

CLASS SIZE

The Board of Trustees recognizes that the number of students in a class may affect the extent to which teachers can identify and respond to individual student needs.

In accordance with negotiated employee agreements and state law, and upon the recommendation of the Superintendent or designee, the Board shall establish upper and lower class size limits appropriate for the subject or grade level taught and conducive to the effective use of teaching staff.

(cf. 4141/4241 - Collective Bargaining Agreement)

In establishing class size reduction programs for designated grade levels and courses, the Superintendent or designee shall determine the potential impact of class size reduction on staffing and school facilities needs and shall recommend ways to address these needs without negatively affecting other grade levels and district programs.

(cf. 1431 - Waivers)

(cf. 6117 - Year-Round Schedules)

(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall regularly prepare reports that will enable the Board to evaluate the impact of class size on the achievement of district educational goals.

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Class Size Reduction in Grades K-3

The Board believes that small class size is beneficial to students in the elementary grades as they acquire the basic skills that serve as the foundation for their subsequent learning. The Superintendent or designee shall ensure that classes in designated elementary grades are reduced to 20 or fewer students per teacher.

Full-time mainstreamed special education students shall be included in determining class size for purposes of the class size reduction program.

Legal Reference: (see next page)

CLASS SIZE (continued)

Legal Reference:

EDUCATION CODE

17042 *Rules for determining area of adequate school construction; exceptions*

17042.7 *Formula for calculation*

33050 *Nonwaivable provisions*

35160 *Authority of the board*

41375 *Legislative intent encouraging reduction in class size*

41376 *Minimum class size standards*

41378 *Apportionments and allowances, kindergarten classes*

42280 *Necessary small schools*

46205 *Computation for early-late programs*

51225.3 *Graduation requirements*

52120-52128 *Class Size Reduction Program*

52080-52090 *Morgan-Hart Class Size Reduction Act of 1989*

GOVERNMENT CODE

3543.2 *Scope of representation*

CODE OF REGULATIONS, TITLE 5

15103 *Definitions*

15130-15133 *Class size reduction program K-3*

15140-15141 *Class size reduction in two courses in grade 9*

Management Resources:

CDE PROGRAM ADVISORIES

1007.96 *Class Size Reduction and the Relationship to Individuals with Disabilities*

0921.90 *Implementing Class Size Reduction under the Morgan-Hart Class Size Reduction Act of 1989:*

CIL: 90/91-01

WEB SITES

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

CLASS SIZE**Class Size Reduction in Grades K-3**

When establishing a program to reduce class size in the primary grades, the program shall be implemented at each school according to the following priorities: (Education Code 52124)

1. If only one grade level is reduced at a school, the grade level shall be grade 1.
2. If only two grade levels are reduced at a school, the grade levels shall be grades 1 and 2.
3. If three grade levels are reduced at a school, then those grade levels shall be kindergarten and grades 1 and 2 or grades 1 through 3. Priority shall be given to the reduction of class sizes in grades 1 and 2 before class sizes of kindergarten or grade 3 are reduced.
4. If four grade levels are reduced at a school, then those grade levels shall be kindergarten through grade 3. First priority shall be given to the reduction of class sizes in grade 1 and 2; second priority shall be given to the reduction of class size in kindergarten and grade 3.

In all classes that receive funding through the state's class size reduction program for half-day programs, instruction during the reduced class size portion of the school day shall be primarily devoted to reading and mathematics. (Education Code 52122)

Training shall be provided to teachers participating in the class size reduction program which shall include, but not be limited to, methods for providing each of the following: (Education Code 52127)

1. Individualized instruction
2. Effective teaching, including classroom management, in smaller classes
3. Identifying and responding to student needs
4. Opportunities to build on the individual strengths of students

(cf. 4131 - Staff Development)

Class Size Reduction in Grades 9-12

When establishing a program to reduce class size in one or two courses in grade 9, the Superintendent or designee shall certify that, at each participating school: (Education Code 52084)

CLASS SIZE (continued)

1. English courses are included in the program.
2. The second course, if any, is a course in mathematics, science or social studies which counts towards graduation requirements pursuant to Education Code 51225.3.
3. The average class size in the school for these designated courses shall be no more than 20 students per certificated teacher, and there shall be no more than 22 students in any participating class.

Special education students enrolled in special day classes on a full-time basis and students enrolled in necessary small schools that receive funding pursuant to Education Code 42280 shall not be counted in calculating class sizes for purposes of this program.

4. The implementation of class size reduction has not adversely affected existing class size in other courses.

The Superintendent or designee shall provide reports to the California Department of Education in accordance with the 5 CCR 15140-15141.

CLASS ASSIGNMENT

When assigning students to specific classrooms, the Superintendent or designee shall strive to provide the best possible learning environment for each student. Insofar as possible, consideration shall be given to:

1. Recommendations of the current classroom teacher
2. Gender and ethnic balance
3. Academic balance of high, medium and low achievers
4. Balance of students with social or emotional problems
5. Strengths of individual teachers
6. Student interests, readiness, behavior and motivation

The Superintendent or designee may accept from parents/guardians any information which would be helpful in making placement decisions. However, parents/guardians who provide such information shall be informed that requests for a specific teacher shall be used as only one of many determining factors which must be taken into account.

During the school year, the Superintendent or designee may make any adjustments in class placement which he/she considers beneficial to the student or the educational program.

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by governing board

SCHOOL-SPONSORED TRIPS

The Board of Trustees recognizes that school-sponsored trips are important components of a student's development. Besides supplementing and enriching classroom learning experiences, such trips encourage new interests among students, make them more aware of community resources, and help them relate their school experiences to the outside world. The Board believes that careful planning can greatly enhance the value and safety of such trips.

If the Board allocates funds for school-sponsored trips, individual schools may be provided with budgetary allocations so that they can plan ahead. Special trip expense funds may be established when necessary for fund-raising purposes.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 6145 - Extracurricular and Cocurricular Activities)

All trips involving out-of-state or overnight travel shall require the prior approval of the Board. Other trips may be approved by the Superintendent or designee.

Principals shall ensure that teachers develop plans which provide for the safety of students and their proper supervision by certificated staff on all school-sponsored trips. Other school employees and parents/guardians also may participate in this supervision and may be asked to attend preparatory training sessions and/or meetings.

The ratio of adults to students on school-sponsored trips shall be at least one to 10. If the trip involves water activities, this ratio shall be revised to ensure closer supervision of elementary grade students, appropriate to their ages.

(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 5143 - Insurance)

Study Trips

In advance of a study trip, teachers shall determine educational objectives which relate directly to the curriculum. Principals shall ensure that teachers develop plans which provide for the best use of students' learning time while on the trip. Teachers also shall provide appropriate instruction before and after the trip.

Legal Reference: (see next page)

SCHOOL-SPONSORED TRIPS (continued)

Legal Reference:

EDUCATION CODE

- 8760 Authorization of outdoor science and conservation programs*
- 32040 Duty to equip school with first aid kit*
- 32041 Field trips*
- 32043 Snakebite kits on field trips*
- 32044 Violations*
- 35330 Excursions and field trips*
- 35331 Provision for medical or hospital service for pupils (on field trips)*
- 35332 Transportation by chartered airline*
- 35350 Transportation of students*
- 44808 Liability when pupils not on school property*
- 48908 Duties of pupils; authority of teachers*

SCHOOL-SPONSORED TRIPS

All planned trips away from school grounds, including athletic trips and outdoor education programs, are subject to this regulation.

Students must have written parental permission in order to participate in trips requiring transportation. (Education Code 35350) The district shall provide an alternative educational experience for students whose parents/guardians do not wish them to participate in a trip.

Safety and First Aid

1. While conducting a trip, the teacher, employee or agent of the school shall have the school's first aid kit in his/her possession or immediately available. (Education Code 32040, 32041)
2. Whenever trips are conducted in areas known to be infested with poisonous snakes:
 - a. The first aid kit taken on the trip shall contain medically accepted snakebite remedies. (Education Code 32043)
 - b. The trip shall be accompanied by a teacher, employee or agent of the school who has completed a first aid course which is certified by the American Red Cross and which emphasizes the treatment of snakebites. (Education Code 32043)

Supervision

1. Students on approved trips are under the jurisdiction of the Board of Trustees and subject to school rules and regulations.
2. Teachers or other certificated personnel shall accompany students on all trips and shall assume responsibility for their proper conduct.
3. Before the trip, teachers shall provide any adult chaperones who may accompany the students with clear information regarding their responsibilities.
4. Chaperones shall be 21 years of age or older.
5. Chaperones shall be assigned a prescribed group of students and shall be responsible for the continuous monitoring of these students' activities.
6. Teachers and chaperones shall not consume alcoholic beverages or use controlled substances while accompanying and supervising students on a trip.
7. When a trip is made to a place of business or industry, the teacher shall arrange for an employee of the host company to serve as conductor.

SCHOOL-SPONSORED TRIPS (continued)**Funding**

No student shall be prevented from making a trip because of a lack of sufficient funds. No trip shall be authorized if any student would be excluded from participation because of a lack of sufficient funds. (Education Code 35330)

Trip Approval

1. Teachers planning a trip shall make a request in writing to the principal at least 10 days prior to the date desired. Whenever practical, an alternate date should also be listed. The purpose of the trip and its relation to the course of study shall be stated in the request.
2. The principal shall approve or disapprove the request and notify the teacher. If the trip is disapproved, the principal should state the reasons.
3. Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.
4. Principals shall approve no activities which they consider to be inherently dangerous to students or to pose unacceptable, unmitigated risks.

Trips Which Include Swimming or Wading

1. No swimming or wading shall be allowed on trips.
2. When wading in the ocean, bay, river or other body of water as part of a planned, supervised outdoor education activity, teachers shall provide for a number of chaperones to exceed the normal one to 10 ratio and shall instruct both chaperones and students of the real and potential risks inherent in such activities and the precautions necessary for their safety.
3. **Swimming Activities**
 - a. Parents/guardians must provide written permission for the student to swim and must indicate the student's swimming ability.
 - b. Swimming facilities, including backyard pools, must be inspected by the principal and teacher before the trip is scheduled.
 - c. Owners of private pools must provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage.

SCHOOL-SPONSORED TRIPS (continued)

- d. Lifeguards must be designated for all swimming activities. If lifeguards are not provided by the pool owner or operator, the principal shall ensure their presence. Lifeguards must be Red Cross certified or equivalent and must be at least 21 years old.
- e. The ratio of adult chaperones to students shall be at least one to 10. In grades 4-6, this ratio shall be one to eight. In grades K-3, this ratio shall be one to four.
- f. Specific supervisory responsibilities shall be determined in advance to accommodate the varying swimming abilities of students. These responsibilities shall be clarified in writing and reviewed verbally before the trip.
- g. Emergency procedures shall be included with written instructions to adult chaperones and staff.
- h. Staff and chaperones assigned to supervise students must wear swim suits and know how to swim.
- i. The principal may require students to wear flotation devices, depending upon their age and swimming ability.
- j. A buddy-system or other means of surveillance shall be arranged in advance and strictly enforced during swimming activities.

SCHOOL-SPONSORED TRIPS

**PARENT/GUARDIAN PERMISSION FOR STUDENT PARTICIPATION IN
OFF-CAMPUS SCHOOL-SPONSORED EVENTS**

_____ (Name of Student) _____ has my permission to attend

_____ (activity/event) _____ which will take place at:

Date of event: _____ Class or group attending: _____

Teacher or leader: _____

Method of transportation: _____

If traveling by automobile, name of driver: _____

1. I understand that all students going on this trip will be responsible in conduct to the bus driver, to teachers or adult sponsors. It is further understood that students will go and return from the event on the transportation provided and that every reasonable caution will be maintained on the trip.
2. I hereby acknowledge that I have been advised that the activities involved in this excursion/field trip or event are ____ are not ____ considered by the district to be of "high risk" to the participants.

_____ (Date) _____ (Parent or Guardian Signature) _____

**WAIVER OF CLAIM
(To be Completed for Out-of-State Events Only)**

In granting permission to attend, I do hereby waive all claims and hold harmless the individual sponsors, the _____ (School District Name) _____, and the State of California for any injury, accident, illness, death, or any loss or damage to personal property occurring during or by reason of this excursion/field trip or event.

_____ (Date) _____ (Parent or Guardian Signature) _____

HOMEWORK/MAKEUP WORK

The Board of Trustees recognizes that homework contributes toward building responsibility, self-discipline and life-long learning habits, and that time spent on homework directly influences students' ability to meet the district's academic standards. The Board expects students, parents/guardians and staff to view homework as a routine and important part of students' daily lives.

(cf. 6011 - Academic Standards)

The Superintendent or designee shall ensure that administrators and teachers develop and implement an effective homework plan at each school site. As needed, teachers may receive training in designing relevant, challenging and meaningful homework assignments that reinforce classroom learning objectives. Teachers' expectations related to homework may be addressed in their evaluations.

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

Although it is the student's responsibility to do most homework assignments independently, the Board expects teachers at all grade levels to use parents/guardians as a contributing resource. When students repeatedly fail to do their homework, parents/guardians shall be notified and asked to contact the teacher.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

To further support students' homework efforts, the Superintendent or designee may establish and maintain telephone help lines and/or after-school centers where students can receive encouragement and clarification about homework assignments from teachers, volunteers and/or more advanced students who are performing community service. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

(cf. 1240 - Volunteer Assistance)

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

(cf. 3541 - Transportation Routes and Services)

(cf. 5148 - Child Care and Development)

(cf. 6112 - School Day)

(cf. 6142.4 - Learning through Community Service)

Makeup Work

Students who miss school work because of an excused absence shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time. (Education Code 48205)

HOMEWORK/MAKEUP WORK (continued)

(cf. 5113 - Absences and Excuses)

Students who miss school work because of unexcused absences may be given the opportunity to make up missed work for full or reduced credit. Teachers shall assign such makeup work as necessary to ensure academic progress, not as a punitive measure.

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

Legal Reference:

EDUCATION CODE

48205 Absences for personal reasons

48913 Completion of work missed by suspended student

48980 Parental notifications

58700-58702 Tutoring and homework assistance program; summer school apportionment credit

Management Resources:

SBE POLICIES

Parent Involvement in the Education of Their Children, 1994

Policy Statement on Homework, 1995

HOMEWORK/MAKEUP WORK

School-Site Homework Plan

The principal and staff at each school shall develop and regularly review a school-site homework plan which includes guidelines for the assignment of homework and describes the responsibilities of students, staff and parents/guardians. The plan shall identify all of the following:

1. For each grade level, the amount of time that students shall be expected to spend on homework
2. For each grade level, the extent to which homework assignments shall systematically involve participation by parents/guardians
3. The means by which parents/guardians shall be informed about:
 - a. Homework expectations
 - b. How homework relates to the student's grades
 - c. How best to help their children
4. Techniques that will be taught to help students allocate their time wisely, meet their deadlines and develop good personal study habits
5. The access that students shall have to obtain:
 - a. Resource materials from the library media center
 - b. Assistance and/or tutoring through telephone help lines and/or after-school centers
6. The means by which teachers shall coordinate assignments so that students do not receive an overload of homework one day and very little the next
7. For each grade level, the extent to which homework assignments shall emphasize independent research, reports, special reading and problem-solving activities

Makeup Work

The Superintendent or designee shall notify parents/guardians that no student may have his/her grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

HOMEWORK/MAKEUP WORK (continued)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.6 - Parental Notifications)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

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

CHALLENGING COURSES BY EXAMINATION

The Board of Trustees recognizes that there is an occasional need to allow high school students to challenge a given course by examination for grade and credit in order to accelerate progress towards graduation and to achieve more flexibility in the selection of electives. This opportunity may permit a student to enroll in courses best suited to his/her educational objectives.

When offered, the examination shall be comprehensive and cover all course objectives. Successful completion of the examination shall be at a level which indicates mastery of the content and/or reasonable chance for success in the next higher course.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.5 - Student Assessment)

Legal Reference:

EDUCATION CODE

51225.3 Requirements for graduation

52017 Secondary school; additional inclusion in (school improvement) plan

CHALLENGING COURSES BY EXAMINATION**Petition to Challenge Course**

One month prior to the end of the current semester, currently enrolled students interested in challenging a course should file a petition form with their administrator. Entering ninth-grade students and new enrollees shall file a petition and take the examination within two weeks of the time of initial entry to high school classes.

The counselor shall inform the course instructor of the student's intent to challenge the course. The student shall be allowed to challenge the course by examination if his/her petition is signed by the counselor, department chair and parent/guardian. The student's petition shall include, but not be limited to, the following:

1. Grades in courses of the subject area of the challenge
2. Recommendations from the teacher
3. Substitute courses to be taken by the student
4. Student's rationale or reasons for challenging a specific course

The challenge examination may be offered when the course is part of a sequence of courses normally taken in specific order or when the course is normally required for entry into another course.

1. During their enrollment in high school, students may challenge no more than four courses which meet graduation requirements. While successful challenge will exempt a student from those specific courses required for graduation, the student is still responsible for the total units required for graduation.

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

2. A student may challenge a particular course only once.
3. A student may challenge only one course per semester. This may be a course in which the student is enrolled or any other approved course offering.
4. A student may not attempt credit for a course below his/her ability or grade placement.

CHALLENGING COURSES BY EXAMINATION (continued)

Test Content and Administration

The principal and department chairpersons shall collaborate with teachers in the development of appropriate districtwide testing procedures and materials for the classes that may be challenged within each department. Departmentally-developed performance objectives shall determine the content and the type of evaluation to be used. The examination may be written, oral, by demonstration or any combination thereof.

The type of test administered shall depend on the course outline. The department chairperson or designee shall supervise the administration and evaluation of tests pertaining to the department.

The student must earn an A or B to receive credit for challenging a course by examination. The transcript shall reflect that the grade was earned by challenge.

INDEPENDENT STUDY

The Board of Trustees authorizes independent study as an optional alternative instructional strategy by which students in grades K-12 and adult education may reach curriculum objectives and fulfill graduation requirements. Independent study shall offer a means of individualizing the educational plan for students whose needs may be met best through study outside of the regular classroom setting.

(cf. 5147 - Dropout Prevention)

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction, thus enabling students enrolled in independent study to complete the district's adopted course of study within the customary time frame. Students in independent study shall have access to the same services and resources as is available to other students in the school.

(cf. 6143 - Courses of Study)

(cf. 6200 - Adult Education)

The Superintendent or designee shall determine that the prospective independent study student understands and is prepared to meet the district's requirements for independent study. Independent study entails a commitment by both the parent/guardian and the student. As the student gets older, he/she assumes a greater portion of the responsibility involved. Independent study may be offered only to students who can achieve in this program as well as or better than they would in the regular classroom.

The Superintendent or designee shall ensure that a written independent study agreement, as prescribed by law, exists for each participating student. (Education Code 51747)

The Board recognizes that independent study may be used as an option to encourage students to remain in school. Teachers should carefully set the duration of independent study assignments, within the limits specified by the Board in order to help identify students falling behind in their work or in danger of failing or dropping out of school.

To foster each student's success in independent study, the Board establishes the following maximum lengths of time which may elapse between the time an assignment is made and date by which the student must complete the assigned work shall be as follows:

1. For students in grades K-3: 1 week
2. For students in grades 4-8: 2 weeks
3. For students in grades 9-12, continuation and adult education: 3 weeks

INDEPENDENT STUDY (continued)

When circumstances justify a longer time, the Superintendent or designee may extend the maximum length of an assignment to a period not to exceed eight weeks, pursuant to a written request with justification.

When any student fails to complete three consecutive independent study assignments, the Superintendent or designee shall conduct an evaluation to determine whether it is in the student's best interest to remain in independent study. Evaluation findings shall be kept in the student's permanent record.

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

17289 Exemption for building

44865 Qualifications for home teachers and teachers in special classes and schools; consent to assignment

46300-46300.6 Methods of computing ADA

48220 Classes of children exempted

48340 Improvement of pupil attendance

48915 Expulsion; particular circumstances

48917 Suspension of expulsion order

51225.3 Requirements for high school graduation

51745-51749.3 Independent study programs

52001 Improvement of elementary and secondary education: legislative intent

52015 School improvement plans: components of plan

52017 Secondary schools: additional plan components

56026 Individual with exceptional needs

FAMILY CODE

6550 Authorization affidavits

CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study

Management Resources:

CDE PROGRAM ADVISORIES

1113.09 Independent Study: New Legislation, SPB: 90/91-04

0904.86 Independent Study, SPB: 86/7-5

CDE PUBLICATIONS

Independent Study Operations Manual, 1993 revised edition, updated 1994, 1996

WEB SITES

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

Instruction

AR 6158(a)

INDEPENDENT STUDY

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

(cf. 6146.1 - High School Graduation Requirements)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3)

Eligibility

No student shall be required to participate in independent study. (Education Code 51747)

Students enrolling in independent study must be residents of the local county or an adjacent county. (Education Code 51747.3)

Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 51747.3)

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

No individual with disabilities, as defined in Education Code 56026, may participate in independent study unless his/her Individualized Education Program specifically provides for such participation. (Education Code 51745)

(cf. 6159 - Individualized Education Program)

No temporarily disabled student may receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

(cf. 6183 - Home and Hospital Instruction)

No more than 10% of the students enrolled in a continuation high school or opportunity school or program, not including pregnant and parenting students who are primary caregivers for one or more of their children, may be in independent study at any given time. (Education Code 51745)

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

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

(cf. 6184 - Continuation Education)

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study through the adult education program. (Education Code 46300.1)

INDEPENDENT STUDY (continued)

(cf. 6200 - Adult Education)

Criteria for Participation

Students who are interested in independent study should contact their school principal. Approval for participation shall be based on the following criteria:

1. Evidence that the student will work independently to complete the program
2. Availability of experienced certificated staff with adequate time to supervise the student effectively

Written Agreements and Assignments

The written independent study agreement for each participating student shall include, but not be limited to, all of the following: (Education Code 51747)

1. The manner, frequency, time and place for submitting the student's assignments and for reporting his/her progress.
2. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
3. The specific resources, including materials and personnel, that will be made available to the student.
4. The district's independent study policy describing the maximum length of time allowed between an assignment and its completion and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study.
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one semester, or one-half year for a school on a year-round calendar.
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion.

INDEPENDENT STUDY (continued)

7. A statement that independent study is an optional educational alternative in which no student may be required to participate. In the case of a student who is referred or assigned to any school, class or program pursuant to Education Code 48915 or 48917, the agreement shall also include the statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction.

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

The curriculum and methods of study specified in the written agreement shall be consistent with the Board of Trustees's policies, administrative regulations and procedures for curriculum and instruction. (5 CCR 11702)

(cf. 6143 - Courses of Study)

The agreement also may include a schedule for achieving objectives and completing the agreement and a schedule of conferences between the student and supervising teacher.

Before beginning the independent study, each written agreement shall be signed and dated by the student, the parent/guardian or caregiver of the student under 18 years of age, the certificated employee designated as responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. (Education Code 51747)

The agreement shall state that the parent/guardian's signature confers his/her permission for the student's independent study as specified in the agreement.

Student Rights and Responsibilities

Students participating in independent study shall have the right, continuously, to enter or return to the regular classroom mode of instruction.

Independent study students who are late, miss scheduled conferences or do not submit assigned work on time shall not be reported as tardy or truant. However, the independent study administrator shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian, as appropriate
2. A special meeting between the student and the teacher and/or counselor
3. A meeting between the student and the administrator, including the parent/guardian if appropriate

INDEPENDENT STUDY (continued)

4. An increase in the amount of time the student works under direct supervision

When the student has missed the number of assignments specified in Board policy as precipitating an evaluation, the Superintendent or designee shall conduct an evaluation which may result in termination of the independent study agreement, with the student's return to a regular classroom or alternative instructional program.

(cf. 1312 - Complaints Concerning the Schools)
(cf. 1312.1 - Complaints Concerning District Employees)

Administration of Independent Study

Each student's independent study shall be coordinated, evaluated and carried out under the general supervision of a certificated employee. (Education Code 51747.5)

The responsibilities of the independent study administrator shall be to:

1. Ensure that the district's independent study option is operated in accordance with law, Board policy and administrative regulation
2. Approve the participation of students requesting independent study for a period exceeding five school days
3. Facilitate the completion of independent study written agreements
4. Approve all credits earned through independent study supervised at a location apart from the student's regular school and forward the information to the appropriate staff so that the information becomes part of the student's record
5. Authorize the selection of staff who are assigned to supervise independent study
6. Supervise any staff assigned to independent study functions who are not regularly supervised by another administrator
7. Complete or coordinate the preparation of all necessary records and reports
8. Establish and maintain in a systematic manner all records required by law, Board policy and administrative regulation
9. Monitor enrollment in independent study to stay within prescribed limits and to maximize income to the district without compromising the educational quality of independent study

INDEPENDENT STUDY (continued)

10. Develop and manage the budget for independent study
11. Obtain and maintain current information and skills required for the operation of an independent study strategy that meets established standards for the district's educational programs
12. Prepare and submit reports as required by the Board or Superintendent
13. Assure a smooth transition into and out of the independent study mode of instruction

Supervising Teachers

The independent study administrator shall approve the assignment of any teachers who directly supervise independent study on a regular basis. The principal may recommend teachers or students for independent study. The teacher may be the student's regular classroom teacher, particularly for elementary students.

Independent study teachers shall:

1. Complete designated portions of the written agreement and add additional information to the written agreement when appropriate
2. Supervise and approve coursework
3. Design all lesson plans
4. Write the assignments for students
5. Assess all student work
6. Personally judge the time value of assigned work or work products completed and submitted by the student
7. Select and save with each agreement representative samples of the student's completed and evaluated assignments on not less than a monthly basis, preferably biweekly
8. Sign and complete the agreement when the student has reached his/her objectives or the agreement is terminated
9. Maintain any required records and files on a current basis

INDEPENDENT STUDY (continued)

When appropriate, independent study teachers shall determine and assign grades or other approved measures of achievement.

Records

District records shall identify all students participating in independent study and shall specify the grade level, program placement and school in which each of these students is enrolled. (Education Code 51748)

Each school shall maintain records for the students at that school.

Records shall be maintained for audit purposes and shall include the following: (5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and procedures related to independent study
2. A separate listing of the students and adult education students, by grade level, program and school, who have participated in independent study, identifying units of the curriculum attempted and units of the curriculum completed by students in grades K-8 and identifying course credits attempted by and awarded to students in grades 9-12 and in adult education, as specified in their written agreements
3. A file of all agreements, with representative samples of each student's or adult education student's work products bearing signed or initialed and dated notations by the supervising teacher indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher
4. A daily or hourly attendance register, as appropriate to the program in which the students or adult education students are enrolled, separate from classroom attendance records, and maintained on a current basis as time values of student or adult education work products are personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

The district also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

INDIVIDUALIZED EDUCATION PROGRAM

The Board of Trustees desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free, appropriate public education and be placed in the least restrictive environment which meets their needs to the extent provided by law.

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

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

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

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

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

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

(cf. 6164.4 - Identification of Individuals for Special Education)

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

The Superintendent or designee shall develop administrative regulations regarding the appointment of the individualized education program team (IEP), the contents of the IEP and the development, review and revision of the IEP.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

Legal Reference: (see next page)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Legal Reference:

EDUCATION CODE

51225.3 *Requirements for high school graduation and diploma*
56055 *Rights of foster parents pertaining to foster child's education*
56136 *Guidelines for low incidence disabilities areas*
56195.8 *Adoption of policies*
56321 *Development or revision of IEP*
56321.5 *Notice to include right to electronically record*
56340.1-56346 *Instructional planning and individualized education program*
56350-56352 *IEP for visually impaired students*
56380 *IEP reviews; notice of right to request*
56390-56393 *Certificate of completion, special education*
56500-56508 *Procedural safeguards*
60640-60649 *Standardized Testing and Reporting Program*
60850 *High school exit examination, students with disabilities*

FAMILY CODE

6500-6502 *Age of majority*

GOVERNMENT CODE

7572.5 *Seriously emotionally disturbed child, expanded IEP team*

WELFARE AND INSTITUTIONS CODE

300 *Children subject to jurisdiction*
601 *Minors habitually disobedient*
602 *Minors violating law defined as crime*

CODE OF REGULATIONS, TITLE 5

852-853 *Standardized Testing and Reporting Program, accommodations for students with disabilities*
1216-1218 *High School Exit Examination, accommodations for students with disabilities*
3021-3029 *Identification, referral and assessment*
3040-3043 *Instructional planning and the individualized education program*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*
1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.756 *Individuals with Disabilities Education Act*

COURT DECISION

Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 2003 US.App. LEXIS 1395
Sacramento City School District v. Rachel H., 14 F.3d 1398 (9th Cir. 1994)

Management Resources:

FEDERAL REGISTER

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

WEB SITES

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

US Department of Education, Office of Special Education and Rehabilitative Services:
<http://www.ed.gov/offices/OSERS>

INDIVIDUALIZED EDUCATION PROGRAM

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. (34 CFR 300.342)

Members of the IEP Team

The IEP team for any student with a disability shall include at least the following members: (20 USC 1414(d)(1); 34 CFR 300.344; Education Code 56341, 56341.2)

1. One or both of the student's parents/guardians, and/or a representative selected by the parent/guardian
2. If the student is or may be participating in the regular education program, at least one regular education teacher

If more than one regular education teacher is providing instructional services to the student, the district may designate one such teacher to represent the others.

3. At least one special education teacher or, where appropriate, at least one special education provider for the student
4. A representative of the district, Special Education Local Plan Area (SELPA) or county office of education who is:
 - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
 - b. Knowledgeable about the general curriculum
 - c. Knowledgeable about the availability of district and/or SELPA resources

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

5. An individual who conducted an assessment of the student or who is knowledgeable about the assessment procedures used to assess the student and who is:
 - a. Familiar with the assessment results or recommendations
 - b. Qualified to interpret the instructional implication of assessment results

This individual may already be a member of the team as described in items #1-4 above or in item #6 below.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

6. At the discretion of the parent/guardian or district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate

The determination of whether the individual has special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team. (Education Code 56341)

7. Whenever appropriate, the student with the disability

8. For transition service participants pursuant to 34 CFR 300.347:

- a. The student, of any age, with the disability if the purpose of the meeting is the consideration of the student's transition service needs under Education Code 56345.1(a) or (b)

If the student does not attend the IEP team meeting, the district shall take other steps to ensure that the student's preferences and interests are considered.

- b. A representative of any other agency that is likely to be responsible for providing or paying for transition services

If a representative does not attend the meeting, the district shall take other steps to obtain participation of the agency in the planning of any transition services.

9. For students suspected of having a specific learning disability, at least one member of the team shall be qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist or remedial reading teacher. At least one team member other than the student's regular education teacher shall observe the student's academic performance in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

10. For students who have been placed in a group home by the juvenile court, a representative of the group home

In addition, any of the following may participate, as appropriate:

1. The program specialist, school psychologist, school nurse, school social worker, counselor, or other student services worker who has conducted an assessment of the student, when the assessment is significant to the development of the IEP

INDIVIDUALIZED EDUCATION PROGRAM (continued)

2. Any other person whose competence is needed because of the nature and extent of the student's disability
3. A public agency representative fluent in the student's primary language

IEP Meetings

The IEP team shall meet: (20 USC 1414(d); Education Code 56343)

1. Whenever a student has received an initial formal assessment and, when desired, when a student receives any subsequent formal assessment
2. Whenever the student demonstrates a lack of anticipated progress
3. Whenever the parent/guardian or teacher requests a meeting to develop, review or revise the IEP
4. At least annually to:
 - a. Review the student's progress to determine whether the student's annual goals are being achieved
 - b. Review the IEP and the appropriateness of placement
 - c. Make any necessary revisions to the IEP

The IEP team shall conduct this review. Others may participate if they have essential expertise or knowledge. (Education Code 56341; 34 CFR 300.344)

If a participating agency, other than the district, fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service needs for the student set out in the IEP. (Education Code 56345.1)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filling a written request. (Education Code 56343.5)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

An IEP required as a result of an assessment of the student shall be developed within 50 days (not counting days between the student's regular school sessions, terms or days of school vacation in excess of five school days) from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56344)

However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for each student for whom a referral has been made 20 days or less prior to the end of the regular school year. In the case of student school vacations, the 50-day time limit shall recommence on the date that student school days reconvene. (Education Code 56344)

A regular education or special education teacher may request a review of the classroom assignment of a special education student by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days in July and August or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction and/or related services, the Superintendent or designee shall convene an IEP meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days in July or August or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

At each IEP meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

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

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting and scheduling the meeting at a mutually agreed on time and place. (34 CFR 300.345; Education Code 56341.5)

The Superintendent or designee shall send parents/guardians notice of the IEP team meetings early enough to ensure that they will have an opportunity to attend. This notice shall: (34 CFR 300.345; Education Code 56341.5)

1. Indicate the purpose, time and location of the meeting
2. Indicate who will be in attendance at the meeting

INDIVIDUALIZED EDUCATION PROGRAM (continued)

3. Inform the parents/guardians of the provisions of 34 CFR 300.344(a)(6) and (c), relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student
4. Identify any other local agency that is likely to be responsible for providing or paying for transition services in accordance with 34 CFR 300.344
5. For students age 14, or younger if appropriate:
 - a. Indicate that a purpose of the meeting will be the development of a statement of the transition service needs of the student pursuant to 34 CFR 300.347(b)(1)
 - b. Indicate that the district will invite the student to the IEP meeting
6. For students age 16, or younger if appropriate:
 - a. Indicate that the purpose of the meeting is the consideration of needed transition services for the student as required by 34 CFR 300.347(b)(2)
 - b. Indicate that the district will invite the student to the IEP meeting
 - c. Identify any other agency that will be invited to send a representative

If no parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including individual or conference telephone calls. (34 CFR 300.345; Education Code 56341.5)

An IEP meeting may be conducted without a parent/guardian in attendance if the district is unable to convince the parent/guardian that he/she should attend. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including: (34 CFR 300.345; Education Code 56341.5)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any response received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Parents/guardians and the district shall have the right to audiotape the proceedings of IEP meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the district gives notice of intent to audiotape a meeting, and if the parent/guardian objects or refuses to attend because the meeting would be audiotaped, the meeting shall not be audiotaped. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audiotapes
2. Request that the audiotapes be amended if the parent/guardian believes they contain information that is inaccurate, misleading or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parent/guardian believes is inaccurate, misleading, or in violation of the student's privacy rights or other rights

Contents of the IEP

The district shall have an IEP in effect for each student with disabilities within its jurisdiction at the beginning of each school year. (Education Code 56344)

The IEP shall be a written statement determined in a meeting of the IEP team. It shall include, but not be limited to, all of the following: (20 USC 1414(d); 34 CFR 300.347; Education Code 56043, 56345, 56345.1)

1. A statement of the present levels of the student's educational performance, including one of the following:
 - a. For a schoolage child, how the student's disability affects his/her involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students)
 - b. For a preschool child, as appropriate, how the disability affects his/her participation in appropriate activities
2. A statement of measurable annual goals, including benchmarks or short-term objectives related to:
 - a. For a schoolage child, meeting the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general curriculum

INDIVIDUALIZED EDUCATION PROGRAM (continued)

For a preschool child, as appropriate, meeting the child's needs that result from his/her disability to enable the child to participate in appropriate activities

- b. Meeting each of the student's other educational needs that result from the student's disability
3. A statement of the specific special educational instruction and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to:
 - a. Advance appropriately toward attaining the annual goals
 - b. Be involved and progress in the general curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
 - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in Education Code 56345

(cf. 3541.2 - Transportation for Students with Disabilities)

4. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the extracurricular and other nonacademic activities described in item #3 above and other activities pursuant to Education Code 56345
5. A statement of any individual modifications in the administration of state or district assessments of student achievement that are needed in order for the student to participate in such assessments

If the IEP team determines that the student will not participate in the administration of a state or district assessment of student achievement (or part of such an assessment), the IEP shall include a statement as to why that assessment is not appropriate for the student and how the student will be assessed.

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

6. The projected date for the beginning of the services and modifications described in item #3 above and the anticipated frequency, location and duration of those services and modifications

INDIVIDUALIZED EDUCATION PROGRAM (continued)

7. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved
8. A statement of:
 - a. How the student's progress toward the annual goals described in item #2 above will be measured
 - b. How the student's parents/guardians will be regularly informed (by such means as periodic report cards), at least as often as parents/guardians of nondisabled students, of:
 - (1) Their child's progress towards the annual goals described in item #2 above
 - (2) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year
9. A statement of transition service needs, as defined in Education Code 56345.1, as follows:
 - a. Beginning at age 14 (or younger if determined appropriate by the IEP team), and updated annually, a statement of transition service needs of the student under the applicable components of the IEP that focus on the student's courses of study (such as participation in Advanced Placement courses or a vocational education program)
 - b. Beginning at age 16 (or younger if determined appropriate by the IEP team), and annually thereafter, a statement of needed transition services for the student, including, when appropriate, a statement of the interagency responsibilities or any needed linkages
 - c. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to the Individuals with Disabilities Education Act that will transfer to the student upon reaching age 18 pursuant to 20 USC 1415(m)
10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to 34 CFR 300.517 and Education Code 56041.5 that will transfer to the student upon reaching age 18

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Where appropriate, the IEP shall also include: (Education Code 56345)

1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed standards required for graduation

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

2. Linguistically appropriate goals, objectives, programs and services for students whose primary language is not English
3. Extended school year services when needed, as determined by the IEP team

(cf. 6177 - Summer School)

4. Provision for transition into the regular education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a regular education program in a public school for any part of the school day

The IEP shall include descriptions of activities intended to:

- a. Integrate the student into the regular education program, including indications of the nature of each activity and the time spent on the activity each day or week
- b. Support the transition of the student from the special education program into the regular education program

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6178 - Vocational Education)

(cf. 6181 - Alternative Schools)

5. Specialized services, materials and equipment for students with low incidence disabilities, consistent with the guidelines of Education Code 56136

Development, Review and Revision of the IEP

In developing the IEP, the IEP team shall consider the following: (20 USC 1414(d); 34 CFR 300.346; Education Code 56341.1, 56345)

1. The strengths of the student and the concerns of the parents/guardians for enhancing the education of their child

INDIVIDUALIZED EDUCATION PROGRAM (continued)

2. The results of the initial assessment or most recent assessment of the student
3. As appropriate, the results of the student's performance on any general state or district assessment programs
4. In the case of a student whose behavior impedes his/her learning or that of others, if appropriate, positive behavioral interventions, strategies and supports to address that behavior
5. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
6. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student
7. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, including the following:

- a. The student's primary language mode and language, which may include the use of spoken language with or without visual cues and/or the use of sign language
 - b. The availability of a sufficient number of age, cognitive and language peers of similar abilities
 - c. Appropriate, direct and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language
 - d. Services necessary to ensure communication-accessible academic instructions, school services and extracurricular activities
8. Whether the student requires assistive technology devices and services

INDIVIDUALIZED EDUCATION PROGRAM (continued)

If, in considering the special factors in items #1-8 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation or other program modification, in order to receive a free and appropriate public education, the IEP team must include a statement to that effect in the student's IEP. (34 CFR 300.346; Education Code 56341.1)

The IEP may be revised, as appropriate, to address: (20 USC 1414(d); Education Code 56341.1)

1. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate
2. The results of any reassessment conducted pursuant to Education Code 56381

A reassessment of the student shall be conducted at least once every three years, or more frequently if conditions warrant a reassessment, or if the student's parent/guardian or teacher requests a reassessment and a new IEP to be developed. (Education Code 56381)

3. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to Education Code 56381(b)
4. The student's anticipated needs
5. Factors used to develop the IEP pursuant to Education Code 56341.1(a) and described above
6. Other matters

As a member of the IEP team, the regular education teacher shall, to the extent appropriate, participate in the development, review and revision of the student's IEP, including assisting in the determination of: (34 CFR 300.346; Education Code 56341)

1. Appropriate positive behavioral interventions and strategies for the student

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

2. Supplementary aids and services, program modifications or supports for school personnel that will be provided for the student, consistent with 34 CFR 300.347(a)(3)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Whenever a special education student transfers into the district from another district not part of this district's SELPA, the Superintendent or designee shall ensure that the student is immediately provided an interim placement for a period not to exceed 30 days. This interim placement shall be in accordance with either the student's existing IEP to the extent possible within existing resources, or a new IEP, unless the parent/guardian agrees otherwise. Before the expiration of the 30-day period, the IEP team shall review the interim placement and shall make a final recommendation. The team may utilize information, records, and reports from the district or county program from which the student transferred. (Education Code 56325)

On an annual basis, all IEPs shall be reviewed for student progress, appropriateness of placement and to include any necessary revisions. (Education Code 56380)

Due Process/Mediation

A student shall not be required to participate in all or part of any special education program unless the parent/guardian is first informed in writing of the facts that make participation in the program necessary or desirable and the contents of the IEP, and the parent/guardian consents, in writing, to all or part of the IEP after receiving this notice. If the parent/guardian does not consent to all of the components of the IEP, then those components of the IEP to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)

If the Superintendent or designee determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a free and appropriate public education to the student, he/she shall either initiate a due process hearing or a prehearing mediation conference with the state pursuant to Education Code 56500.3. While the due process hearing or prehearing mediation conference is pending, the student shall remain in his/her current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

While a due process hearing is pending, the Superintendent or designee may choose to meet informally with the parent/guardian pursuant to Education Code 56502 or may hold a mediation conference pursuant to Education Code 56503. If a due process hearing is held, the hearing decision shall be the final administrative determination and shall be binding upon the parties. (Education Code 56346)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Procedural Safeguards/Due Process Hearings

In order to protect the rights of students with disabilities and their parents/guardians, the district shall follow all procedural safeguards as set forth in law.

Parents/guardians shall receive written notice of their rights, including the right to a due process hearing for any dispute related to the identification, assessment or educational placement of a child or the provision of a free, appropriate public education to the child.

(cf. 5145.6 - Parental Notifications)
(cf. 6159 - Individualized Education Program)

The Superintendent or designee shall represent the district in any due process hearings conducted with regard to district students and shall provide the Board of Trustees with the results of these hearings.

Complaints for Special Education

Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the district's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference: (see next page)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Legal Reference:

EDUCATION CODE

56000 *Education for individuals with exceptional needs*

56001 *Provision of the special education programs*

56020-56035 *Definitions*

56195.7 *Written agreements*

56195.8 *Adoption of policies for programs and services*

56300-56381 *Identification and referral, assessment, instructional planning, implementation, and review*

56440-56447.1 *Programs for individuals between the ages of three and five years*

56500-56507 *Procedural safeguards, including due process rights*

56600-56606 *Evaluation, audits and information*

CODE OF REGULATIONS, TITLE 5

3000-3089 *Regulations governing special education*

4600-4671 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 *Inspection, review and procedures for amending education records*

104.36 *Procedural safeguards*

300.500-300.517 *Due process procedures for parents and children*

Management Resources:

WEB SITES

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

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**Informal Process/Pre-Hearing Mediation Conference**

Before requesting a due process hearing, the Superintendent or designee and a parent/guardian may agree to meet informally to resolve any issue(s) relating to the identification, assessment or education and placement of the student. The Superintendent or designee shall have the authority to resolve the issue(s). (Education Code 56502)

In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. Based on the mediation conference, the Superintendent or designee may resolve the issue(s) in a manner that is consistent with state and federal law and is to the satisfaction of both parties. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

If either of these processes fails to resolve the issue(s), either party may file for a state-level due process hearing as described below.

Due Process Hearing Procedures

A parent/guardian, the district, and/or a student who is emancipated or a ward or dependent of the court may initiate due process hearing procedures whenever: (Education Code 56501)

1. There is a proposal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student.
2. There is a refusal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student.
3. The parent/guardian refuses to consent to an assessment of his/her child.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.403(b).

Parties requesting a due process hearing shall file their request with the Superintendent of Public Instruction or designated contracted agency and give a copy of the request, at the same time, to the other party. (Education Code 56502)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Upon requesting a due process hearing, the parent/guardian or attorney representing the student shall provide notice, which shall remain confidential, to the district specifying: (20 USC 1415(b); 34 CFR 300.507)

1. The student's name
2. The student's address
3. The name of the school the student attends
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem
5. A proposed resolution to the problem to the extent known and available to the parents/guardians at the time

At least five business days prior to a due process hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. (20 USC 1415(f))

Due Process Hearing Rights

Due process hearing rights include: (34 CFR 300.509; Education Code 56501, 56505, 56506; 5 CCR 3082)

1. The right to a mediation conference pursuant to Education Code 56500.3
2. The right to request a mediation conference at any point during the hearing process

The mediation process shall not be used to deny or delay a parent/guardian's right to a due process hearing or to deny any other rights afforded under the Individuals with Disabilities Education Act.

3. The right to examine student records and receive copies within five days of request

(cf. 5125 - Student Records)

4. The right to a fair and impartial administrative hearing at the state level before a person knowledgeable and under contract in accordance with law
5. The right to have the student who is the subject of the state hearing present at the hearing

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

6. The right to open the state hearing to the public
7. The right to call witnesses, including adverse witnesses, and to cross-examine witnesses
8. The right to compel the attendance of witnesses, including the right to issue subpoenas
9. The right to have witnesses excluded from the hearing
10. Because hearings are conducted in English, the right to an interpreter, when the primary language of a party to a hearing is other than English, or other mode of communication
11. At the hearing, the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities
12. If the hearing officer conducts all or part of a hearing by electronic means, the right of each participant in the hearing to participate in and hear the entire proceeding while it is taking place and to observe exhibits
13. The right to written or, at the option of the parent/guardian, electronic findings of facts and decisions

The district shall provide this record and findings of fact to the parent/guardian at no cost.
14. The right to be informed by the other parties to the hearing, at least 10 days prior to the hearing, as to what those parties believe are the issues to be decided at the hearing and their proposed resolution of the issues
15. At least five business days prior to the hearing, the right to receive from other parties to the hearing a copy of all documents and a list of all witnesses and their general area of testimony that the parties intend to present at the hearing, including all completed assessments and recommendations based on those assessments

Parents/guardians or emancipated students have the following additional due process rights:
(Education Code 56506; 5 CCR 3082)

1. The right to receive written notice of parent/guardian rights pursuant to Education Code 56506

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

(continued)

2. The right to initiate referral of a child for special education pursuant to Education Code 56303
3. The right to obtain an independent educational assessment pursuant to Education Code 56329
4. The right to participate in the development of the individualized education program (IEP) and be informed of the availability under state and federal law of free and appropriate public education and of all available alternative programs, both public and nonpublic

(cf. 6159 - Individualized Education Program)

5. The right to provide written parental consent pursuant to Education Code 56321 before any assessment of the student is conducted unless the district or Special Education Local Plan Area prevails in a due process hearing relating to such assessment

Informed parental consent need not be obtained in the case of a reassessment of the student if the district can demonstrate that reasonable measures have been taken to obtain consent and that the student's parent/guardian has failed to respond.

6. The right to provide written parental consent pursuant to Education Code 56321 before the student is placed in a special education program
7. The right to determine whether the due process hearing will be open or closed to the public

Prior Written Notice

The Superintendent or designee shall send to parents/guardians of a student with a disability a prior written notice within a reasonable time before: (Education Code 56500.4, 56500.5; 20 USC 1415(c); 34 CFR 300.503)

1. The district initially refers the student for assessment
2. The district proposes to initiate or change the student's identification, evaluation, educational placement or the provision of a free, appropriate public education
3. The district refuses to initiate or change the identification, evaluation or educational placement of the student or the provision of a free and appropriate public education
4. The student graduates from high school with a regular diploma

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

This notice shall include: (20 USC 1415(c); 34 CFR 300.503)

1. A description of the action proposed or refused by the district
2. An explanation as to why the district proposes or refuses to take the action
3. A description of any other options that the district considered and why those options were rejected
4. A description of each evaluation procedure, test, record or report the district used as a basis for the proposed or refused action
5. A description of any other factors relevant to the district's proposal or refusal
6. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of procedural safeguards can be obtained
7. Sources for parents/guardians to obtain assistance in understanding these provisions

(cf. 5145.6 - Parental Notifications)

Students with disabilities and their parents/guardians shall be provided written notice of their rights in language easily understood by the general public and in the primary language of the parent/guardian or other mode of communication used by the parent/guardian, unless to do so is clearly not feasible. The notice shall include, but not be limited to, those rights prescribed by Education Code 56341. (Education Code 56341, 56506; 34 CFR 300.503)

If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that: (34 CFR 300.503)

1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication
2. The parent/guardian understands the contents of the notice
3. There is written evidence that items #1 and #2 have been satisfied

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with a disability upon: (Education Code 56301; 20 USC 1415(d))

1. Initial referral for evaluation
2. Each notification of an IEP meeting
3. Reevaluation of the student
4. Registration of a complaint
5. Filing for a prehearing mediation conference or a due process hearing

This notice shall include information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341. A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

In addition, this notice shall include a full explanation of the procedural safeguards relating to independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints to initiate due process hearings; the student's placement while due process proceedings are pending; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parent/guardians of students in private schools at public expense; mediation; due process hearings; state-level appeals; civil action; attorney's fees, and the state's complaint procedure. (20 USC 1415(d); 34 CFR 300.504)

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

(cf. 6164.4 - Identification of Individuals for Special Education)

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION**

The Board of Trustees may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6159 - Individualized Education Program)

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

(cf. 6164.4 - Identification of Individuals for Special Education)

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

Legal Reference: (see next page)

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION (continued)**

Legal References:

EDUCATION CODE

56034-56035 *Definitions of nonpublic, nonsectarian school and agency*
56042 *Placement not to be recommended by attorney with conflict of interest*
56101 *Waivers*
56163 *Certification*
56168 *Responsibility for education of student in hospital or health facility school*
56195.8 *Adoption of policies*
56360-56369 *Implementation of special education*
56711 *Computation of state aid*
56740-56743 *Apportionments and reports*
56760 *Annual budget plan; service proportions*
56775.5 *Reimbursement of assessment and identification costs*

GOVERNMENT CODE

7570-7588 *Interagency responsibilities for providing services to children with disabilities, especially:*
7572.55 *Seriously emotionally disturbed child; out-of-state placement*

FAMILY CODE

7911-7912 *Interstate compact on placement of children*

WELFARE AND INSTITUTIONS CODE

362.2 *Out-of-home placement for IEP*
727.1 *Out-of-state placement of wards of court*

CODE OF REGULATIONS, TITLE 5

3001 *Definitions*
3061-3069 *Nonpublic, nonsectarian school and agency services*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.400-300.487 *Children with disabilities in private schools*

COURT DECISIONS

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

Management Resources:

CDE LEGAL ADVISORIES

0317.99 *Nonpublic School/Agency Waivers and Reimbursement to Parents*

FEDERAL REGISTER

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

WEB SITES

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

US Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/offices/OSERS>

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION**Placement and Services**

Procedures specified in law shall govern the selection of appropriate nonpublic school or agency services.

Contracts with a nonpublic school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Individual services agreements shall be for the length of time for which nonpublic, nonsectarian school services are specified in the student's individualized education program (IEP), not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

(cf. 6159 - Individualized Education Program)

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the district to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. The administrative provisions of the contract shall also include procedures for recordkeeping and documentation, and the maintenance of school records by the contracting district to ensure that appropriate high school graduation credit is received by the student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code 56366)

(cf. 3541.2 - Transportation for Students with Disabilities)

The master contract shall include a description of the process being utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether the student is making appropriate educational progress. (Education Code 56366)

The district IEP team shall annually review the IEP of a student placed in a nonpublic, nonsectarian school or agency. The student's IEP and contract shall specify the review schedules. (5 CCR 3068)

Out-of-State Placements

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Superintendent or designee shall document the district's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. (Education Code 56365)

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION** (continued)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the district's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California. (Education Code 56365)

If the district decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a child with disabilities as necessary in accordance with law. He/she shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

Before individuals are appointed as surrogate parents, the Superintendent or designee shall ensure that they have passed a criminal background screening and have demonstrated interest and skill in working with children with disabilities, sensitivity to ethnic and cultural factors, and ability to work cooperatively with others.

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

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

(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)

(cf. 6159 - Individualized Education Program)

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

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

(cf. 6164.4 - Identification of Individuals for Special Education)

Legal Reference: (see next page)

**APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION
STUDENTS (continued)**

Legal Reference:

EDUCATION CODE

56028 Parent

56050 Surrogate parents

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to disabled children, especially:

7579.5 Surrogate parent; appointment; qualifications; liability

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

601 Minors habitually disobedient or truant

602 Minors violating laws

UNITED STATES CODE, TITLE 20

1414-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.20 Definition "parent"

300.515 Surrogate parents

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

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

US Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/offices/OSERS>

APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

The Superintendent or designee shall appoint a surrogate parent to represent a child with disabilities under one or more of the following circumstances: (Government Code 7579.5; 34 CFR 300.515)

1. No parent for the child can be identified.
2. The district, after reasonable efforts, cannot discover the location of a parent or legal guardian of the child.
3. The child is adjudicated a dependent or ward of the court pursuant to Welfare and Institutions Code 300, 601 or 602, and either the court has referred the child for special education and related services or the child has a valid individualized education program (IEP).

(cf. 6159 - Individualized Education Program)

A surrogate parent shall not be appointed for a child who is a dependent or ward of the court unless the court specifically limits the rights of the parent/guardian to make educational decisions for the child. In addition, a surrogate parent shall not be appointed for a child who has reached the age of majority unless he/she has been declared incompetent by a court of law. (Government Code 7579.5)

When appointing a surrogate parent, the Superintendent or designee shall give first preference to a relative caretaker, foster parent or court-appointed special advocate, provided any of these individuals exists and is willing to serve. If none of these individuals is willing or able to act as a surrogate parent, the Superintendent or designee shall select the surrogate parent of his/her choice. If the child is moved from the home of the relative caretaker or foster parent who was appointed as a surrogate parent, the Superintendent or designee shall appoint another surrogate parent. (Government Code 7579.5)

As far as practical, a surrogate parent should be culturally sensitive to his/her assigned child. (Government Code 7579.5)

Surrogate parents shall have no vested interests that conflict with the child's educational interests and shall have knowledge and skills that ensure adequate representation of the child. If a conflict of interest arises after the appointment of a surrogate parent, the Superintendent or designee shall terminate the appointment and appoint another surrogate parent. (34 CFR 300.515; Government Code 7579.5)

APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS (continued)

The surrogate parent shall have all the rights relative to the child's education that a parent has under the Individuals with Disabilities Education Act (20 USC 1414-1487; 34 CFR 300.1-300.756). The surrogate parent may represent the child in all matters relating to identification, assessment, instructional planning and development, educational placement, review and revision of the IEP, and in other matters relating to the provision of a free and appropriate public education. (Education Code 56050; Government Code 7579.5)

In addition, the representation of the surrogate parent shall include the provision of written consent to the IEP including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to Government Code 7570-7588. The surrogate parent may sign any consent relating to IEP purposes. (Education Code 56050)

The Superintendent or designee shall terminate the appointment of a surrogate parent whenever he/she no longer satisfies the eligibility requirements for surrogate parents as specified above.

Surrogate parents shall volunteer their services to the district and serve without compensation. The district may reimburse them for mileage and other incidental expenses directly associated with their duties as surrogate parents.

(cf. 3350 - Travel Expenses)

Surrogate parents shall have access to the student's school records as necessary to fulfill their responsibilities as surrogate parents and in accordance with Board of Trustees policy and administrative regulation.

(cf. 5125 - Student Records)

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

A special education student's behavior shall be subject to the disciplinary measures applicable to all students for such infractions unless it is a serious behavior problem as defined below.

(cf. 5131 - Conduct)
(cf. 5144 - Discipline)

More serious behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

Definitions

Serious behavioral problems are behaviors which are self-injurious, assaultive or cause property damage, and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective. (5 CCR 3001)

Behavioral intervention is a systematic implementation of procedures that result in lasting positive changes in the individual's behavior. "Behavioral intervention" means the design, implementation and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. Behavioral interventions are designed to provide the individual greater access to a variety of community settings, social contacts and public events and ensure the individual's right to placement in the least restrictive environment, pursuant to the student's IEP. The use of behavioral interventions shall not cause pain or trauma, shall respect the individual's human dignity and personal privacy, and shall assure his/her physical freedom, social interaction and individual choice. (5 CCR 3001)

Behavior intervention plan is a written document which is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the student's IEP.

Behavioral intervention case manager is a designated certificated school/ district/county staff member or other qualified personnel contracted by the district or county office, and trained in behavior analysis with emphasis on positive behavioral interventions. (5 CCR 3001)

Behavioral emergency is the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective. (5 CCR 3001)

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

(continued)

Functional Analysis Assessment

When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her IEP, the student's IEP team shall determine whether the instructional/behavioral approaches specified in the student's IEP have proven ineffective. If the IEP team finds that these approaches have been ineffective, a functional analysis assessment shall be conducted. (5 CCR 3052)

(cf. 6159 - Individualized Education Program)

Before a functional analysis assessment begins, parents/guardians shall be notified and consent obtained pursuant to Education Code 56321. No such assessment shall preclude a parent/guardian from requesting a functional analysis assessment on the basis of language and speech disorders or specific learning disabilities. (5 CCR 3052)

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

The functional analysis assessment shall be conducted by, or be under the supervision of, a person with documented training in behavior analysis with an emphasis on positive behavioral interventions. This staff shall: (5 CCR 3052)

1. Observe the targeted inappropriate behavior, its frequency, duration and intensity
2. Observe events immediately preceding the behavior
3. Observe the consequences of the behavior to determine the purpose it serves for the student
4. Analyze the environment in which the behavior most frequently occurs
5. Analyze records for medical and health factors which may influence behavior
6. Review the history of the behavior, including the effectiveness of interventions used in the past

The parent/guardian shall receive a complete written report of the assessment. The report shall include: (5 CCR 3052)

1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

(continued)

2. A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the behavior and a functional analysis of the behavior across all appropriate settings in which it occurs
3. A description of the rate of alternative behaviors, their antecedents and consequences
4. A proposed behavioral intervention plan for consideration by the IEP team.

Behavioral Intervention Plan

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, the district shall implement a behavioral intervention plan in accordance with 34 CFR 300.520, Board policy and administrative regulation.

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

Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. If such a plan is needed, the IEP team shall be expanded to include a behavioral intervention case manager, qualified staff knowledgeable of the student's health needs, and others with expertise as deemed necessary by the parent/guardian, district or Special Education Local Plan Area (SELPA). This team shall develop a written behavioral intervention plan which includes: (5 CCR 3001)

1. A summary of relevant and determinative information gathered from the functional analysis assessment
2. An objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s)
3. The student's goals and objectives specific to the behavioral intervention plan
4. A detailed description of interventions to be used and the circumstances for their use
5. Specific schedules for recording the frequency of intervention use and the frequency of the targeted and replacement behaviors, including specific criteria for discontinuing an intervention for lack of effectiveness or replacing it with a specified and identified alternative
6. Criteria by which the procedure will be faded or phased-out, or less intense/restrictive intervention schedules or techniques that will be used

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

(continued)

7. Those behavioral interventions which will be used in the home, residential facility, work site or other noneducational settings
8. Specific dates when the IEP team will periodically review the efficacy of the program
9. The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan

Based on the results of the functional analysis assessment, interventions specified in the plan may include: (5 CCR 3052)

1. Altering the identified antecedent event to prevent the occurrence of the behavior
2. Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior
3. Teaching the student adaptive behaviors which ameliorate negative conditions that promote the display of inappropriate behaviors
4. Manipulating the consequences for the display of inappropriate behaviors and alternative, acceptable behaviors, so that the alternative behaviors more effectively produce desired outcomes

Acceptable responses to targeted behavior may include, but are not limited to, one or more of the following: (5 CCR 3052)

1. The behavior is ignored, but not the student.
2. The student is verbally or verbally and physically redirected to an activity.
3. The student is provided with feedback.
4. The message of the behavior is acknowledged.
5. A brief physical prompt is provided to interrupt or prevent aggression, self-abuse or property destruction.

The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation. (5 CCR 3052)

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

(continued)

A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in noneducational settings. (5 CCR 3001)

At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team. (5 CCR 3052)

If the IEP team determines that changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and, based on the outcomes, propose changes to the plan. (5 CCR 3052)

The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications without an IEP team meeting. The parent/guardian shall be notified of the need for modification and shall be able to review the existing program evaluation data prior to implementing the modification. Parents/guardians shall be informed of their right to question any modification to the plan through the IEP procedures. (5 CCR 3052)

The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team. (5 CCR 3052)

Emergency Interventions

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans. (5 CCR 3052)

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (5 CCR 3052)

Parents/guardians shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include: (5 CCR 3052)

1. The name and age of the student

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

(continued)

2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan
6. Details of any injuries sustained by students or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional analysis assessment, and determine the necessity for an interim behavioral intervention plan. The IEP team shall document the reasons for not conducting an assessment and/or not developing an interim plan. (5 CCR 3052)

If the behavior emergency report is for a student who has a behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (5 CCR 3052)

Prohibited Interventions

The district prohibits any use of the following: (5 CCR 3052)

1. Any intervention designed or likely to cause physical pain
2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom
4. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

(continued)

5. Use of any material or objects which simultaneously immobilize all hands and feet, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
6. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room
7. Any intervention that precludes adequate supervision of the student
8. Any intervention that deprives the student of one or more of his/her senses
9. Force exceeding what is reasonable and necessary under the circumstances

Legal Reference:

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral Interventions

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3052 Designated positive behavioral interventions

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.756 Assistance to states for the education of students with disabilities

Management Resources:

FEDERAL REGISTER

34 CFR 300.a1 Appendix A to Part 300 - Notice of Interpretation

EQUIPMENT, BOOKS AND MATERIALS

The Board of Trustees recognizes that student learning is enhanced when students have access to high-quality textbooks, equipment and other instructional materials for each of the subjects they are studying. To adequately support the Board-approved curriculum, instructional materials also should be up to date.

The Superintendent or designee shall develop procedures for determining the sufficiency of district instructional materials in providing accurate, current information and ensuring that students have access to standards-based materials. When new instructional materials have been chosen in accordance with the district's selection and evaluation policy, the Board shall make final decisions regarding their purchase.

(cf. 0440 - District Technology Plan)
(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Legal Reference:

EDUCATION CODE
60010 Definitions
60040-60047 Instructional requirements and materials
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials
60240-60252 State Instructional Materials Fund
60400-60411 High school textbooks
60420-60424 Instructional Materials Funding Realignment Program
CALIFORNIA CODE OF REGULATIONS, TITLE 5
9505-9550 Instructional materials
9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

WEB SITES
CDE, Curriculum Frameworks and Instructional Resources Division: <http://www.cde.ca.gov/cfir>

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

The Board of Trustees desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect the ethnic and cultural diversity of our society, and enhance the use of multiple teaching strategies and technologies. The Board's adoption of instructional materials shall be based on a determination that such materials meet criteria specified in law and are an effective learning resource to help students achieve grade-level competency.

(cf. 6000 - Concepts and Roles)
(cf. 9000 - Role of the Board)

To ensure that instructional materials effectively support the district's adopted courses of study, the selection of textbooks, technology-based materials, other educational materials and tests shall be aligned with the development and evaluation of the district's curriculum.

(cf. 0440 - District Technology Plan)
(cf. 6010 - Goals and Objectives)
(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6162.5 - Student Assessment)
(cf. 6162.7 - Use of Technology in Instruction)
(cf. 6163.1 - Library Media Centers)

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members.

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

All recommended instructional materials shall be available for public inspection at the district office.

Individuals who participate in selecting and evaluating instructional materials shall have no financial interest in the materials being reviewed.

(cf. 3315 - Relations with Vendors)
(cf. 9270 - Conflict of Interest)

Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

In accordance with the Instructional Materials Funding Realignment Program, the Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history/social science.

When the Board determines that standards-aligned textbooks and instructional materials have been provided to all students in accordance with Education Code 60422, it shall so certify. A copy of the certification shall be kept on file in the district.

The Superintendent or designee shall ensure that the district satisfies the criteria necessary to access funds under the state's Pupil Textbook and Instructional Materials Incentive Account pursuant to Education Code 60252.

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials. At these hearings, the Board shall determine, through a resolution, whether each student in each school has sufficient textbooks and/or instructional materials in each of the following subjects that are consistent with the content and cycles of the state curriculum frameworks: (Education Code 60119)

1. Mathematics
2. Science
3. History-social science
4. English/language arts, including the English language development component of an adopted program

The Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks. The Board shall determine the availability of science laboratory equipment for grades 9-12. (Education Code 60119)

The hearing shall take place on or before the end of the eighth week from the first day students attend school for that year. For districts with schools on a multitrack year-round calendar, the hearing shall be held on or before the end of the eighth week from the first day of the school year on any track that begins a school year in August or September. (Education Code 60119)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the district, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public, setting forth for each school, the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Legal Reference: (see next page)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Legal Reference:

EDUCATION CODE

- 1240 County superintendent, general duties
 - 33126 School accountability report card
 - 35272 Education and athletic materials
 - 44805 Enforcement of course of studies; use of textbooks, rules and regulations
 - 49415 Maximum textbook weight
 - 51501 Subject matter reflecting on race, color, etc.
 - 60000-60005 Instructional materials, legislative intent
 - 60010 Definitions
 - 60040-60048 Instructional requirements and materials
 - 60060-60062 Requirements for publishers and manufacturers
 - 60070-60076 Prohibited acts (re instructional materials)
 - 60110-60111 Instructional materials on drug education
 - 60119 Public hearing on sufficiency of materials
 - 60200-60206 Elementary school materials
 - 60226 Requirements for publishers and manufacturers
 - 60240-60252 State Instructional Materials Fund
 - 60350-60352 Core reading program instructional materials
 - 60400-60411 High school textbooks
 - 60420-60424 Instructional Materials Funding Realignment Program
 - 60605 State content standards
- CODE OF REGULATIONS, TITLE 5
- 9505-9550 Instructional materials, especially:
 - 9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

CDE PROGRAM ADVISORIES

- 1002.90 Selection of Instructional Materials, CIL: 90/91-02

CDE PUBLICATIONS

- Standards for Evaluation of Instructional Materials with Respect to Social Content, 1986 edition, revised 2001

SBE POLICY

- Textbook Weight in California, May 2004

- 01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001

CSBA PUBLICATIONS

- Maximizing School Board Leadership: Curriculum, 1996

WEB SITES

- CSBA: <http://www.csba.org>
- Association of American Publishers: <http://www.publishers.org>
- California Department of Education: <http://www.cde.ca.gov>
- State Board of Education: <http://www.cde.ca.gov/be>

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS**Instructional Materials Funding Realignment Program**

The district shall use state funds received under the Instructional Materials Funding Realignment Program to ensure that each student is provided with standards-aligned textbooks or instructional materials in the core curriculum areas of reading/language arts, mathematics, science and history/social science. (Education Code 60422)

Instructional materials for grades K-8 shall be selected from the list of standards-aligned materials adopted by the State Board of Education (SBE). Standards-aligned materials in each core curriculum area shall be provided to each student at the beginning of the first school term that commences no later than 36 months after those materials are adopted by the SBE. (Education Code 60422, 60422.1)

(cf. 6011 - Academic Standards)

Purchase of instructional materials for grades 9-12 should be preceded by receipt and review of the standards map provided by the publishers pursuant to Education Code 60451.

For all grade levels, first priority shall be to provide reading/language arts and mathematics materials aligned to adopted standards, and second priority shall be to provide standards-aligned history/social science and science materials. (5 CCR 9531)

When the Board of Trustees has certified that all students have been provided with standards-aligned instructional materials in the core curriculum areas, the district may use any remaining program funds for the purposes specified in Education Code 60242. (Education Code 60119, 60422)

Criteria for Selection and Adoption of Instructional Materials

Instructional materials adopted by the Board shall:

1. For basic instructional materials in grades K-8, be selected from among the list of materials approved by the SBE in accordance with law (Education Code 60200)

(cf. 1431 - Waivers)

2. For instructional materials in high schools, be provided by publishers who comply with the requirements of Education Code 60040-60048, 60060-60062 and 60226 (Education Code 60400)
3. Not reflect adversely upon persons because of their race, color, creed, national origin, ancestry, sex, disability, or occupation, or contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 60044)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

4. To the satisfaction of the Board, be accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels (Education Code 60045)
5. With the exception of literature and trade books, use proper grammar and spelling (Education Code 60045)
6. Not provide any exposure to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60200, 60048)
 - a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by the SBE.
 - b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.
7. Meet the requirements of Education Code 60040-60043 for specific subject content
8. Support the district's adopted courses of study and curricular goals
(cf. 6010 - Goals and Objectives)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)
9. Contribute to a comprehensive, balanced curriculum
10. Demonstrate reliable quality of scholarship as evidenced by:
 - a. Accurate, up-to-date and well-documented information
 - b. Objective presentation of diverse viewpoints
 - c. Clear, concise writing and appropriate vocabulary
 - d. Thorough treatment of subject
11. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities and developmental levels
12. Include materials that stimulate discussion of contemporary issues and improve students' thinking and decision-making skills
13. Contribute to the proper articulation of instruction through grade levels

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

14. Have corresponding versions available in languages other than English as appropriate
15. Include high-quality teacher's guides
16. Meet high publishing standards in terms of the quality, durability and appearance of paper, binding, text and graphics

Instructional Materials Evaluation Committee

The Superintendent or designee may establish an instructional materials evaluation committee to evaluate and recommend instructional materials for Board approval. This committee shall consist of a majority of teachers and may also include administrators, other staff who have subject-matter expertise, parents/guardians, community members and students as appropriate.

(cf. 1220 - Citizen Advisory Committees)

The committee shall review instructional materials using criteria provided above and in law, and shall provide the Board with documentation supporting its recommendations.

Conflict of Interest

To ensure integrity and impartiality in the evaluation and selection of instructional materials, a person participating in the evaluation of instructional materials shall not:

1. Accept any emolument, money or other valuable thing or inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)

Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)

(cf. 3315 - Relations with Vendors)

(cf. 9270 - Conflict of Interest)

2. Be employed by or receive compensation from any person, firm, organization or any of its subsidiaries or controlling entities submitting instructional materials to the district
3. Have or negotiate a contractual relationship with any person, firm or organization or any of its subsidiaries or controlling entities submitting instructional materials to the district
4. Have an interest as a contributor, author, editor or consultant in any textbook or other instructional material submitted to the district

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

An individual formerly employed as a consultant on textbooks or other materials shall not be deemed to be financially interested in the selection or evaluation of instructional materials provided he/she:

1. Has not had a contractual relationship or received compensation for such consulting service in the preceding two years
2. Retains no rights to compensation accruing while selecting or evaluating materials for the district

An individual shall not be disqualified from participating in the evaluation or selection of instructional materials if he/she has only a "remote interest." As used in this regulation, "remote interest" means:

1. That of a nonsalaried officer of a nonprofit organization
2. That of an employee or agent of a public entity or institution of higher education, provided the entity or institution has 10 or more other employees or agents and the individual has been an employee or agent thereof for at least three years
3. That of an editor, consultant, contributor or author of a textbook or other materials which are not being considered or reviewed, provided that such service was performed before evaluating or selecting instructional materials for the district and the individual retains no rights to compensation accruing while he/she serves in this capacity

Any remote interest must be disclosed to members of the evaluation committee, Superintendent or designee and communicated to the Board.

SUPPLEMENTARY INSTRUCTIONAL MATERIALS

The Board of Trustees encourages teachers to use supplementary instructional materials which are relevant to curriculum objectives and compatible with district goals and objectives. By using such materials, teachers can introduce content and instructional strategies that enrich the curriculum, enhance learning, help students make critical judgments, and stimulate their intellectual growth.

Teachers shall carefully preview all supplementary instructional materials in order to ensure that, in their professional judgment, the materials are:

1. Directly related to the course of study in which they are being used
2. Appropriate for students' ages and maturity levels

Supplementary instructional materials must also be consistent with criteria developed for the selection and evaluation of other instructional materials. If the teacher believes that the materials may be in conflict with district criteria, the teacher shall confer with the principal or designee before using them.

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

When using supplementary materials, teachers shall provide appropriate introductory and follow-up activities. In addition, teachers shall ensure that supplementary materials do not supplant the use of basic texts or teaching activities.

All materials must be used within legal copyright limits.

(cf. 6162.6 - Use of Copyrighted Materials)

Films

When a teacher desires to show a film that has not been approved by the district or county for use in the grade level taught, the teacher shall preview the film to determine whether in his/her professional judgment it is consistent with district criteria for the selection of instructional materials. All films must be appropriate for the curriculum and the students' ages.

If the teacher has any questions about how established district criteria apply to the film, he/she shall confer with the principal or designee before showing the film.

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

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6144 - Controversial Issues)

Legal Reference: (see next page)

SUPPLEMENTARY INSTRUCTIONAL MATERIALS (continued)

Legal Reference:

EDUCATION CODE

233.5 Duty re instruction in morals, manners and citizenship

18111 Exclusion of books by governing board

51510 Prohibited study or supplemental materials

51511 Religious matters properly included

51933 Sex education materials

60010 Definitions

COURT DECISIONS

McCarthy v. Fletcher, (1989) 207 Cal. App. 3d 130

DAMAGED OR LOST INSTRUCTIONAL MATERIALS

The Board of Trustees recognizes that instructional materials are an expensive resource. The Superintendent or designee may establish procedures in accordance with law to protect instructional materials from damage or loss.

Instructional materials provided for use by students remain the property of the district. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials are lost or so damaged that they are no longer usable, the student shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent or designee shall determine a lesser charge.

If it can be demonstrated to the Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the Superintendent or designee may excuse the student/parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/ guardian, the district may initiate due process procedures to withhold the student's grades, diploma and transcripts.

(cf. 5125.2- Withholding Grades, Diploma or Transcripts)
(cf. 5131.5 - Vandalism, Theft and Graffiti)

Legal Reference:

EDUCATION CODE

48904 Willful misconduct; limit of liability of parent or guardian

48904.3 Withholding grades, diplomas or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

60411 Purchase and use; property of district

CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

TOXIC ART SUPPLIES

The Board of Trustees recognizes its responsibility to protect the health and safety of students in the selection of materials used for instruction in arts and crafts activities.

The Superintendent or designee shall develop procedures for the purchase, use and proper disposal of arts and crafts materials which ensure that the health and safety of students is protected from harmful exposure to toxic substances in accordance with Education Code 32064 and established health standards.

Students in grades 7-12 are considered able to read and understand product labels and to take adequate precautions to use products which are prohibited for use in grades K-6. The Superintendent or designee shall ensure that arts and crafts materials purchased for use in grades 7-12 meet the requirements of Education Code 32065. The products must be properly labeled to identify toxic ingredients, warn of potential adverse health effects and describe procedures for safe use and storage.

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 5142 - Safety)

Legal Reference:

EDUCATION CODE

- 32060 Legislative findings and declarations*
- 32061 Art or craft material; definition*
- 32062 Human carcinogen; definition*
- 32063 Toxic substance causing chronic illness; definition*
- 32064 Restrictions on purchases of arts and crafts materials*
- 32065 Warning labels*
- 32066 List of toxic art supplies; preparation and distribution*

HEALTH AND SAFETY CODE

- 108500-108515 Labeling of arts and crafts materials*

PENAL CODE

- 594.1 Aerosol containers of paint*

Management Resources:

CDE PROGRAM ADVISORIES:

- 0712.94 Toxic Art Supplies List of Approved Products CIL :94/95-01*

STUDENT AIDES

The Board of Trustees recognizes that many benefits accrue from the use of student aides. When assisting on a one-to-one basis, peer tutors often provide the extra attention that enables a fellow student to grasp a difficult concept or to practice shaky skills to the point of mastery. Classroom and laboratory assistants can free the teacher to spend more time on the kinds of learning activities and assignments that require long preparation and detailed review of students' work. Whether tutoring individuals or assisting in the class or laboratory, student aides themselves also benefit from this opportunity to reinforce their own abilities and learn by doing. Office assistants and attendance aides can acquire practical skills and familiarity with aspects of the school with which they would not normally have contact.

The Board also realizes that the time a student spends as an aide is time spent away from the academic setting in which students generally receive significant new instruction. Because our students need to acquire a wealth of information and abilities during their school years, the Board finds it appropriate to place reasonable limits upon activities which reduce the amount of time spent in regular classes. To this effect, the Superintendent shall provide regulations on the use of student aides within the district.

The Board expects that student aides as a group should reflect the diversity of each school's student population and include average students as well as those who excel.

STUDENT AIDES

1. The number of student aides in use at any district school shall at no time exceed 10 percent of the student population.
2. No student shall serve as a student aide for more than four semesters during the six years from grades 7 through 12.
3. Students selected to serve as student aides must have a 2.0 grade point average.
4. Students selected to serve as peer tutors or classroom/laboratory assistants must have taken appropriate prerequisite classes and demonstrated special interest in the subject.
5. Teachers shall be limited to appointing two student aides per class. In certain classes where particularly close supervision of students is advisable for safety reasons, the Superintendent or designee may allow more than the designated number of student aides.
6. Student aides may receive a semester grade (A-F) only if semester goals and objectives which require application of specific subject knowledge are on file and have been approved by the principal.

STUDENT ASSESSMENT

The Board of Trustees believes that the primary goal of student assessments should be to help students, parents/guardians and teachers identify individual student's academic accomplishments, progress and areas needing improvement in order to enhance teaching and learning.

The Superintendent or designee shall ensure that assessments are conducted for purposes of determining students' eligibility for and appropriate placement in district programs, need for supplemental instruction and eligibility for graduation.

(cf. 5123 - Promotion/Acceleration/Retention)
(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)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education under Section 504)
(cf. 6171 - Title I Programs)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6177 - Summer School)

The Board desires to use a variety of evaluation measures to reach the above-stated goal. To have validity, tests must correspond to the material that is being taught and reliably measure the extent to which students meet specified standards of achievement.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6011 - Academic Standards)
(cf. 6142.7 - Physical Education)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6162.54 - Test Integrity/Test Preparation)

The effectiveness of the schools, teachers and district shall be evaluated in part on the basis of these student assessments.

(cf. 0500 - Accountability)
(cf. 0520 - Intervention for Underperforming Schools)
(cf. 0530 - Awards for School Performance)
(cf. 4115 - Evaluation/Supervision)
(cf. 6190 - Evaluation of the Instructional Program)

When districtwide and school-level results of student assessments are published, the Superintendent or designee may provide supplementary information to assist parents/guardians and the local community in interpreting test results and evaluating school performance.

(cf. 0510 - School Accountability Report Card)

STUDENT ASSESSMENT (continued)

Individual Record of Accomplishment

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

1. The results of the achievement test administered under the Standardized Testing and Reporting program pursuant to Education Code 60640-60647
2. The results of any end-of-course examinations taken
3. The results of any vocational education certification examinations taken

Legal Reference:

EDUCATION CODE

51041 Evaluation of educational program

51450-51455 Golden State Seal Merit Diploma

60600-60649 Assessment of academic achievement

60800 Physical fitness testing

60810 Assessment of language development

60850-60856 Exit examination

CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting program

880-901 Designated primary language test

1200-1216 High School Exit Examination, as proposed 11/21/00

Management Resources:

CDE PROGRAM ADVISORIES

Students with Disabilities: Guidelines for Testing the California Standardized Testing and Reporting Program

0327.86 Reporting norm-referenced standardized achievement test scores to parents

CSBA ADVISORIES

0306.01 California Assessment Update

0313.00 Districts must ensure that all required student data is submitted to the publisher, or face financial penalty #00-01

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers, December 2001

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

STANDARDIZED TESTING AND REPORTING PROGRAM

The Superintendent or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting (STAR) program as required by law and in accordance with Board policy and administrative regulation.

(cf. 6162.5 - Student Assessment)
(cf. 6162.54 - Test Integrity/Test Preparation)

The Board of Trustees encourages all students at the applicable grade levels to participate in the STAR assessments in order to maximize the usefulness of the data and enable the district to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

The Board desires to use the results of the achievement tests to evaluate the performance of district students against the state's academic standards, the performance of students in other districts across the state, and national norms.

(cf. 6011 - Academic Standards)

The Board shall annually examine STAR results by school, grade level, and student subgroup in the Board's discussion of each school's ranking on the statewide Academic Performance Index. If the average STAR test score of the school is below the 50th percentile, or if the test scores of more than 25 percent of the school's students are below the 50th percentile, the Board may conduct an assessment by grade level of the reasons for the performance results and may adopt an improved performance plan in accordance with Education Code 52056.

(cf. 0500 - Accountability)
(cf. 0520 - Intervention for Underperforming Schools)
(cf. 0520.1 - High Priority Schools Grant Program)

Legal Reference: (see next page)

STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

Legal Reference:

EDUCATION CODE

51041 Evaluation of educational program

52056 Board discussion of Academic Performance Index rankings, including STAR results

60600-60630 Assessment of academic achievement

60640-60649 Standardized Testing and Reporting program

60660-60663 Electronic learning assessment resources

60810 Assessment of language development

CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting program

880-901 Designated primary language test

UNITED STATES CODE, TITLE 20

1412(a)(17) Participation of students with disabilities in state assessments

6311 Adequate yearly progress

Management Resources:

CDE PUBLICATIONS

Matrix of Test Variations, Accommodations and Modifications for Administration of California Statewide Assessments

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers, December 2000

WEB SITES

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

California Department of Education, STAR program: <http://www.cde.ca.gov/ta/tg/sr>

California Learning Resources Network: <http://clrn.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

STANDARDIZED TESTING AND REPORTING PROGRAM

The district shall administer the following assessments in the Standardized Testing and Reporting (STAR) program: (Education Code 60640)

1. A nationally norm-referenced achievement test designated by the State Board of Education (SBE) in basic academic skills pursuant to Education Code 60642 to each student in grades 3 and 7.
2. Achievement tests aligned with the state standards, as designated by the SBE pursuant to Education Code 60642.5 to each student in grades 2-11.
3. A primary language test for any limited English proficient student who has been enrolled in a California public school for less than 12 months, if such a test is available. This test shall be administered in addition to any norm-referenced achievement test and standards-based achievement test. (Education Code 60640)

(cf. 6174 - Education for English Language Learners)

Following the first year of enrollment in a California public school, English language learners may continue to take, in addition to the tests in English, an achievement test in their primary language to the extent that such a test is available and the Superintendent or designee determines that such test results would provide useful information about students' performance.

4. The California Alternative Performance Assessment for any special education student whose individualized education program (IEP) specifically states that he/she will be assessed with the California Alternate Performance Assessment due to the student's inability to participate in any applicable norm-referenced test and standards-based achievement test, even with appropriate accommodation. (Education Code 60640; 5 CCR 852)

Any special education student who is an English learner may be tested with the designated primary language test in accordance with item #3 above, unless the IEP specifically exempts him/her from such testing. (5 CCR 881)

(cf. 6159 - Individualized Education Program)

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

Testing Period

The STAR assessments shall be administered to students during a testing window of 21 instructional days that includes 10 instructional days before and after completion of 85 percent of the school's, track's or program's instructional days. Testing for all students, including make-up testing, shall be completed within this 21 instructional day window unless all or part of the 21 instructional day period falls after any statutorily specified deadline. (Education Code 60640; 5 CCR 855)

STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

The Superintendent or designee shall arrange for at least two make-up days for the testing of students who were absent during the period that any school administered the STAR assessments. All make-up testing shall occur within five instructional days of the last date that the district administered the tests, but not later than the 21 instructional day window established above. (Education Code 60640; 5 CCR 855)

Exemptions

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. The district and its employees may discuss the STAR program with parents/guardians and may inform them of the availability of exemptions under Education Code 60615. However, the district and its employees shall not solicit or encourage any written exemption request on behalf of any student or group of students. (5 CCR 852)

Testing Variations

The STAR assessments shall be administered in accordance with the manuals or other instructions provided by the test contractor, unless a testing variation, accommodation, or modification is specifically allowed in 5 CCR 853 or 853.5. (Education Code 60640; 5 CCR 853, 853.5)

All students may be provided with simplified or clarified test directions, special or adaptive furniture, special lighting or acoustics, an individual carrel or study enclosure, a separate testing room, and/or markers, masks, or other means to maintain visual attention, if such variations are regularly used in the classroom. (5 CCR 853.5)

English learners shall be provided a flexible setting, flexible schedule, translated directions and/or glossaries under the conditions described in 5 CCR 853.5, if these variations are regularly used in the classroom or for assessment. (5 CCR 853.5)

Students with disabilities shall be permitted to take the assessments with any of the testing variations listed in 5 CCR 853.5, provided the variations are specified in their IEP or Section 504 plan. These variations may include accommodations in the presentation or setting of the test administration or in how a student is allowed to respond, and/or modifications in accordance with 5 CCR 853.5. A special education student shall be allowed to test below his/her grade level only in accordance with 5 CCR 853. (5 CCR 850, 853, 853.5)

District and Test Site Coordinators

Each year the Superintendent or designee shall designate a district coordinator who shall serve as the district representative and liaison with the California Department of Education for all matters relating to the STAR program. The Superintendent or designee also shall designate a coordinator at each test site. (5 CCR 857-858, 886-887)

STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

In addition to the duties prescribed in 5 CCR 857-858 and 886, the district coordinator shall establish guidelines to help ensure that the test contractor is provided complete student information, as specified in 5 CCR 861 and 870, for purposes of the Academic Performance Index.

Within five working days of receiving reports and files from the publisher, the Superintendent and the district coordinator shall review the files and reports for completeness and accuracy, and shall notify the test contractor and the California Department of Education of the findings. The Superintendent or district coordinator shall notify the California Department of Education in writing whether any errors, discrepancies, or incomplete information has been resolved. (5 CCR 857)

Reports of Test Results

The Superintendent or designee shall forward the student report provided by the test contractor to the student's parents/guardians within 20 working days of receiving the report from the contractor. If these reports are received from the contractor after the last day of instruction in the school year, each student's results shall be mailed to his/her parents/guardians. (5 CCR 863)

The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. (Education Code 60641)

(cf. 5145.6 - Parental Notifications)

An individual student's scores shall also be reported to his/her school and teachers and shall be included in his/her student record. (Education Code 60641)

(cf. 5125 - Student Records)

Districtwide, school-level, and grade-level results shall be reported to the Board of Trustees at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 60641)

(cf. 9321.1 - Closed Session Actions and Reports)

Individual test results shall not be released without the written consent of the adult student or the minor student's parents/guardians to any person other than a parent/guardian; a teacher, counselor or administrator directly involved with the student; or a postsecondary educational institution for the purposes of credit, placement, or admission. (Education Code 60607, 60641)

HIGH SCHOOL EXIT EXAMINATION

The Board of Trustees desires to ensure that district students who graduate from high school can demonstrate grade-level competency in reading, writing and mathematics and are given the opportunity to learn the subjects covered in the high school exit examination.

The Superintendent or designee shall ensure that district programs and services, including but not limited to instructional materials, staff development and remediation programs, are aligned with the exit exam.

The Superintendent or designee shall administer the high school exit exam in accordance with law. (Education Code 60850)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.5 - Student Assessment)

(cf. 6162.54 - Test Integrity/Test Preparation)

Students may be allowed to take the exam with variations, accommodations and modifications in accordance with law and administrative regulation.

Students who do not demonstrate sufficient progress toward passing the exit exam shall be provided supplemental instruction necessary to assist the students to succeed on the exam. (Education Code 60851)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

Legal Reference: (see next page)

HIGH SCHOOL EXIT EXAMINATION (continued)

Legal Reference:

EDUCATION CODE

35146 Closed sessions

37252 Summer school

51041 Evaluation of educational program

56101 Waiver of code or regulation

60810 Assessment of language development

60850-60859 Exit examination

CODE OF REGULATIONS, TITLE 5

1200-1225 High School Exit Examination

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

Smiley v. California Department of Education (2002, 9th Cir.) 45 Fed.Appx. 780

Chapman v. California Department of Education, (2002, Northern. Dist. of CA) 229 F.Supp.2d 981

Management Resources:

CDE PUBLICATIONS

Independent Evaluation of the California High School Exit Examination (CAHSEE), Annual Report, Human Resources Research Organization

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers, December 2001

WEB SITES

California Department of Education, California High School Exit Examination:

<http://www.cde.ca.gov/ta/tg/hs/index.asp>

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

Educational Testing Service: <http://www.ets.org/cahsee>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

HIGH SCHOOL EXIT EXAMINATION**District and Test Site Coordinators**

On or before July 1 of each school year, the Superintendent shall designate a high school exit examination coordinator from among district employees and shall notify the test publisher of the identity and contact information of the coordinator. The district coordinator or Superintendent or designee shall be available throughout the year, shall serve as the liaison between the district and the test publisher and the district and the California Department of Education for all matters related to the exit exam, and shall perform additional duties specified in 5 CCR 1209. (5 CCR 1209)

Annually, the district coordinator or Superintendent or designee shall designate a test site coordinator for each test site to fulfill the responsibilities specified in 5 CCR 1210. (5 CCR 1210)

All district and test site coordinators shall sign a test security affidavit pursuant to 5 CCR 1211.5.

Access to exam materials shall be limited to students taking the exam and employees of the district directly responsible for test administration who sign a test security affidavit. All district and test site coordinators shall be responsible for inventory control. (5 CCR 1211)

Administration

The high school exit exam shall be administered as follows: (Education Code 60851; 5 CCR 1204, 1204.5)

1. Students shall take the exam once per school year while in grade 10.
2. Students in grades 11-12 who have not yet passed one or both sections of the exam shall have up to two opportunities per year to take the section(s) of the exam not yet passed, but shall not be tested in successive administrations within a school year. Students in grades 11-12 shall be offered appropriate remediation or supplemental instruction before being retested.

(cf. 6179 - Supplemental Instruction)

3. Students shall be provided one additional opportunity to pass the exit exam after completion of other grade 12 requirements.

The Superintendent or designee shall administer the exit exam in each district high school on the dates designated by the Superintendent of Public Instruction as exam days or make-up days. (Education Code 60851)

HIGH SCHOOL EXIT EXAMINATION (continued)

If a student does not possess sufficient English language skills to be assessed on the exit exam, the Superintendent or designee may defer the exam requirement for a period of up to 24 calendar months of enrollment in the California public school system until the student has completed six months of instruction in reading, writing and comprehension in the English language. (Education Code 60852)

Test administrators at the test site shall be responsible for the accurate identification of eligible students to whom the exit exam is to be administered. This identification shall be made through the use of photo identification or positive recognition by an employee of the district. (5 CCR 1203)

Any student found to have cheated, assisted others in cheating, or compromised the security of the exam shall have the test marked as “invalid” and shall not receive a score from that test administration. (5 CCR 1220)

(cf. 5131.9 - Academic Honesty)
(cf. 6162.54 - Test Integrity/Test Preparation)

Testing Variations for All Students

Variations are a change in the manner in which the exit exam is presented or administered to any student, or in how a student is allowed to respond, and include, but are not limited to, accommodations and modifications as defined in Education Code 60850. (5 CCR 1200)

The Superintendent or designee may provide any student with extra time within a testing day and/or simplified or clarified test directions. (5 CCR 1215)

A student may also be provided the following testing variations if they are regularly used in the classroom: (5 CCR 1215)

1. Special or adaptive furniture
2. Special lighting or acoustics
3. An individual carrel or study enclosure
4. Individual testing in a separate room provided the student is directly supervised by an employee who has signed the test security affidavit
5. Markers, masks or other means to maintain visual attention to the exam or test items

HIGH SCHOOL EXIT EXAMINATION (continued)

At least 30 working days before the proposed administration of the exam, the Superintendent or designee may submit a request to the California Department of Education for a case-by-case review of a proposed variation that is not specified in law. (5 CCR 1218)

Testing Variations for English Language Learners

In addition to testing variations allowed for all students, English language learners may be allowed the following testing variations if regularly used for assessment in the classroom: (5 CCR 1217)

1. Testing in a separate room with other English language learners provided the students are directly supervised by an employee who has signed the test security affidavit and the students have been provided such a flexible setting as part of their regular instruction or assessment
2. Additional supervised breaks within a testing day
3. Extra time on the exam within a testing day
4. Translated directions and the opportunity to ask clarifying questions about the test directions in their primary language
5. Access to translation glossaries (English to primary language or primary language to English)

Accommodations/Modifications for Students with Disabilities

A student with a disability shall be permitted to take the exit exam with accommodations or modifications when his/her individualized education program (IEP) adopted pursuant to the Individuals with Disabilities Education Act or Section 504 plan specifies their use on the exam, standardized testing or classroom instruction and assessments. (Education Code 60850; 5 CCR 1215.5, 1216)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6159 - Individualized Education Program)

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

Accommodations are variations in the assessment environment or process that do not fundamentally alter what the test measures or affect the comparability of scores. *Modifications* are variations that do fundamentally alter what the test measures or affect the comparability of scores. (Education Code 60850; 5 CCR 1200)

HIGH SCHOOL EXIT EXAMINATION (continued)

Accommodations may include: (5 CCR 1215.5)

1. Presentation accommodations, including large-print versions, test items enlarged through electronic means, Braille transcriptions provided by the test publisher or designee, use of Manually Coded English or American Sign Language to present test directions or to present test questions on the mathematics section of the exam, and audio or oral presentation of the mathematics section of the exam
2. Response accommodations, including responses marked in the test booklet and transferred by an employee who has signed the test security affidavit, or responses made using a scribe, audio recorder, speech-to-text converter, word processing software or assistive device, within the limitations described in 5 CCR 1215.5
3. Scheduling/timing accommodations, including testing over more than one day after consultation with the test publisher, supervised breaks within a section of the exam, and administration of the exam at the most beneficial time of day to the student after consultation with the test publisher
4. Setting accommodations, including tests administered by certificated teacher to a student at home or in the hospital

Modifications may include: (5 CCR 1216)

1. Calculators on the mathematics section of the exam
2. Audio or oral presentation of the English/language arts section of the exam
3. Use of Manually Coded or American Sign Language to present test questions on the English/language arts section of the exam
4. Spellcheckers, grammar checkers or word processing software programs that check or correct spelling and/or grammar on the writing portion of the exam
5. Mechanical or electronic devices or other assistive devices that are not used solely to record the student's responses, including but not limited to transcribers, scribes, voice recognition or voice-to-text software, and that identify a potential error in the student's response or that correct spelling, grammar or conventions on the writing portion of the exam
6. Use of American Sign Language to provide a response to the written portion of the exam
7. English dictionary on the English/language arts section of the exam

HIGH SCHOOL EXIT EXAMINATION (continued)

8. Mathematics dictionary on the mathematics section of the exam

The parent/guardian of a student who has taken any section of the exam with a modification and has received the equivalent of a passing score may request that his/her child receive a waiver of the requirement to successfully pass the exam. Upon receipt of such request, the principal shall submit to the Board of Trustees a request for a waiver. The Board may waive the requirement if the principal certifies that the student has all of the following: (Education Code 60851; 5 CCR 1216)

1. An IEP or Section 504 plan in place that requires the accommodations or modifications to be provided to the student when taking the exit exam
2. Sufficient high school level coursework either satisfactorily completed or in progress in the high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam
3. An individual score report showing that the student has received the equivalent of a passing score on the exam while using a modification that fundamentally alters what the exit exam measures as determined by the State Board of Education

In order to protect the student's privacy rights, the waiver shall be considered in closed session. Final Board action on the waiver shall be taken in open session and shall be a matter of public record. The student's name shall not be disclosed in open session.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Records

The Superintendent or designee shall maintain a summary data file of all students who participate in each test administration. This summary data file shall include the following information for the English/language arts section and the mathematics section for each test administration: (5 CCR 1205)

1. The date on which each section of the exam was taken
2. The full name of each student who took each section of the exam
3. The grade level of each student at the time each section of the exam was taken
4. Whether each student has satisfied the requirement to successfully pass each section of the exam

(cf. 3580 - District Records)

HIGH SCHOOL EXIT EXAMINATION (continued)

The above information, as well as demographic information for students enrolled in grade 10 at the time of the grade 10 administration, shall be provided to the test publisher. (5 CCR 1207)

Within 60 days of receiving electronic data files from the test publisher, the Superintendent or designee shall enter the following information in each student's permanent record: (5 CCR 1206)

1. The date on which the student took each section of the exam
2. Whether the student has satisfied the requirement to successfully pass each section of the exam

(cf. 5125 - Student Records)

Notifications

At the beginning of each school year, the Superintendent or designee shall provide written notification of the exit exam requirement to all students in grades 9-12 and to their parents/guardians. Such notification shall also be provided to any student who transfers into the district after the beginning of the school year at the time of the student's transfer. The notification shall include, at a minimum, the date of the exam, the requirements for passing the exam, and the consequences of not passing the exam. The Superintendent or designee shall maintain documentation that the parent/guardian of each student has been sent this written notification. (Education Code 48980, 60850; 5 CCR 1208)

(cf. 5145.6 - Parental Notifications)

(cf. 6146.1 - High School Graduation Requirements)

Prior to each administration of the exam, the Superintendent or designee shall notify students of the provisions of 5 CCR 1220 related to the consequences of cheating. (5 CCR 1220)

HIGH SCHOOL EXIT EXAMINATION

Parent/Guardian Request for Waiver of the High School Exit Examination Requirement for a Student with Disabilities

Please return the completed form to the principal of your child's high school.

My child, _____[name]_____ is a student with disabilities attending _____[high school]_____. He/she has taken the high school exit examination with modifications that alter what the test measures and has received the equivalent of a passing score on one or more parts of the exam.

I hereby request that the principal submit a request to the Board of Trustees for a waiver of the requirement that my child successfully pass the exit examination in order to receive a high school diploma. I understand that, in order to receive such a waiver, state law requires that my child have all of the following:

1. An individualized education program (IEP) adopted pursuant to the Individuals with Disabilities Education Act or a plan adopted pursuant to Section 504 of the Rehabilitation Act of 1973 that specifies the use of the modification(s) on the exit exam, standardized testing, or classroom instruction and assessments
2. Sufficient high school level coursework either satisfactorily completed or in progress in the district's high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam
3. An individual score report showing that my child has received the equivalent of a passing score on the exam while using a modification that fundamentally alters what the exit exam measures as determined by the State Board of Education

I hereby certify that, to the best of my knowledge, my child satisfies the conditions listed above.

Parent/Guardian Signature: _____ Date: _____

HIGH SCHOOL EXIT EXAMINATION

**Principal's Certification and Request for the Board of Trustees
to Waive the High School Exit Exam Requirement
for a Student with Disabilities**

Student's Name: _____

Student's Number (for use on open session agenda): _____

Pursuant to Education Code 60851, the parent/guardian of _____ [student's name] _____, a child with disabilities, has requested that the Board of Trustees waive the requirement that his/her child successfully pass the high school exit examination in order to receive a diploma from _____ High School. His/her child has taken the high school exit exam with one or more modifications that fundamentally alter what the test measures as determined by the State Board of Education, and has achieved the equivalent of a passing score on one or both parts of the exam.

I certify that the student qualifies for a waiver because he/she satisfies all of the following conditions:

1. Has an individualized education program (IEP) adopted pursuant to the Individuals with Disabilities Education Act or Section 504 plan that specifies the use of the modification(s) on the exit exam, standardized testing or classroom instruction and assessments. *(Attach the IEP or Section 504 plan that indicates the modification needed to participate and access the high school exit exam.)*
 - a. Describe the nature of the student's disability as identified on the IEP or Section 504 plan:
 - b. Describe any modification(s) used on the English/language arts section of the exam:
 - c. Describe any modification(s) used on the mathematics section of the exam:
 - d. List the rationale as to why the modification used was necessary to allow the student to access the test:
 - e. Describe the accommodations/modifications that the student regularly uses for English/language arts in the classroom and on other assessments:

HIGH SCHOOL EXIT EXAMINATION (continued)

- f. Describe the accommodations/modifications that the student regularly uses for mathematics in the classroom and on other assessments:
2. Has sufficient high school level coursework either satisfactorily completed or in progress in the high school curriculum sufficient to have attained the skill and knowledge otherwise needed to pass the high school exit examination. (*Attach transcript showing coursework completed.*)

Summarize the student's academic preparation and performance in the subject areas of English/language arts and/or mathematics (depending on the subject of the waiver request) that demonstrate high school level achievement:

3. Has an individual score report showing that he/she has achieved the equivalent of a passing score on the exit exam (350 or more points) using a modification that fundamentally alters what the exam measures. (*Attach a copy of the exit exam Student and Parent Report showing "equivalent of a passing score" in either the English/language arts/and/or math portion of the exam.*)

Certified by: _____ [principal's signature] _____ Date: _____

TEST INTEGRITY/TEST PREPARATION

The Board of Trustees desires to protect the integrity of student assessment processes in order to obtain an accurate assessment of student achievement in the district and maintain accountability to the community and state. Students and staff are expected to maintain a high level of integrity in the completion and handling of student assessments.

(cf. 0500 - Accountability)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 0530 - Awards for School Performance)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 5131 - Conduct)

(cf. 5131.9 - Academic Honesty)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

Test Integrity

In the administration of standardized tests, staff shall not:

1. Provide inappropriate test preparation
2. Modify test administration procedures
3. Provide inappropriate assistance to students during test administration
4. Change or fill in answers on student answer sheets
5. Provide inaccurate data on student header sheets
6. Discourage or exclude certain students from taking the test
7. Engage in any other practice to artificially raise student scores without actually improving underlying student achievement

Preparation for State Tests

Staff may prepare students for assessments by providing instruction in the content specified in state and district academic standards and teaching general test-taking skills that are applicable to any test or test format.

(cf. 6011 - Academic Standards)

The Superintendent or designee, principals and teachers shall not implement any program of specific preparation for the statewide student assessment program or a particular test used within that program. (Education Code 60611)

TEST INTEGRITY/TEST PREPARATION (continued)

Practice tests provided by the publisher of the state achievement test may be used for the limited purpose of familiarizing students with the use of scanable test booklets or answer sheets and the format of test items. No alternate or parallel form of the test shall be administered or used. (5 CCR 854)

Staff shall not conduct reviews or drills that use actual test items or identical format items of state assessments, use copies of tests from previous years, or review test-specific curriculum content with students before administration of the test. In addition, test preparation materials or strategies developed for a specific test, including but not limited to published materials, materials available on the Internet, and materials developed by schools, districts, county offices of education or outside consultants, are prohibited.

Investigation and Consequences of Testing Irregularities

Reports of student cheating on assessments shall be submitted to the principal or designee for investigation. Students found to have cheated on assessments shall be subject to disciplinary procedures in accordance with Board policy and administrative regulations.

(cf. 5144 - Discipline)

A staff member found to have committed testing irregularities shall be subject to discipline in accordance with law, where applicable, collective bargaining agreements, Board policy and administrative regulations.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall immediately investigate with due diligence any reports of inappropriate test preparation or other testing irregularities.

If the Superintendent or designee is made aware of a testing irregularity on state assessments, he/she shall report the irregularity to the California Department of Education.

Legal Reference: (see next page)

TEST INTEGRITY/TEST PREPARATION (continued)

Legal Reference:

EDUCATION CODE

60600-60649 *California Assessment of Academic Achievement, especially:*

60611 *Inappropriate test preparation*

GOVERNMENT CODE

54957 *Complaints against employees, closed session*

CODE OF REGULATIONS, TITLE 5

854 *Advance preparation for test*

857 *STAR Program District Coordinator*

1032 *Testing irregularities, ineligibility for state awards program, as proposed 11/21/00*

1215 *Cheating on the high school exit examination, as proposed 11/21/00*

Management Resources:

STATE BOARD OF EDUCATION POLICIES

Policy and Guidelines on Preparation for State Tests, September 2001

WEB SITES:

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

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

USE OF COPYRIGHTED MATERIALS

All district staff shall adhere to the provisions of the federal copyright law and maintain the highest ethical standards in using copyrighted materials. The district shall provide no legal support to any employee who violates the copyright law. Willful infringement of this law by students or staff may result in disciplinary action.

The Board of Trustees recognizes that computer software piracy contributes to higher costs and decreases commercial incentives for the development of quality educational computer software. In circumstances where the interpretation of the copyright law is ambiguous, the district shall determine appropriate use of computer software by referring to the license agreement and/or policy statements contained in the software packages used in the district. Computer-related instruction for students and staff shall address the ethical and practical problems caused by software piracy.

The Superintendent or designee shall be the only individual who may sign license agreements for software for district schools. Each school using licensed software shall have a signed copy of the software agreement.

The Superintendent or designee shall maintain regulations to discourage violation of all copyright laws and prevent illegal copying activities.

Legal Reference:

EDUCATION CODE

35182 *Computer Software*

UNITED STATES CODE, TITLE 17

USE OF COPYRIGHTED MATERIALS

Each employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the principal/designee may request permission to reproduce the material from its copyright holders.

Requests for permission to use copyrighted materials shall include the following information:

1. Title, author(s), editor(s) or publisher, producer(s) or distributor.
2. Edition, copyright and/or production year.
3. Exact amount of material to be used (i.e., lines, pages, running time, etc.).
4. Nature of the use (i.e., how many times, when and with whom the material will be used).
5. Number of copies to be made.
6. How the material will be reproduced.
7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

The following guidelines differentiate between permitted and prohibited uses of printed material, sheet and recorded music, videotapes, films, filmstrips or slide programs, off-air taping (radio or television), and computer software.

Printed Materials**Permitted Uses:**

1. Single copies at the request of an individual teacher:
 - a. A chapter of a book.
 - b. An article from a magazine or newspaper.
 - c. A short story, short essay or short poem, whether or not from a collective work.
 - d. A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine or newspaper.

USE OF COPYRIGHTED MATERIALS (continued)

2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
 - a. A complete poem if less than 250 words and if printed on not more than two pages.
 - b. An excerpt from a longer poem, not to exceed 250 words.
 - c. A complete article, story or essay of less than 2,500 words.
 - d. An excerpt from a larger prose work not to exceed 10 percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
 - e. One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

Prohibited Uses:

1. Copying more than one work or two excerpts from a single author during one class term.
2. Copying more than three works from a collective work or periodical volume during one class term.
3. Copying materials for more than one course in the school where the copies are made.
4. More than nine sets of multiple copies for distribution to students in one class term.
5. Copying used to create, replace or substitute for anthologies or collective works.
6. Copying of "consumable" works such as workbooks, standardized tests, answer sheets, etc.
7. Copying that substitutes for the purchase of books, publishers' reprints or periodicals.
8. Repeated copying of the same item by the same teacher from term to term.

The above prohibitions do not apply to current news magazines and newspapers.

USE OF COPYRIGHTED MATERIALS (continued)

Sheet and Recorded Music

Permitted Uses:

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
2. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than 10% of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the district or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
6. A single copy of an excerpt that constitutes an entire performable unit (i.e., a movement or aria) may be made, provided it is either:
 - a. Confirmed by the copyright proprietor to be out of print, or
 - b. Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.
7. A single copy of a portion of a sound recording may be made by or for a student, i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

Prohibited Uses:

1. Copying to replace or substitute for anthologies or collections.
2. Copying from works intended to be "consumable."
3. Copying for purposes of performance except as noted in an emergency.
4. Copying to substitute for purchase of music.
5. Copying without inclusion of copyright notice on the copy.

USE OF COPYRIGHTED MATERIALS (continued)

6. Duplication of tapes, unless reproduction rights were given at time of purchase.
7. Reproduction of musical works or conversion to another format, e.g. record to tape.

Videotapes, Films, Filmstrips or Slide Programs

Permitted Uses:

1. A single copy of a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.
2. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.
3. Selected slides may be reproduced from a series if reproduction does not exceed 10% of the total or excerpt the essence of the work.
4. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed 10% of photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.
5. A single overhead transparency may be created from a single page of a "consumable" workbook.
6. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed 10% of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.

Prohibited Uses:

1. Reproduction of an audiovisual work in its entirety.
2. Conversion from one media format to another, e.g., film to videotape, unless permission is secured.
3. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as the copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film via closed-circuit television outside the building is not permitted.

USE OF COPYRIGHTED MATERIALS (continued)

Radio - Off-Air Taping

Permitted Uses:

1. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
2. Copies of broadcasts by national public radio may be made by district employees and retained for an indefinite period for educational purposes.

Prohibited Uses:

Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music), is governed by the same copyright laws that apply to off-air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

Television - Off-Air Taping

Permitted Uses:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first 10 consecutive school days in the 45 calendar-day retention period.
3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.

USE OF COPYRIGHTED MATERIALS (continued)

5. After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes; i.e., to determine whether or not to include the broadcast program in the teaching curriculum; they may not be used for student exhibition or any other nonevaluation purpose without authorization.
6. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

Prohibited Uses:

1. Off-air recording in anticipation of teacher requests.
2. Using the recording for instruction after the 10-day use period.
3. Holding the recording for weeks or indefinitely because:
 - a. Units needing the program concepts are not taught within the 10-day use period.
 - b. An interruption or technical problems delayed its use.
 - c. Another teacher wishes to use it, or for any other supposedly "legitimate" educational reason.
4. On occasion a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.
5. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

Software Copyright

Permitted Uses:

Copies of district-owned software may be made only when:

1. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.

USE OF COPYRIGHTED MATERIALS (continued)

2. The copy is used for archival or "backup" purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the district unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program. (United States Code, Title 17, Section 117).

Prohibited Uses:

1. Copies of copyrighted programs may not be made for any purpose other than the two permitted above.
2. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure software from copying.
3. Illegal copies of copyrighted programs shall not be made or used on school equipment.

(cf. 4132/4232/4332 - Publication or Creation of Materials)