)
5. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term (Education Code 48231)
6. Is at least 15 years old and is taking a leave of absence for up to one semester for the purpose of supervised travel and study (Education Code 48232)

(cf. 5112.3 - Student Leave of Absence)

7. Attends a community college as a special full-time student on the grounds that he/she would benefit from advanced scholastic or vocational work (Education Code 48800.5)

(cf. 6172 - Gifted and Talented Student Program)

A student may be exempted from full-time attendance in the district's continuation education program if he/she: (Education Code 48410)

1. Has graduated from a public or private high school maintaining a four-year course above the eighth grade
2. Has successfully demonstrated proficiency equal to or greater than standards established by the California Department of Education and has verified approval submitted by his/her parent/guardian

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

EXEMPTIONS FROM ATTENDANCE (continued)

3. Is attending a public or private full-time day school, or satisfactory part-time classes maintained by other agencies

4. Is attending adult school for not less than four hours per week

(cf. 6200 - Adult Education)

5. Is attending a regional occupation program or center pursuant to Education Code 48432

6. Is disqualified because of his/her physical or mental condition or because of personal services that must be rendered to his/her dependents

(cf. 5141.22 - Infectious Diseases)

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

(cf. 6158 - Independent Study)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

7. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term pursuant to Education Code 48231

EXCLUSIONS FROM ATTENDANCE

Students may be excluded from attendance at district schools if they:

1. Are under the legal age of attendance, except as otherwise provided by law. (Education Code 48210)

(cf. 5111 - Admission)

2. Do not present evidence of immunization from certain infectious diseases as required by law. A student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/guardian's religious beliefs. (Health and Safety Code 120335, 120365, 120370)

(cf. 5141.31 - Immunizations)

3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495, 121505)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.33 - Head Lice)

4. Are infected with any contagious or infectious disease. (Education Code 49451; 5 CCR 202)

(cf. 5141.22 - Infectious Diseases)

5. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided. (Health and Safety Code 120230)

6. Have not had the health screening, specified in Health and Safety Code 124040, before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

(cf. 5141.32 - Child Health and Disability Prevention Program)

Notifications to Parents/Guardians

Prior to excluding a student from attendance, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion.

EXCLUSIONS FROM ATTENDANCE (continued)

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded because: (Education Code 48213)

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

Appeals from Exclusion

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Board of Trustees.

The parent/guardian shall have an opportunity to inspect all documents upon which the district is basing its decision, to challenge any evidence and question any witness presented by the district, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

Legal Reference: (see next page)

EXCLUSIONS FROM ATTENDANCE (continued)

Legal Reference:

EDUCATION CODE

48210-48216 *Persons excluded*

49076 *Access to records by persons without written consent or under judicial order*

49408 *Information of use in emergencies*

49451 *Parent's refusal to consent*

HEALTH AND SAFETY CODE

120230 *Exclusion of persons from school*

120325-120380 *Educational and child care facility immunization requirements*

121475-121520 *Tuberculosis tests for students*

124025-124110 *Child Health and Disability Prevention Program*

CODE OF REGULATIONS, TITLE 5

202 *Exclusion of students with a contagious disease*

Management Resources:

WEB SITES

California Department of Health Services: <http://www.dhs.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

STUDENT LEAVE OF ABSENCE

Upon request, the Board of Trustees may grant student leaves of absence in accordance with law for the purpose of supervised travel, study, training, or work not available to the student under another educational option. Such leave may be granted to a student 15 years of age or older in the regular program and to a student between the ages of 16 and 18 in the continuation program.

No more than one percent of the students enrolled and attending a school shall be granted a leave of absence during any school year. (Education Code 48232, 48416)

(cf. 6158 - Independent Study)

(cf. 6184 - Continuation Education)

Legal Reference:

EDUCATION CODE

48232 *Leave of absence for students aged 15 at time of commencement of leave*

48416 *Leave of absence for students aged 16 to 18 inclusive*

FAMILY CODE

7000-7002 *Emancipation of minors law*

7050 *Purposes for which emancipated minor considered an adult*

STUDENT LEAVE OF ABSENCE

The Board of Trustees may grant a leave of absence to a student on request, under the following conditions:

1. The student will be 15 years of age at the start of the leave of absence and the leave requested is for one semester.

Continuation students between the ages of 16 and 18 inclusive may request leave for up to two semesters.

2. A written agreement shall be made and signed by the student, the parent/guardian, the principal or designee of the school the student would otherwise attend, a classroom teacher familiar with the student's academic progress and chosen by the student, and the district supervisor of child welfare and attendance. This agreement shall provide for:

- a. The purpose of the leave
- b. The length of the leave
- c. A meeting or contact between the student and a designated school official at least once a month while the student is on the leave
- d. A statement explaining and justifying the purpose of the leave

The parent/guardian's signature and approval shall not be required for an emancipated minor.

3. The student shall be permitted to return to school at any time and shall not be prevented from completing his/her academic requirements within a time period equal to that of classmates who did not take leave, plus the length of time spent on leave. If the student reenrolls at a time other than the beginning of a semester, the school shall not be required to provide make-up sessions for classes missed.
4. The leave may be extended for an additional semester if approved by all parties to the agreement and the local school attendance review board.
5. No leave of absence may extend beyond the end of the school year in which the leave is taken.
6. If the student does not contact the designated school official as required by the agreement, the leave shall be nullified. Any party to the agreement may nullify the agreement for cause at any time.

OPEN/CLOSED CAMPUS

In order to keep students in a supervised, safe and orderly environment, the Board of Trustees establishes a closed campus at all district schools.

Students shall not leave the school grounds at any time during the school day without written permission of their parents/guardians and school authorities. Students who leave school without authorization shall be classified truant and subject to disciplinary action.

(cf. 5113 - Absences and Excuses)

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus.

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

35160 Authority of the Board

35160.1 Broad authority of school district

44808.5 Permission for pupils to leave school grounds; notice

OPEN/CLOSED CAMPUS

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians about the open campus policy as required by law. (Education Code 44808.5)

(cf. 5145.6 - Parental Notifications)

The district, Board of Trustees members and district employees shall not be liable for the conduct and safety of students who leave school grounds during the lunch period. (Education Code 44808.5)

The principal of each high school shall be responsible for the annual preparation, implementation and evaluation of the school's open campus program.

The principal may revoke the open campus privilege to any or all students at any time. The principal shall submit a report to the Superintendent or designee indicating the nature and scope of the problem and a procedure for reviewing and resolving the problem.

The Superintendent shall notify the Board of any campus closure.

ABSENCES AND EXCUSES

The Board of Trustees believes that regular attendance plays an important role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5113.1 - Truancy)

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy and administration regulations. (Education Code 46010, 48216, 48205)

Inasmuch as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students, and to all students in grades 7 through 12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

(cf. 5145.6 - Parental Notifications)

Students in grades K-6 shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency. Students in grades 7-12 shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulations. (Education Code 46014)

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

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

(cf. 6154 - Homework/Makeup Work)

ABSENCES AND EXCUSES (continued)

Legal Reference:

EDUCATION CODE

1740 *Employment of personnel to supervise attendance (county superintendent)*

2550-2558.6 *Computation of revenue limits*

37201 *School month*

37223 *Weekend classes*

41601 *Reports of average daily attendance*

42238-42250.1 *Apportionments*

46000 *Records (attendance)*

46010-46014 *Absences*

46100-46119 *Attendance in kindergarten and elementary schools*

46140-46147 *Attendance in junior high and high schools*

48200-48208 *Children ages 6-18 (compulsory full-time attendance)*

48210-48216 *Exclusions from attendance*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48292 *Filing complaint against parent*

48320-48324 *School attendance review boards*

48340-48341 *Improvement of student attendance*

49067 *Unexcused absences as cause of failing grade*

ELECTIONS CODE

12302 *Student participation on precinct boards*

FAMILY CODE

6920-6929 *Consent by minor*

VEHICLE CODE

13202.7 *Driving privileges; minors; suspension or delay for habitual truancy*

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

420-421 *Record of verification of absence due to illness and other causes*

ATTORNEY GENERAL OPINIONS

66 *Ops. Cal. Atty. Gen. 245, 249 (1983)*

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

CDE MANAGEMENT ADVISORIES

0114.98 *School Attendance and CalWORKS, Management Bulletin 98-01*

CSBA ADVISORIES

0520.97 *Welfare Reform and Requirements for School Attendance*

WEB SITES

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

ABSENCES AND EXCUSES

Excused Absences

A student's absence shall be excused for the following reasons:

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic appointments (Education Code 48205)
4. Attendance at funeral services for a member of the immediate family (Education Code 48205)
 - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)
 - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any relative living in the student's immediate household. (Education Code 45194, 48205)
5. Jury duty in the manner provided by law (Education Code 48205)
6. The illness or medical appointment during school hours of a child to whom the student is the custodial parent (Education Code 48205)
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including but not limited to: (Education Code 48205)
 - a. Appearance in court
 - b. Attendance at a funeral service
 - c. Observation of a holiday or ceremony of his/her religion
 - d. Attendance at religious retreats not to exceed four hours per semester
 - e. Attendance at an employment conference
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)

ABSENCES AND EXCUSES (continued)

9. Participation in religious instruction or exercises in accordance with district policy: (Education Code 46014)
 - a. In such instances, the student shall attend at least the minimum school day
 - b. The student shall be excused for this purpose on no more than four days per school month

Method of Verification

When students who have been absent return to school, they shall present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. Written note from parent/guardian, parent representative, or student if 18 or older. (Education Code 46012)
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
4. Physician's verification
 - a. When a student has had 14 absences in the school year for illness verified by methods listed in #1-3 above, any further absences for illness must be verified by a physician.

TRUANCY

To improve student attendance, the Superintendent or designee shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.

(cf. 5113 - Absences and Excuses)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6164.5 - Student Success Teams)

(cf. 6176 - Weekend/Saturday Classes)

In addition, the Superintendent or designee shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain a continuing inventory of community resources, including alternative programs.

(cf. 1020 - Youth Services)

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

Habitually truant students may be referred to a school attendance review board, a truancy mediation program operated by the county's district attorney or probation officer, and/or juvenile court in accordance with law.

For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless he/she has been referred to the county district attorney or probation office pursuant to Education Code 48263.

Legal Reference: (see next page)

TRUANCY (continued)

Legal Reference:

EDUCATION CODE

1740 *Employment of personnel to supervise attendance (county superintendent)*

37223 *Weekend classes*

41601 *Reports of average daily attendance*

46000 *Records (attendance)*

46010-46014 *Absences*

46110-46119 *Attendance in kindergarten and elementary schools*

46140-46147 *Attendance in junior high and high schools*

48200-48208 *Children ages 6-18 (compulsory full-time attendance)*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48290-48296 *Failure to comply; complaints against parents*

48320-48324 *School attendance review boards*

48340-48341 *Improvement of student attendance*

49067 *Unexcused absences as cause of failing grade*

VEHICLE CODE

13202.7 *Driving privileges; minors; suspension or delay for habitual truancy*

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

420-421 *Record of verification of absence due to illness and other causes*

ATTORNEY GENERAL OPINIONS

66 *Ops.Cal.Atty.Gen. 245, 249 (1983)*

Management Resources:

CDE MANAGEMENT ADVISORIES

0114.98 *School Attendance and CalWORKS, Management Bulletin 98-01*

CDE PUBLICATIONS

School Attendance Review Board Handbook, 1995

CSBA ADVISORIES

0520.97 *Welfare Reform and Requirements for School Attendance*

WEB SITES

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

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

TRUANCY

An attendance supervisor or designee, peace officer, or school administrator or designee may arrest or assume temporary custody, during school hours, of any minor student found away from his/her home who is absent from school without a valid excuse. Any person so arresting or assuming temporary custody shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264)

(cf. 3515.3 - District Police/Security Department)
(cf. 5113 - Absences and Excuses)

Upon receiving a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341, the Board of Trustees or district attendance supervisor shall make a full and impartial investigation of all charges. If it appears upon investigation that the parent/guardian has violated these laws, the Superintendent or designee shall refer such parent/guardian to the school attendance review board. (Education Code 48290, 48291, 48292)

Strategies for Addressing Truancy

The following steps shall be implemented based on the number of truancies committed by the student:

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the Superintendent or designee. (Education Code 48260)

The parent/guardian of a student classified as a truant shall be notified of the following: (Education Code 48260.5)

- a. The student is truant.
- b. The parent/guardian is obligated to compel the student to attend school.
- c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
- d. Alternative educational programs are available in the district.

(cf. 6181 - Alternative Schools)
(cf. 6182 - Opportunity School/Class/Program)
(cf. 6184 - Continuation Education)

TRUANCY (continued)

- e. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
- f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.
- g. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.
- h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

(cf. 5145.6 - Parental Notifications)

Upon his/her first truancy, a student may be given a written warning by a peace officer. A record of this warning may be kept at school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

(cf. 5125 - Student Records)

The Superintendent or designee may notify the district attorney and/or probation officer of the name of each student who has been classified as a truant and the name and address of the student's parents/guardians. (Education Code 48260.6)

Upon a student's first truancy, the student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)

- 2. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without valid excuse one or more days or is tardy on one or more days. (Education Code 48261)

Upon his/her second truancy within the same school year, a student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)

(cf. 6176 - Weekend/Saturday Classes)

TRUANCY (continued)

In addition, an appropriate district staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance.

(cf. 1020 - Youth Services)

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

(cf. 6158 - Independent Study)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6178.1 - Work Experience Education)

The Superintendent or designee may notify the district attorney and/or probation officer whether the student continues to be classified as a truant after the parents have been notified in accordance with #1a-h above. (Education Code 48260.6)

3. Upon his/her third truancy within the same school year, a student shall be classified as a habitual truant. (Education Code 48262, 48264.5)

Students who are habitual truants, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the district's attendance supervisor. (Education Code 48263, 48264.5)

Upon making a referral to a school attendance review board or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the school attendance review board or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral. (Education Code 48263)

If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)

If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the county district attorney and/or the probation officer, if the district attorney or probation officer has elected to participate in a truancy mediation program. (Education Code 48263)

TRUANCY (continued)

4. Upon his/her fourth truancy within the same school year, the student shall be within the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

If a student has been judged by the county juvenile court to be a habitual truant, the Superintendent or designee shall inform the juvenile court and the student's probation or parole officer whenever that student is truant one or more days or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be so notified within 10 days of the violation. (Education Code 48267)

Reports

The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court. (Education Code 48273)

WORK PERMITS

The Board of Trustees recognizes that part-time jobs can provide students with income, work experience, and enhanced self-esteem. In accordance with law, students shall obtain work permits from school authorities before accepting employment.

(cf. 6178.1 - Work Experience Education)

In determining whether to grant a work permit, the Superintendent or designee shall consider whether employment will significantly interfere with the student's schoolwork or jeopardize his/her health. Students granted work permits must demonstrate and maintain satisfactory grades.

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

Work permits for students who are ages 14-17 shall be limited to part-time employment as defined by law and administrative regulation, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Students with work permits may be exempted from attendance in a full-time day school, provided they attend part-time classes. Students granted permits for full-time employment shall be enrolled in part-time continuation classes. (Education Code 48230, 49135)

(cf. 5112.1 - Exemptions from Attendance)

(cf. 6184 - Continuation Education)

Legal Reference:

EDUCATION CODE

48230 Exemption from full-time school attendance for students with work permits

48231 Exemption from compulsory attendance for students entering attendance area near end of term

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49160-49165 Employment of minors; duties of employers

49180-49183 Violations

LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Work Permit Handbook for California Schools, 2003

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Child Labor Laws, 2000

WEB SITES

California Department of Education, Work Experience Education: <http://www.cde.ca.gov/ci/ct/we>

California Department of Industrial Relations: <http://www.dir.ca.gov>

WORK PERMITS

The Superintendent may, in writing, delegate the authority to issue work permits to an employee holding a services credential with a specialization in pupil personnel services or to a certificated work experience education teacher or coordinator. If the designee is not available, and delay in issuing a permit would jeopardize a student's ability to secure work, the Superintendent may authorize another person to issue the permit. (Education Code 49110)

The work permit shall contain: (Education Code 49115)

1. The student's name, age, birth date, address, and phone number
2. The place and hours of compulsory part-time school attendance, or statement of exemption, or the hours of compulsory full-time school attendance if the permit is issued for outside of school hours
3. The maximum number of hours per day and per week that the student may work while school is in session
4. The student's social security number
5. The signature of the student and the Superintendent or designee
6. The date on which the permit expires

Approval/Revocation of Work Permits

1. No work permit shall be issued until the student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider has filed a written request with the district. (Education Code 49110)
2. To help in determining the extent to which employment may be approved, the Superintendent or designee may inspect the student's records for evidence of satisfactory grades and school attendance, and may confer with at least one of the student's teachers regarding the student's motivation and maturity to maintain academic progress while working.

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

3. After issuing a work permit, the Superintendent or designee shall periodically inspect the student's scholastic and attendance records to ensure maintenance of academic progress.
4. Work permits issued during the school year shall expire five days after the opening of the next succeeding school year. (Education Code 49118)

WORK PERMITS (continued)

5. The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is impairing the student's health or education, that any provision or condition of the permit is being violated, or that the student is performing work in violation of law. (Education Code 49164)

Permits to Work Part Time When School Is in Session

1. A student 16 or 17 years of age who has completed the equivalent of the seventh grade may receive a permit to work outside of school hours for no more than four hours on any day on which the student is required by law to attend school, with the following exceptions: (Education Code 49112, 49116)
 - a. The four-hour limit may be exceeded if the student is employed in a school-approved work experience or cooperative vocational education program or in personnel attendance occupations as defined in Industrial Welfare Commission Minimum Wage Order #15.

(cf. 6178.1 - Work Experience Education)

- b. A student may receive a permit to work outside of school hours for no more than eight hours on any day on which the student is required by law to attend school and which immediately precedes a nonschool day.
2. A student 14 or 15 years of age who has completed the equivalent of the seventh grade may receive a permit to work outside of school hours for no more than three hours on any school day and no more than 18 hours in any week. (Education Code 49112, 49116)

If enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program, a student 14 or 15 years of age may be employed for up to 23 hours a week, any portion of which may occur during school hours. (Education Code 49116)

3. A student who is 13 years old and has completed the sixth grade may receive a permit to work no more than two hours on any given day, and a maximum of four hours each week, provided that both of the following conditions are met: (Education Code 49112)
 - a. The student has been identified by the district as exhibiting the potential to drop out of school.

WORK PERMITS (continued)

- b. The student is participating in an employment program that is conducted on school premises and sponsored by one or more school districts to foster student appreciation of the importance of education in preparing for future employment and education.

Permits to Work Full Time When School Is In Session, Students 14 or 15 Years of Age

A permit to work full time may be issued to a student 14 or 15 years of age who has completed elementary school, provided that the permit expires no later than the end of the current school year and that one of the following circumstances exists: (Education Code 49130)

1. The parent/guardian presents a sworn statement that the parent/guardian is incapacitated for labor through illness or injury or that, through the death or desertion of the father or mother, the family is in need of the student's earnings and that sufficient aid cannot be secured in any other manner.
2. The student is unable to reside with his/her family and needs the earnings for his/her own support.
3. The student is residing with a foster care provider, or a guardian receiving foster care funds for the student, provided that:
 - a. The provider or guardian obtains written authorization from the student's social worker, probation officer, or child protective services worker acting as an officer of the court
 - b. The student's case plan documents that the purpose of the employment is to further the goal of emancipation pursuant to law, or to enable the student to learn necessary skills, habits, and responsibilities related to maintaining employment

The Superintendent or designee shall sign a statement that he/she has investigated the conditions under which the work permit application has been made and has judged that the student's earnings are necessary for the student's support and that sufficient aid cannot be secured in another manner. If issuing a work permit subject to circumstance in item #3 above, the Superintendent or designee shall sign a statement that he/she has received authorization from the student's social worker, probation officer, or child protective services worker. (Education Code 49130)

WORK PERMITS (continued)

No permit to work full time may be granted until the Superintendent or designee has received, examined, approved, and filed the following documents: (Education Code 49133)

1. The student's school record, including age, grade and attendance for the current term, signed by the principal or teacher
2. Evidence of sufficient age, such as a birth certificate, passport or affidavit of the student's age, signed by the parent/guardian
3. A written statement from the prospective employer stating that work is waiting for the student and describing the nature of the work

A student who applies for a full time work permit pursuant to the above circumstances shall be duly enrolled in a work experience education program. (Education Code 49130)

Permits to Work When School Is Not in Session

Students over age 12 and under age 18 may receive a permit to work on a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within 10 days before the end of the school term pursuant to Education Code 48231. (Education Code 49111)

SCHOOL ATTENDANCE BOUNDARIES

The Board of Trustees shall regularly review school attendance boundaries, taking into account school capacities and enrollment data, geographic features, student safety and transportation, racial and ethnic balance, educational programs such as magnet schools, and community input.

(cf. 5116.1- Intradistrict Open Enrollment)

The Superintendent or designee may place some students in a school outside of their attendance area in order to alleviate overcrowding. If available, transportation shall be provided for such students.

Students residing in a community facilities district shall have priority, to the extent provided by law, for attendance at schools financed in whole or in part by the community facilities district.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35160.5 District policies; rules and regulations

35291 Rules

35350 Transportation of students

35351 Assignment of students to particular schools

GOVERNMENT CODE

53312.7 Establishment of community facilities district; goals and policies

COURT DECISIONS

Crawford v. Board of Education (1976) 17 Cal.3d 280

Jackson v. Pasadena City School District (1963) 59 Cal. 2nd 876, 879

ATTORNEY GENERAL OPINIONS

29 Ops.Cal.Atty.Gen. 63

INTRADISTRICT OPEN ENROLLMENT

The Board of Trustees desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

Priority for attendance outside a student's attendance area shall be given as follows:

1. If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

2. Beginning in the 2003-04 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as *persistently dangerous*, he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912)

(cf. 0450 - Comprehensive Safety Plan)

3. Priority may be given to siblings of students already in attendance in that school.
4. Priority shall be given to students whose parent/guardian is assigned to that school as his/her primary place of employment.

INTRADISTRICT OPEN ENROLLMENT (continued)

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Transportation

Except as required by 20 USC 6316, for transfers out of Title I program improvement schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds. Priority for any such transportation shall be based on demonstrated financial need.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference: (see next page)

INTRADISTRICT OPEN ENROLLMENT (continued)

Legal Reference:

EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

48980 Notice at beginning of term

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Public School Choice, December 4, 2002

Unsafe School Choice Option, July 23, 2002

WEB SITES

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

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

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

INTRADISTRICT OPEN ENROLLMENT

Enrollment under the No Child Left Behind Act

Within a reasonable amount of time, not to exceed 10 school days, after a student becomes the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

Within 10 school days after learning that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 20 school days after learning of the school's designation, the Superintendent or designee shall notify parents/guardians of their option to transfer.

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide written notification to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed 10 school days, for the submission of parent/guardian requests.

The Superintendent or designee shall notify parents/guardians of their school assignment within 10 school days of the date that submissions are due. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. Upon assignment, the transfer shall be completed as soon as practicable. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Agreements)

INTRADISTRICT OPEN ENROLLMENT (continued)

Other Intradistrict Enrollment

To implement intradistrict open enrollment pursuant to Education Code 35160.5:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of these schools and open enrollment applications shall be available at all school offices.
2. Students of parents/guardians who submit applications to the district by January 1 shall be eligible for admission to their school of choice the following school year under the district's open enrollment policy.
3. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, and a waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year.
4. The Superintendent or designee shall inform applicants by mail as to whether their applications have been approved, denied or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
5. Approved applicants must confirm their enrollment within 10 school days.

Once enrolled, a student shall not be required to apply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Any complaints regarding the selection process shall be submitted to the Superintendent or designee.

(cf. 1312 - Complaints Concerning the Schools)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 48980)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

2. Program options offered within local attendance areas

INTRADISTRICT OPEN ENROLLMENT (continued)

3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the California Department of Education

INTRADISTRICT OPEN ENROLLMENT

**PARENTAL NOTIFICATION:
OPTION TO TRANSFER FROM A PERSISTENTLY DANGEROUS SCHOOL**

Dear Parents/Guardians:

The California Department of Education has designated the _____ School as a “persistently dangerous” school based on state criteria which include expulsion rates for certain types of offenses, gun-free schools violations and violent criminal offenses committed on school property.

Federal law requires that all parents/guardians of students in this school be offered an opportunity to transfer their children to another eligible district school or charter school which has not been so designated. Such transfers would take effect on [date].

The following schools are available to accept transfers:

Other district schools may not appear on this list because either (1) they also have been identified as “persistently dangerous,” or (2) the Superintendent has determined that all transfer requests can be accomplished among the above schools.

Information about each available school is enclosed, including information on academic achievement.

If you decide you want to transfer your child, please submit your top [number] choices of schools on the enclosed form by [date] to the [district office or the principal at your child’s school]. It cannot be guaranteed that your first choice will be available, but your preferences will be considered.

If you choose to transfer your child, you will be expected to provide or arrange for transportation to and from the child’s school. As funds and space permit, transportation may be provided upon request, with priority given to students with the greatest financial need.

INTRADISTRICT OPEN ENROLLMENT

**PARENT/GUARDIAN TRANSFER REQUEST
FROM A “PERSISTENTLY DANGEROUS” SCHOOL**

Instructions: To request a transfer for your child out of a school that has been designated as “persistently dangerous,” please complete the following form and return it by [return date] to the [district office or to your child’s school]. You will be notified by [date] regarding your child’s school assignment for the next school year and your options if you decide to decline the school assignment at that time.

Child’s Name: _____

Parent/Guardian’s Name: _____ Signature: _____

School Child Currently Attends: _____

Please write numbers in the boxes below to rank your top [number] choices of available schools:

_____ [school name] _____

_____ [school name] _____

_____ [school name] _____

If you have any questions, please contact [name] at [phone number].

INTERDISTRICT ATTENDANCE

The Board of Trustees recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

(cf. 5116.1 - Intradistrict Open Enrollment)

The Board desires to communicate with parents/guardians and students regarding the educational programs and services that are available in the district.

The Superintendent or designee may approve interdistrict attendance agreements with other districts on a case-by-case basis to meet individual student needs.

The interdistrict attendance agreement shall not exceed a term of five years and shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. (Education Code 46600)

Because the district admits students in accordance with the alternative interdistrict attendance program pursuant to Education Code 48300-48315, the Superintendent or designee may admit a student based on an individual interdistrict attendance agreement only in situations of extreme need and upon the request of the district of residence.

The Superintendent or designee may deny applications for interdistrict transfers because of overcrowding within district schools or limited district resources.

Legal Reference:

EDUCATION CODE

- 46600-46611 Interdistrict attendance agreements*
- 48204 Residency requirements for school attendance*
- 48300-48315 Student attendance alternatives*
- 48915 Expulsion; particular circumstances*
- 48915.1 Expelled individuals: enrollment in another district*
- 48918 Rules governing expulsion procedures*
- 48980 Notice at beginning of term*
- 52317 ROP, enrollment of students, interdistrict attendance*

GOVERNMENT CODE

6250-6270 Public Records Act

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

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

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

INTERDISTRICT ATTENDANCE

The Superintendent or designee may approve interdistrict attendance permits for the following reasons:

1. When a student has a sibling(s) attending school in the receiving district, to avoid splitting the family's attendance
2. To allow a student to complete a school year when his/her parents/guardians have moved out of the district during that year
3. To allow students to remain with a class graduating that year from an elementary, junior or senior high school
4. To let seniors attend the same school they attended as juniors, even if their families moved out of the district during the junior year
5. When the parent/guardian provides written evidence that the family will be moving to the district in the immediate future and would like the student to start the year in the district
6. When a student will be living out of the district only for one year or less
7. When recommended by the School Attendance Review Board or by county child welfare, probation or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

(cf. 5113.1 - Truancy)

8. When there is valid interest in a particular educational program not offered in the district of residence
9. To provide a change in school environment for reasons of personal and social adjustment

Interdistrict attendance permits or applications shall not be required for students enrolling in a regional occupational center or program. (Education Code 52317)

Every interdistrict attendance permit shall stipulate the terms and conditions under which the permit may be revoked. (Education Code 46600)

The Superintendent or designee may deny initial requests for interdistrict attendance agreements if the school's facilities are overcrowded at the relevant grade level and based on other considerations that are not arbitrary. However, once a student is admitted based on child care needs, his/her continued attendance may not be denied because of overcrowding.

INTERDISTRICT ATTENDANCE (continued)

The Superintendent or designee shall notify parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601.

(cf. 5145.6 - Parental Notifications)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending, or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Not later than 90 days after the district receives an application for transfer, the Superintendent or designee shall notify the parent/guardian in writing whether the application has been provisionally accepted or rejected and of the student's position on any waiting list.

Existing entrance criteria for specialized schools or programs shall be uniformly applied to all applicants. (Education Code 48305)

The district shall give priority for attendance to siblings of students already in attendance in the district. (Education Code 48306)

Final acceptance or rejection shall be made by May 15 of the school year preceding the year for which the student may be transferred. (Education Code 48308)

Upon acceptance of a student, the Superintendent or designee shall notify the student's district of residence.

Students admitted through the alternative interdistrict attendance program are deemed to have fulfilled district residency requirements pursuant to Education Code 48204. (Education Code 48301)

(cf. 5111.1 - District Residency)
(cf. 5116.1 - Intradistrict Open Enrollment)

Final acceptance of the transfer is applicable for one school year and shall be renewed automatically each year unless the Board of Trustees, by adoption of a resolution, withdraws from participation in the program and no longer accepts transfer students from other districts. However, even if the district withdraws from participation in the program, admitted high school students may continue attending school in the district until they graduate from high school. (Education Code 48308)

INTERDISTRICT ATTENDANCE (continued)

The district may accept any completed coursework, attendance and other academic progress credited to an accepted student by any district(s) he/she has previously attended and may grant academic standing to the student based upon the district's evaluation of the student's academic progress. (Education Code 48309)

(cf. 6146.3 - Reciprocity of Academic Credit)

The district may revoke a student's enrollment if he/she is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

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

The district may deny a transfer under the alternative interdistrict attendance program if:

1. The Board determines that the transfer into or out of the district would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)
2. The transfer into the district would require the district to create a new program to serve that student. (Education Code 48303)

Transportation

The district shall not provide transportation outside the school's attendance area. However, upon request, the Superintendent or designee may authorize transportation for students living outside the attendance area to and from designated bus stops within the attendance area if space is available. Priority for such transportation shall be based on demonstrated financial need.

STUDENTS EXPELLED FROM OTHER DISTRICTS

The Board of Trustees may admit students expelled from other districts upon request as long as their admission is consistent with providing a safe, secure and positive school environment for all district students and staff.

In order to prohibit the enrollment of a potentially dangerous student, the Board shall hold a hearing before admitting any student who has been expelled from another district. If the student has been expelled for certain serious reasons specified in Education Code 48915(a) or (c), his/her enrollment may occur only after the term of expulsion, and only if he/she has established legal residence in the district or is enrolled pursuant to an interdistrict attendance agreement.

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance Agreements)

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

Legal Reference:

EDUCATION CODE

46600 Agreements for interdistrict attendance

46601 Failure to approve interdistrict attendance; expulsion prohibiting appeal

48660-48666 Community day schools

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48915.2 Expelled student; enrollment during and after period of expulsion

48918 Rules governing expulsion procedures

STUDENTS EXPELLED FROM OTHER DISTRICTS

Hearings and notices related to the enrollment of students expelled from other districts shall be conducted in accordance with expulsion procedures consistent with Education Code 48918. (Education Code 48915.1, 48915.2)

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

No student shall be enrolled until after the term of his/her expulsion if he/she was expelled for any of the following acts: (Education Code 48915, 48915.2)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code 48900(n)
5. Causing serious physical injury to another person, except in self-defense
6. Possessing any knife, explosive or other dangerous object of no reasonable use to the student
7. Unlawfully possessing any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for possessing not more than one ounce of marijuana, other than concentrated cannabis
8. Robbery or extortion
9. Assault or battery upon a school employee as defined in Penal Code 240 and 242.

Enrollment During the Term of Expulsion

If a student has been expelled for an act other than those specified in Education Code 48915(a) or (c), the parent/guardian shall, upon enrollment, inform the receiving district of the student's status with the previous district. (Education Code 48915.1)

STUDENTS EXPELLED FROM OTHER DISTRICTS (continued)

A student expelled for acts other than those specified in Education Code 48915 (a) or (c) may be admitted or conditionally admitted during the term of expulsion when the Board of Trustees determines at a hearing that the student does not pose a potential danger to district students or employees. The student shall be admitted provided that, subsequent to the expulsion, he/she either has established legal residence in the district or has enrolled as part of an interdistrict agreement. However, if such a student is found to pose a potential danger, the Board may deny enrollment for the remainder of the expulsion period. (Education Code 48915.1)

If the student or parent/guardian neglects to inform the district that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the Board shall record and discuss this lack of compliance during the hearing. (Education Code 48915.1)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

The Board of Trustees believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

(cf. 5020 - Parent Rights and Responsibilities)

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy and administrative regulation. (Education Code 49066)

(cf. 5125.3 - Challenging Student Records)

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level. The Superintendent or designee shall establish and regularly evaluate a uniform grading system, and principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

(cf. 5124 - Communication with Parents/Guardians)

(cf. 6011 - Academic Standards)

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests and portfolios.

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

Unexcused Absences

If a student misses class without an excuse and does not subsequently turn in homework, take a test or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.

(cf. 6154 - Homework/Makeup Work)

When a student's unexcused absences constitute more than 10% of the total number of instructional days during the grading period then the student will be determined to have excessive absences.

(cf. 5113 - Absences and Excuses)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Grade Point Average (GPA)

The Superintendent or designee shall recommend to the Board the methodology to be used in calculating students' grade point averages.

The Superintendent or designee shall also recommend to the Board whether extra grade weighting will be assigned for honors courses that are substantially similar in depth, breadth and rigor to an Advanced Placement course, an entry-level college course or a community college level course.

(cf. 6141.5 - Advanced Placement)

Legal Reference:

EDUCATION CODE

48070 Promotion and retention

48205 Excused absences

48431.6 Required systematic review

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding student's achievement

49069.5 Students in foster care, grades and credits

CODE OF REGULATIONS, TITLE 5

10060 Criteria for reporting physical education achievement, high schools

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

6101-6251 School-to-Work Opportunities Act of 1994

COURT DECISIONS

Owasso Independent School District v. Falvo (2002) 122 S.Ct. 934

Las Virgenes Educators Association v. Las Virgenes Unified School District (2nd Appellate District 2001) 86 Cal.App.4th 1

Swany v. San Ramon Valley Unified School District (N.D.Cal. 1989) 720 F.Supp. 764

Johnson v. Santa Monica-Malibu Unified School District Board of Education (App. 2 Dist. 1986) 224 Cal. Rptr. 885, 179 C.A. 3d 593

Management Resources:

CDE PUBLICATIONS

Elementary Makes the Grade!, 2001

WEB SITES

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

Advanced Placement Challenge Project: <http://www.apchallenge.net>

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Grades for Achievement

Grades for achievement shall be reported for each marking period as follows:

A	(90-100%)	Outstanding Achievement	4.0 grade points
B	(80-89%)	Above Average Achievement	3.0 grade points
C	(70-79%)	Average Achievement	2.0 grade points
D	(60-69%)	Below Average Achievement	1.0 grade points
F	(0-59%)	Little or No Achievement	0 grade points
I		Incomplete	0 grade points

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5124 - Communication with Parents/Guardians)

An Incomplete is given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests.

(cf. 6142.7 - Physical Education)

Grades for Citizenship and Effort

Grades for citizenship and effort shall be reported each marking period as follows:

O	Outstanding
S	Satisfactory
N	Needs Improvement

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Repeating Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course.

The highest grade received shall be used in determining the student's overall grade point average.

Withdrawal from Classes

A student who drops a course during the first six weeks of the semester may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the semester shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Absences from School

Teachers who withhold class credit because of excessive unexcused absences shall so inform the class and parents/guardians at the beginning of the semester.

When an unexcused absence occurs, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

(cf. 5113 - Absences and Excuses)

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

If a student receives a failing grade because of unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

(cf. 5125 - Student Records)

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

2. A verified court appearance or related court-ordered activity

PROMOTION/ACCELERATION/RETENTION

The Board of Trustees expects students to progress through each grade level within one school year. To accomplish this, instruction should accommodate the variety of ways that children learn and include strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

Progress toward high school graduation shall be based on students' ability to pass the courses necessary to earn the required number of credits and, beginning in the 2003-04 school year, on their ability to pass the state high school exit examination.

(cf. 6146.1 - High School Graduation Requirements)

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

As early as possible in the school year, the Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, Board policy, administrative regulation and the following criteria.

Students shall be identified on the basis of grades. The following other indicators of academic achievement shall also be used:

District assessments authentic work samples, STAR test results, other standardized assessment results, as available.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5149 - At-Risk Students)

When a student in grades 2 through 9 is retained or recommended for retention, the Superintendent or designee shall offer programs of direct, systematic and intensive supplemental instruction in accordance with Education Code 37252.2.

(cf. 6179 - Supplemental Instruction)

Legal Reference: (see next page)

PROMOTION/ACCELERATION/RETENTION (continued)

Legal Reference:

EDUCATION CODE

37252-37253.5 *Supplemental instruction*

46300 *Method of computing ADA*

48011 *Admission on completing kindergarten; grade placement of pupils coming from other districts*

48070-48070.5 *Promotion and retention*

48431.6 *Required systematic review of students and grading*

56345 *Elements of individualized education plan*

60641-60648 *Standardized Testing and Reporting Program*

60850-60856 *Exit examination*

CODE OF REGULATIONS, TITLE 5

200-202 *Admission and exclusion of students*

Management Resources:

CDE MANAGEMENT ADVISORIES

0900.90 *Changes in Law Concerning Eligibility for Admission to Kindergarten 90-10*

LEGISLATIVE COUNSEL'S OPINION

Promotion and Retention #21610

CSBA POLICY ADVISORIES

0901.99 *Social Promotion/Retention Policy Briefing: Considerations for English Language Learners*

1112.98 *Student Promotion/Retention Advisory*

WEB SITES

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

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

PROMOTION/ACCELERATION/RETENTION

Acceleration from Kindergarten to First Grade

A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work. (Education Code 48011)

Admission shall be subject to the following minimum criteria: (5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school district approving the placement in first grade.

Continuation in Kindergarten

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten for not more than one additional school year. (Education Code 48011)

Whenever a student continues in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300)

Retention at Other Grade Levels

The Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5

PROMOTION/ACCELERATION/RETENTION (continued)

4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)

Students shall be identified on the basis of either statewide assessment results or grades and other indicators of academic achievement, as established by Board policy.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6162.5 - Student Assessment)

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)

(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)

If the student does not have a single regular classroom teacher, the principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

PROMOTION/ACCELERATION/RETENTION (continued)

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

(cf. 5145.6 - Parental Notifications)

The teacher's decision to promote or retain a student may be appealed consistent with Board of Trustees policy, administrative regulation and law.

The burden shall be on the appealing party to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the appealing party shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the appealing party and the teacher. If the Superintendent or designee determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the appealing party, the teacher and the Superintendent/designee to decide the appeal. The decision of the Board shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

If the decision of the Board is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

(cf. 1312 - Complaints Against the Schools)

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)