

CONCEPTS AND ROLES

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

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

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

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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

Legal Reference:

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

PARENT RIGHTS AND RESPONSIBILITIES

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

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

(cf. 6020 - Parent Involvement)

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

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

Legal Reference:

EDUCATION CODE

44670.5 Professional development program

49091.10-49091.19 Parental review of curriculum and instruction

51100-51102 Parent/guardian rights

PARENT RIGHTS AND RESPONSIBILITIES

Parent Rights

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

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

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

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

(cf. 6116 - Classroom Interruptions)

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

(cf. 5113 - Absences and Excuses)

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

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

(cf. 6162.5 - Student Assessment)

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

PARENT RIGHTS AND RESPONSIBILITIES (continued)

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

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

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

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

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

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

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.1 - Family Life/Sex Education)
(cf. 6142.2 - AIDS Prevention Instruction)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

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

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5124 - Communication with Parents/Guardians)

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

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

PARENT RIGHTS AND RESPONSIBILITIES (continued)

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

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

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

(cf. 6146.5 - Elementary School Graduation Requirements/Standards of Proficiency)

12. To be informed in advance about school rules, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)

(cf. 5132 - Dress and Grooming)

(cf. 5144 - Discipline)

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

(cf. 5145.1 - Privacy)

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

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

14. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life; any form of parental screening or testing; any nonacademic home-based counseling program; parent training; or any prescribed family education service plan. (Education Code 49091.18)

15. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (Education Code 51101)

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.5 - School-Based Decision Making)

(cf. 0420.2 - School Improvement Program)

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

(cf. 0420.5 - School-Based Decision Making)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6171 - Title I Programs)

(cf. 6175 - Migrant Education Program)

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

(cf. 5125.3 - Challenging Student Records)

PARENT RIGHTS AND RESPONSIBILITIES (continued)

The Superintendent or designee shall obtain informed written parental consent before testing any student for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in, a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)

It is the policy of the district to contact parents/guardians regarding confidential medical and counseling matters. Confidential medical services will not be provided.

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.3 - Health Examinations)
(cf. 6164.2 - Guidance/Counseling Services)

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

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

In addition, the Superintendent or designee shall provide interested parents/guardians with opportunities to participate in professional development programs offered at the school in which their child is enrolled. (Education Code 44670.5)

(cf. 4131.6/4231.6/4331.6 - Professional Development Program)

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

(cf. 5145.6 - Parental Notifications)

School officials or law enforcement officials have the authority to investigate or intervene in cases of suspected child abuse, (Education Code 49091.12)

(cf. 5141.4 - Child Abuse Reporting Procedures)

Parent Responsibilities

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

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

(cf. 6154 - Homework/Makeup Work)

PARENT RIGHTS AND RESPONSIBILITIES (continued)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

4. Monitoring and regulating the television viewed by their children

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

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

(cf. 1240 - Volunteer Assistance)

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

NONCUSTODIAL PARENTS

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

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

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

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

(cf. 5141 - Health Care and Emergencies)

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

Legal Reference:

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

STUDENT AND FAMILY PRIVACY RIGHTS

The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. The Superintendent or designee shall develop regulations to ensure compliance with law when the district requests, retains, discloses, or otherwise uses the personal information of its students and their families.

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

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

The regulations shall, at a minimum, address the following: (20 USC 1232h)

1. How the district will administer surveys that may request information about the personal beliefs and practices of students and their families
2. The rights of parents/guardians to inspect:
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
 - b. Instructional materials used as part of their children's educational curriculum

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

3. Whether the district may administer any nonemergency invasive physical examination or screening
4. Notifications that the district will provide to students and parents/guardians with respect to their privacy rights

The Superintendent or designee shall consult with parents/guardians regarding the development and adoption of this policy during School Site Council meetings.

(cf. 0420 - School Plans/Site Councils)

Legal Reference:

EDUCATION CODE

49450-49457 Physical examinations

49602 Confidentiality of pupil information

51101 Parents Rights Act of 2002

51513 Personal beliefs

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/>

STUDENT AND FAMILY PRIVACY RIGHTS

Definition

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

District staff shall not administer or distribute to students any survey instrument that is designed for the purpose of collecting personal information for marketing or sale.

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

1. Book clubs, magazines, and programs providing access to low-cost literary products
2. Curriculum and instructional materials used by schools
3. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

(cf. 6162.51 - Standardized Testing and Reporting Program)

4. The sale by students of products or services to raise funds for school-related or education-related activities

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

5. Student recognition programs

(cf. 5126 - Awards for Achievement)

Parent/Guardian Access to Surveys and Instructional Materials (continued)

Surveys Requesting Information about Beliefs and Practices

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

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148 - Child Care and Development)

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

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.8 - Research)

The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Parent/Guardian Access to Surveys and Instructional Materials (continued)

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

A parent/guardian may refuse to allow his/her child to participate in the activity

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

Health Examinations

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

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

(cf. 5131.61 - Drug Testing)

(cf. 5141.3 - Health Examinations)

Notifications

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

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

Parent/Guardian Access to Surveys and Instructional Materials (continued)

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-8, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Regulation
approved: July 19, 2007
revised: November 16, 2011

PALERMO UNION SCHOOL DISTRICT
Palermo, California

STUDENT WELLNESS

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Disease Prevention)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
(cf. 6164.2 - Guidance/Counseling Services)

School Health Council/Committee

The Board's policy related to student wellness shall be developed with the involvement of parents/guardians, students, school food service professionals, school administrators, Board representatives, and members of the public. (42 USC 1751 Note)

Nutrition Education and Physical Activity Goals

The Board shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the district determines appropriate. (42 USC 1758b Note)

Goal 1: The district's nutrition promotion and education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

Objective 1.1: *By the end of May each year, all K-8 students will be provided with a nutrition education program consistent with state curriculum frameworks as measured by the District Wellness Policy Checklist (Exhibit (1) 5030.*

STUDENT WELLNESS (continued)

Objective 1.2: By the end of May each year, all K-8 students will be provided with a physical education program consistent with state curriculum frameworks as measured by the District Wellness Policy Checklist.

(cf. 6010 - Goals and Objectives)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Goal 2: Nutrition education shall be provided as part of the health education program in grades K-8 and integrated into core academic subjects and after-school programs as appropriate.

Objective 2.1: By the end of May each year, all district schools will integrate nutrition promotion and education into the K-8 curriculum including USDA food pyramid and nutritional values of foods as measured by the District Wellness Policy Checklist. Examples: ¹UCCE: K-3: Reading up the Food Pyramid, 5-8: Eat Fit, K-8: 5 A Day, 5-8: Health Unit in Science K-8: Dairy Council

Objective 2.2: By the end of May each year, all district schools will provide nutrition education through classroom activities, and/or lunch and after-school activities as measured by the District Wellness Policy Checklist. Examples: ²SCNAC “Harvest of the Month”, SCNAC Nutrition Activity Club, SCNAC Food Demonstrations, ³BCOE After-School Program.

(cf. 5148.2 - Before/After School Programs)

(cf. 6142.8 - Comprehensive Health Education)

Goal 3: All students in grades K-8 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, and recess, school athletic programs, extracurricular programs, before- and after-school programs, and other structured and unstructured activities.

Objective 3.1: By the end of May each year, all district schools will integrate physical education into the K-8 curriculum including kinesthetic movements, individual and team sports, and aesthetics (i.e. dance) as measured by the District Wellness Policy Checklist.

Objective 3.2: By the end of May each year, all district schools will provide physical activity through physical education, ~~through~~ recess activities (SCNAC Lunch Leagues), athletics (seasonal sports) and/or after-school activities (BCOE), as measured by the District Wellness Policy Checklist.

****Note: Taking away recess as a form of punishment is discouraged***

(cf. 6142.7 - Physical Education)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

¹University of California, Cooperative Extension (UCCE)

²Sierra-Cascade Nutrition Activity Consortium (SCNAC)

³Butte County Office of Education (BCOE) After-School Program

STUDENT WELLNESS (continued)

Goal 4: The Superintendent or designee shall encourage staff to serve as positive role models. He/she shall promote and may provide opportunities for regular physical activity among employees.

Objective 4.1: By the end of May each year, staffs will serve as positive role models for physical activity as measured by the District Wellness Policy Checklist. Examples: Jogathon, run/walk track, Lunch Leagues.

Goal 5: Professional development shall include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

Objective 5.1: By the end of May each year, professional development will include health education as measured by the District Wellness Policy Checklist.

(cf. 4131- Staff Development)

(cf. 4331- Staff Development)

Goal 6: To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

Objective 6.1: By the end of May each year, all parents/guardians of K-8 students will receive health information emphasizing the relationship between nutrition and physical activity and academic achievement as measured by the District Wellness Policy Checklist. Examples: Newsletters, handouts, reports to the Board (⁴CHKS, Student Wellness Policy), parent education classes, parent/guardian meetings, monthly Food Service menus.

(cf. 1113 - District and School Web Sites)

(cf. 6020 - Parent Involvement)

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, or other means.

(cf. 1325 - Advertising and Promotion)

Nutrition Guidelines for Foods Available at School

The Board shall adopt nutrition guidelines selected by the district for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity. (42 USC 1773 and 1779)

⁴*California Healthy Kids Survey (CHKS)*

STUDENT WELLNESS (continued)

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health, taking into consideration the needs of students with special dietary needs. Nutrition standards adopted by the district for all foods and beverages sold to students, including foods and beverages provided through the district's food service program, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutrition standards (see E (2) 5030).

(cf. 3312 - Contracts)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3554 - Other Food Sales)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5148 - Child Care and Development)
(cf. 6300 - Preschool/Early Childhood Education)

Goal 7: The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

Objective 7.1: *By the end of May each year, school organizations will increase the use of healthy food items or non-food items for fundraising purposes as measured by the District Wellness Policy Checklist. Examples: see E (3) 5030.*

Goal 8: The Superintendent or designee shall encourage school staff to avoid the use of non-nutritious foods as a reward or incentive program for students' academic performance, accomplishments, or classroom behavior.

Objective 8.1: *By the end of May each year, school staffs will decrease the use of food items as a reward or incentive program for students as measured by the District Wellness Policy Checklist. Examples: (see E (4) 5030).*

(cf. 1230 - School-Connected Organizations)

Goal 9: School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties and by limiting foods or beverages that do not meet nutritional standards. Class parties or celebrations shall be held after the lunch period whenever possible.

Objective 9.1: *By the end of May each year, parents/guardians will use healthy food items for class parties as measured by the District Wellness Policy Checklist. Examples: see Exhibit (5) 5030.*

Objective 9.2: *By the end of May each year, school staffs will use healthy food items for class parties as measured by the District Wellness Policy Checklist. Examples: Utilize school cafeteria catering services for food items such as pizzas, fruit bars, smoothies, etc. and see E (5) 5030.*

STUDENT WELLNESS (continued)**Guidelines for Reimbursable Meals**

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751 Note)

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs, to the extent possible.

When approved by the California Department of Education, the district may sponsor a summer meal program.

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

Program Implementation and Evaluation

The Board shall establish a plan for measuring implementation of the policy. The Superintendent shall designate at least one person within the district and at each school who is charged with operational responsibility for ensuring that the school sites implement the district's wellness policy. (42 USC 1758b Note). *The following persons are designated to ensure implementation of the Student Wellness Policy.*

District: Assistant Superintendent

School Site: Principal

Method of data collection: 1) Observations and 2) Complete the District Wellness Policy Checklist (see Exhibit (1) 5030).

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

Goal 10: The Superintendent or designee shall recommend for Board approval specific quality indicators that will be used to measure the implementation of the policy district wide and at each district school.

Objective 10.1: By the end of May each year, descriptions of the district's nutrition education, physical education, and health education curricula will be provided.

Objective 10.2: By the end of May of each year, the number of minutes of physical education instruction offered at each grade span will be reported.

Objective 10.3: By the end of May of each year, the number and type of exemptions granted from physical education will be reported.

Objective 10.4: By the end of May of each year, results of the state's physical fitness test will be reported.

STUDENT WELLNESS (continued)

Objective 10.5: By the end of May each year, an analysis of the nutritional content of meals served based on a sample of menus will be conducted.

Objective 10.6: By the end of May each year, student participation rates in school meal programs compared to percentage of students eligible for free and reduced-price meals will be calculated.

Objective 10.7: By the end of May each year, any sales of non-nutritious foods and beverages in fundraisers or other venues outside the district's meal programs will be calculated.

Objective 10.8: By the end of May each year, feedback will be obtained from food service personnel, school administrators, parents/guardians, students, and other appropriate persons.

The Superintendent or designee shall review/revise this policy as needed and report to the Board at least **every two years** on the implementation of this policy and any other Board policies related to nutrition and physical activity.

Posting Requirements

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432). Policy implementation will be communicated to school staffs, parents, and students.

Legal Reference (see next page):

STUDENT WELLNESS (continued)

Legal Reference:

EDUCATION CODE

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act

49540-49546 Child care food program

49547-49548.3 Comprehensive nutrition services

49550-49560 Meals for needy students

49565-49565.8 California Fresh Start pilot program

49570 National School Lunch Act

51222 Physical education

51223 Physical education, elementary schools

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:

1751 Note Local wellness policy

1771-1791 Child Nutrition Act, including:

1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA POLICY BRIEFS

The New Nutrition Standards: Implications for Student Wellness Policies, November 2005

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 1994

CENTERS FOR DISEASE CONTROL PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2004

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE) PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

(continued next page)

STUDENT WELLNESS (continued)

WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

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

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

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

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

Dairy Council of California: <http://www.dairyCouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

National School Boards Association: <http://www.nsb.org>

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture: http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html

Policy
adopted: April 6, 2006
revised: November 16, 2011

PALERMO UNION SCHOOL DISTRICT
Palermo, California

**PALERMO UNION SCHOOL DISTRICT
LOCAL WELLNESS POLICY EVALUATION CHECKLIST**

E (1) 5030(a)

School: _____

Date _____

0	1	2			3			4
Not in Place	Aware of Need	Plans in Progress			Partially Implemented			Fully Implemented
Definition of Success		0	1	2	3	4	DK	Comments
Component 1: Nutrition Education and Physical Education Programs								
1.1: K-8 Nutrition Education program is consistent with state curriculum frameworks								
1.2: K-8 Physical Education program is consistent with state curriculum frameworks								
Component 2: Nutrition Education								
2.1: Nutrition promotion and education is included in the school's core curriculum including nutrition facts, food pyramid etc.								
2.2: Nutrition Education is provided through classroom activities and/or after-school programs								
Component 3: Physical Education								
3.1: Physical Education is included in the school's core curriculum, including kinesthetics, dance, etc.								
3.2: Physical Education is provided through recess activities, athletics, and/or after-school programs								
Component 4: Promote Physical Activity								
4.1: Staff serve as positive role models for healthy eating and regular physical activity								
Component 5: Professional Development								
5.1: Professional development includes health education								
Component 6: Home and School Communication								
6.1: Parents/guardians receive health information emphasizing the relationship between nutrition and physical activity and academic achievement								

LOCAL WELLNESS POLICY EVALUATION CHECKLIST continued

0	1	2			3			4
Not in Place	Aware of Need	Plans in Progress			Partially Implemented			Fully Implemented
Definition of Success		0	1	2	3	4	DK	Comments
Component 7: Fundraising								
7.1: School organizations use healthy food items or non-food items for fundraising								
Component 8: Rewards or Incentives								
8.1: School staffs avoid non-nutritious foods as a reward or incentive program for students								
Component 9: Class Parties								
9.1: Parents/guardians use healthy food items for class parties								
9.2: School staff use healthy food items for class parties								
Component 10: Accountability								
10.1: Descriptions of the district's nutrition education, physical education, and health curricular is reviewed and reported.								Result of review:
10.2: Number of minutes of physical education instruction offered at each grade span is calculated and reported.								Number of PE minutes:
10.3: Number and type of exemptions granted from physical education is calculated and reported.								Number/type of PE exemptions:
10.4: An analysis of the results of the state's physical fitness test is conducted and reported.								Analysis of PF test:
10.5: An analysis of the nutritional content of meals served based on a sample menu is conducted and reported.								Analysis of sample menu:
10.6: Student participation rates in school meal programs are compared to % of free and reduced students.								School meal program rate:
10.7: Sales of non-nutritious foods and beverages in fundraisers or other venues outside the district's meal programs are calculated and reported.								Non-nutritious foods/beverages:
10.8: Feedback is obtained from food service personnel, school administrators, parents/guardians, students.								Feedback:

NUTRITION STANDARDS

Nutrition standards adopted by the district for all foods and beverages sold to students, including foods and beverages provided through the district's food service program, vending machines, fundraisers, or other venues shall meet or exceed state and federal nutrition standards.

(cf, 5030 – Student Wellness)

A minimum of 50% of the food sold by the district on school grounds during regular school hours shall be from the list of nutritious foods provided in Education Code 38085:

- (a) Milk and dairy products, including cheese, yogurt, frozen yogurt, and ice cream;
- (b) Full-strength fruit and vegetable juices and fruit drinks containing 50 percent or more full-strength fruit juice, and fruit nectars containing 35 percent or more full-strength fruit juice.
- (c) Fresh, frozen, canned, and dried fruits and vegetables.
- (d) Nuts, seeds, and nut butters.
- (e) Non-confection grain products, as defined by regulation of the United States Food and Drug Administration, including crackers, bread sticks, tortillas, pizza, pretzels, bagels, muffins, and popcorn.
- (f) Meat, poultry, and fish, and their products, including beef jerky, tacos, meat turnovers, pizza, chili and sandwiches.
- (g) Legumes and legume products, including bean burritos, chili beans, bean dip, roasted soy beans, and soups.

The district will follow California SB 12 guidelines for nutrition standards

- Restrict entrée items sold to no more than 400 calories and four grams of fat per 100 calories
- Restrict snack items sold to no more than 175 calories per individual food item for elementary schools and 250 calories for middle schools
- Exempt foods sold at least one-half hour after the end of the school day, off school campus, or during a school-sponsored pupil activity that occurs after the end of the school day

Legal Reference

EDUCATION CODE
38085 Nutrition Standards
SENATE BILL
12- Nutrition Guidelines

STUDENT WELLNESS: FUNDRAISERS

The superintendent or designee shall encourage school staffs and school organizations to use healthy food items or non-food items for fundraising.

(cf. BP 5030 – Student Wellness)

Fundraising Ideas

Things to Do

- auction
- carnivals
- craft sales
- festivals
- dances
- family portraits
- gift wrapping
- golf tournament
- walk-a-thon
- car wash
- jog-a-thon
- magic show
- raffles
- read-a-thon
- recycling cans/bottles
- science fairs
- singing telegrams
- spelling bee
- talent show
- horseshoe pitching competition
- treasure/scavenger hunt
- tennis tournament

Things to Sell

- candles
- greeting cards
- gift certificates
- gift items
- gift wrap/bags/boxes
- magazine subscriptions
- coupon books
- cookbooks (made by school)
- T-shirts/sweatshirts
- calendars
- Christmas ornaments/wreaths
- crafts
- first aid kits
- emergency kits for cars
- pocket calendar
- stuffed animals
- coffee cups/mugs
- foot warmers
- bumper stickers & decals
- gift baskets
- stationary
- air fresheners
- Frisbees
- books
- buttons, pins
- scratch-off cards

Healthy Food Items

- fruit smoothies
- frozen bananas
- fruit/yogurt parfaits
- fruit & nut baskets
- trail mix

Reference:

*CALIFORNIA DEPARTMENT OF HEALTH SERVICES
California Project LEAN*

REWARDS & INCENTIVES

The Superintendent or designee shall encourage school staff to avoid the use of non-nutritious foods as a reward or incentive program for students' academic performance, accomplishments, or classroom behavior.

(cf. 5030 – Student Wellness)

Social Rewards

attention, praise,
verbal nods, smile

Recognition

trophy, plaque, ribbon, or certificate
school-wide announcement
photo recognition board
letter or note to parent or student

Privileges

going first
helping teacher
“no homework pass”
teaching the class
sitting in special seat
computer games/activities
reading announcements
making deliveries to office
eating lunch with teacher
designing class bulletin
care of class animal
reading to a younger class
helping in another classroom
listening w/headset to CD

Rewards for a Class

going to the lunchroom first
holding class outdoors
extra art, music, PE time
listening to music while working
dancing to music
doing games or puzzles together
“free choice” at end of day
book read aloud to class

School Supplies

pencils/pens
highlighters/markers
erasers
notepads
box of crayons
stencils
stamps
bookmarks
rulers
sidewalk chalk

Toys/Trinkets

Stickers
Frisbees

Reference

Center for Science in the Public Interest
www.cspinet.org

Exhibit

version: April 6, 2006

CLASS PARTIES

School staffs and parents/guardians or other volunteers shall be encouraged to support the district’s nutrition education program by considering nutritional quality when selecting any snacks for class parties and by limiting foods or beverages that do not meet nutritional standards. Food items should contain:

- Not more than 35% of its total calories shall be from fat.
- Not more than 10% of its total calories shall be from saturated fat.
- Not more than 35% of its total weight shall be composed of sugar.
- Not more than 175 calories per individual food item.

(cf. E (2) 5030 - Nutrition Standards)

Categories of Foods of Nutritional Quality

- Baked or whole grain crackers
- Baby carrots
- Bean dip
- Cheese packaged for individual sale
- Dried fruit
- Fresh fruit
- Frozen yogurt
- Fruit tray (assorted fresh fruits)
- Fruit smoothies
- Granola bars
- Nuts
- Peanut butter
- Popcorn
- Pretzels
- Ranch dip
- Salsa
- Seeds
- Trail Mix
- Vegetable tray (assorted fresh vegetables)
- Yogurt covered raisins

Beverages

- Fruit-based drinks
(no less than 50% fruit juice & no added sweeteners)
- Bottled water
- Milk (including chocolate, soy, rice)
- Electrolyte replacement beverages
(no more than 42 g of added sweetener per 20 oz)

Legal Reference

- EDUCATION CODE
38085 Nutrition Standards
- SENATE BILL
12- Nutrition Guidelines

ADMISSION

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

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

- (cf. 5111.1 - District Residency)*
- (cf. 5111.11 - Residency of Students with Caregiver)*
- (cf. 5111.12 - Residency Based on Parent/Guardian Employment)*
- (cf. 5111.13 - Residency for Homeless Children)*
- (cf. 5119 - Students Expelled from Other Districts)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.31 - Immunizations)*

Legal Reference:

EDUCATION CODE

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

HEALTH AND SAFETY CODE

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

CODE OF REGULATIONS, TITLE 5

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

CODE OF REGULATIONS, TITLE 17

- 6000-6075 School attendance immunization requirements*

UNITED STATES CODE, TITLE 20

- 11431-11435 McKinney Homeless Assistance Act*

Management Resources:

CDE MANAGEMENT ADVISORIES

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

ADMISSION

Age of Admission

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

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

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

DISTRICT RESIDENCY

Prior to admission, students living within the district must provide proof of residency.

(cf. 5111 - Admission)

A student may establish residency by documenting that he/she lives with a parent/guardian within the district, is an emancipated minor living in the district, is in the court-appointed care of a licensed foster home, family home, or children's institution within the district, or lives in the home of a care-giving adult within the district. (Education Code 48204)

(cf. 5111.11 - Residency of Students with Caregiver)

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

(cf. 5111.13 - Residency for Homeless Children)

The district shall retain a copy of the document or written verification offered as proof of residency. In addition, the district shall annually verify the student's residency and retain a copy of the document or written statement offered as verification. (5 CCR 432)

(cf. 5125 - Student Records)

A student not residing within the district shall be deemed a district resident if admitted through the district's interdistrict attendance program or if the student is confined to a district area hospital or residential care facility for treatment of a temporary disability. (Education Code 48206.3-48208)

(cf. 5117 - Interdistrict Attendance)

(cf. 6183 - Home and Hospital Instruction)

District residency is not required for enrollment in a regional occupational center or program. (Education Code 52317)

Reasonable evidence of residency may be established by documentation, including but not limited to any of the following: (Education Code 48204.6)

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

DISTRICT RESIDENCY (continued)

Revocation of Enrollment

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

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

If the above meeting is held, the Superintendent shall prepare a written decision describing his/her findings. If this decision upholds the revocation, the parent/guardian shall be informed of his/her right to appeal to the Governing Board within 10 days. The Superintendent's decision shall be final unless appealed.

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

Legal Reference: (see next page)

DISTRICT RESIDENCY (continued)

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

48050-48053 Nonresidents

48200-48204 Persons included (compulsory education law)

48204.5 Districts adjacent to international border

48204.6 Evidence of residency

48206.3-48208 Students with temporary disability

48980 Notification of parent or guardian

52317 Admission of persons including nonresidents to attendance area

FAMILY CODE

6550-6552 Caregivers

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

CODE OF REGULATIONS, TITLE 22

87001 Definitions

Management Resources:

CDE LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

1115.88 Application of residency requirements for homeless children and youth, LO:5-88

RESIDENCY OF STUDENTS WITH CAREGIVER

Students shall qualify as district residents if placed within the district in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a commitment or placement under Welfare and Institutions Code 200-987. The agency placing a student in such a home or institution shall provide evidence to the school that the placement or commitment is pursuant to law. (Education Code 48204)

Students shall qualify as district residents if they reside in the home of a care-giving adult within district boundaries. (Education Code 48204)

Upon enrollment, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

When their whereabouts is known, parents/guardians of students living with a caregiver or in foster care shall receive all parental notifications required by law. They shall be contacted for all major educational decisions concerning enrollment, discipline and final grades.

(cf. 5145.6 - Parental Notifications)

Caregivers and foster parents who have filed the affidavit specified in Family Code 6552 may authorize school-related medical care.

(cf. 5141- Health Care and Emergencies)

Caregivers and foster parents shall receive a copy of all school notices.

(cf. 5111.1 - District Residency)

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

Legal Reference: (see next page)

RESIDENCY OF STUDENTS WITH CAREGIVER (continued)

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

42920-42925 Educational services

48200-48204 Persons included (compulsory education law)

56028 Parent

56050 Surrogate parent

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

7579.5 Surrogate parent

CODE OF REGULATIONS, TITLE 22

87001 Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

300.517 Surrogate Parent

Management Resources:

CDE MANAGEMENT ADVISORIES

0912.94 New Law on Establishing Residence 94-09

S A M P L E

CAREGIVER'S AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____

2. Minor's birth date: _____

3. My name (adult giving authorization): _____

4. My home address: _____

5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see next page for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____

8. My California's driver license or identification card number: _____

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional information:

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

District residency status may be granted to an elementary grade student if the student's parent/guardian works within the district boundaries. Proof of the parent/guardian's employment within the district shall be required prior to initial enrollment. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

The Superintendent or designee shall review each proposed or continued enrollment and determine whether it would result in additional costs to the district in excess of state funds. If it is determined that excess costs would be incurred by the district, the Board may deny the student's admission.

Students enrolled in the district on the basis of parent/guardian employment shall not be obliged to reapply for enrollment the next school year. They may continue to attend school in the district through the 12th grade, subject to restrictions specified in law related to excess costs. (Education Code 48204)

If more than three percent of the district's ADA or 25 students, whichever is greater, are admitted to other districts on the basis of parent/guardian place of employment, the Board may deny any further transfers out of the district on this basis. (Education Code 48204)

The Superintendent or designee shall notify the district of residence of all children requesting admittance into the district on the basis of parent/guardian place of employment. Unless approved by the student's current district of attendance, no student shall be admitted into the district on the basis of a parent/guardian place of employment in excess of the limits imposed by law.

The student's parent/guardian shall be notified in writing of the Superintendent's decision to deny admission or transfer out of the district. The notice shall include specific reasons for the denial. (Education Code 48204)

Notifications sent to parents/guardians at the beginning of each year shall include information about employment-based school attendance options. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Legal Reference: (see next page)

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT (continued)

Legal Reference:

EDUCATION CODE

48200-48204 *Persons included (compulsory education law)*

48980 *Notification of parent or guardian*

Management Resources:

CDE MANAGEMENT ADVISORIES

1222.86 *Enrollment Based on Parental Employment 86-09*

EXEMPTIONS FROM ATTENDANCE

The Governing Board may grant exemptions from compulsory attendance to students as allowed by law and in the best interest of the student.

Exemptions shall not be used to remove students who are disciplinary problems. Suspension, expulsion, transfer to alternative programs and other administrative measures shall be used with these students.

- (cf. 5112.2 - Exclusions from Attendance)*
- (cf. 5112.3 - Student Leave of Absence)*
- (cf. 5113.1 - Work Permits)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 6158 - Independent Study)*
- (cf. 6183 - Home and Hospital Instruction)*

Legal Reference:

EDUCATION CODE

- 33190 Affidavit by persons conducting private school instruction*
- 46113 Minimum schoolday for grades four through eight*
- 48200-48341 Compulsory education law*
- 48400 Weekly minimum attendance requirement*
- 48410 Persons exempted from continuation classes*

LABOR CODE

- 1295.5 Employment of minors; performance of sports-attending services*
- 1394 Employment of minors*

UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX, Discrimination*

UNITED STATES CODE, TITLE 29

- 794 Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 106.40 Marital or parental status*

COURT DECISIONS

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

EXEMPTIONS FROM ATTENDANCE

Requests for exemption from compulsory full-time attendance shall include satisfactory evidence of conditions upon which an exemption can be legally justified.

Students may be exempted from full-time attendance in the district's regular education program if they:

1. Are being instructed in a private full-time school and the attendance supervisor or designee verifies that the private school has filed an affidavit pursuant to Education Code 33190 (Education Code 48222, 48223)
2. Are being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year (Education Code 48224)
3. Are disqualified because of their physical or mental condition or because of personal services that must be rendered to their dependents

(cf. 5141.22 - Infectious Diseases)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6158 - Independent Study)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)

EXCLUSIONS FROM ATTENDANCE

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

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

(cf. 5111 - Admission)

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

(cf. 5141.31 - Immunizations)

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

(cf. 5141.26 - Tuberculosis Testing)

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

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

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

6. Have filthy or vicious habits, or suffer from contagious or infectious diseases or conditions. (Education Code 48211; 5 CCR 202)

The Governing Board shall periodically review its decisions to exclude students of filthy or vicious habits or suffering from contagious or infectious diseases. (Education Code 48214)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.33 - Head Lice)

Before excluding any such student, the Superintendent or designee shall send a notice to the parent/guardian of the student. This notice shall state the facts leading to a decision to propose exclusion and shall further state that: (Education Code 48213)

EXCLUSIONS FROM ATTENDANCE (continued)

- a. The parent/guardian has a right to meet with the Board to discuss the proposed exclusion.
- b. At this meeting, the parent/guardian shall have an opportunity to:
 - (1) Inspect all documents upon which the district is basing its decision to propose exclusion
 - (2) Challenge any evidence and question any witness presented by the Board
 - (3) Present oral and documentary evidence on the student's behalf
 - (4) Have one or more representatives present at the meeting
- c. The decision to exclude the child is subject to periodic review and the procedures for such periodic review.

The Superintendent or designee is not required to send prior notice of exclusion to the parent/guardian if the student is excluded because: (Education Code 48213)

- a. He/she resides in an area subject to quarantine.
- b. He/she is exempt from a medical examination but suffers from a contagious or infectious disease.
- c. It is determined that the presence of the student would constitute a clear and present danger to the life, safety, or health of students or school personnel.

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

Legal Reference: (see next page)

EXCLUSIONS FROM ATTENDANCE (continued)

Legal Reference:

EDUCATION CODE

48210-48214 *Persons excluded*

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

49408 *Information of use in emergencies*

49451 *Parent's refusal to consent*

HEALTH AND SAFETY CODE

120230 *Exclusion of persons from school*

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

121475-121520 *Tuberculosis tests for students*

124025-124110 *Child Health and Disability Prevention Program*

CODE OF REGULATIONS, TITLE 5

202 *Exclusion of students with a contagious disease*

OPEN/CLOSED CAMPUS

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

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

(cf. 5113 - Absences and Excuses)

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

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

35160 Authority of the Board

35160.1 Broad authority of school district

44808.5 Permission for pupils to leave school grounds; notice

ABSENCES AND EXCUSES

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

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

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

Excused Absences

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

(cf. 6154 - Homework/Makeup Work)

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

Students in grades K-8 should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency.

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

Unexcused Absences/Truancy

The Superintendent or designee shall implement positive steps to reduce truancy, such as communication with parents/guardians and the use of student study teams.

(cf. 5147 - Dropout Prevention)

(cf. 6164.5 - Student Study Teams)

(cf. 6176 - Weekend/Saturday Classes)

The district participates in the county school attendance review board as allowed by law in order to meet the special needs of students with school attendance or school behavior problems.

Students who are habitual truants or habitually insubordinate or disorderly during attendance at school may be referred to the county probation department.

ABSENCES AND EXCUSES (continued)

When the student's attendance problems cannot be resolved or the student and parent/guardian have failed to respond to directives to correct the problem, a student who has been classified as truant may be referred to the district attorney or probation officer for truancy mediation.

When the student's attendance problems cannot be resolved or the student and parent/guardian have failed to respond to directives to correct the problem, the school attendance review board or probation officer may ask the County Superintendent of Schools to request a juvenile court petition on behalf of the student.

For purposes of the CalWORKS program, a student shall be determined to be "regularly attending school" until he/she has been referred by the school attendance review board to the county District Attorney.

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

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

Legal Reference: (see next page)

ABSENCES AND EXCUSES (continued)

Legal Reference:

EDUCATION CODE

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

2550-2558.6 *Computation of revenue limits*

37201 *School month*

37223 *Weekend classes*

41601 *Reports of average daily attendance*

42238-42250.1 *Apportionments*

46000 *Records (attendance)*

46010-46014 *Absences*

46100-46119 *Attendance in kindergarten and elementary schools*

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

48200-48208 *Children between ages of 6 and 18 years (compulsory full-time attendance)*

48216 *Immunizations*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48292 *Filing complaint against parent*

48320-48324 *School Attendance Review Boards*

48340-48341 *Improvement of student attendance*

49067 *Unexcused absences as cause of failing grade*

FAMILY CODE

6920-6929 *Consent by minor*

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

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

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CDE MANAGEMENT ADVISORIES

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

CSBA ADVISORIES

Welfare Reform and Requirements for School Attendance

ABSENCES AND EXCUSES

Excused Absences

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

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic appointments (Education Code 48205)
4. Attendance at funeral services for a member of the immediate family (Education Code 48205)
 - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)
 - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/ daughter-in-law, brother, sister or any relative living in the student's immediate household. (Education Code 45194, 48205)
5. Jury duty in the manner provided by law (Education Code 48205)
6. Participation in religious instruction or exercises in accordance with district policy
 - a. In such instances, the student shall attend at least the minimum school day. (Education Code 46014)
 - b. The student shall be excused for this purpose on no more than four school days per month. (Education Code 46014)

In addition, a student's absence shall be excused for justifiable personal reasons. Advance written request by the parent/guardian and approval of the principal or designee shall be required for absences for: (Education Code 48205)

1. Appearance in court
2. Attendance at a funeral service
3. Observation of a holiday or ceremony of his/her religion
4. Attendance at religious retreats for no more than four hours during a semester

ABSENCES AND EXCUSES (continued)**Method of Verification**

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

1. Written note from parent/guardian, parent representative (Education Code 46012)
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date or dates of absence
 - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.

When a student has had 10 absences in the school year for illness verified by methods listed in #1-#3 above, any further absences for illness must be verified by a physician.

Truancy

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

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

- a. The student is truant
- b. The parent/guardian is obligated to compel the student to attend school

ABSENCES AND EXCUSES (continued)

- c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296
 - d. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy
 - e. Alternative educational programs are available in the district
 - f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse
 - g. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7
 - h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day
2. Upon his/her first truancy, a student may be given a written warning by a peace officer. A record of this warning may be kept at school for at least two years or until the student graduates or transfers from the school. If the student transfers, the record will be forwarded to the new school.

(cf. 5125 - Student Records)

3. Upon his/her second truancy within the same school year, a student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #5 below.
4. Upon his/her first or second truancy within the same school year, an appropriate district staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance, which may include:
- a. Program changes
 - b. Referral of family to community agency
 - c. Referral to school psychologist or student study team

ABSENCES AND EXCUSES (continued)

- d. Modified day
 - e. Independent study
 - f. Special school projects, special programs
 - g. School furlough
 - h. Work-experience education or community service
 - i. Alternative education
 - j. Referral for health checkup, medical examination
5. Upon his/her third truancy within the same school year, a student may be referred to, and required to attend, an attendance review board, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #6 below.
6. Upon his/her fourth truancy within the same school year, the student shall be classified a habitual truant as defined in Education Code 48262. (Education Code 48264.5)

A habitual truant may be referred to a school attendance review board or to the probation department. (Education Code 48263)

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

If the school attendance review board or probation officer determines that available community services can resolve the problem of the truant or insubordinate students, then the school attendance review board or probation officer shall direct the student and/or the student's parents/guardians to make use of these resources. (Education Code 48263)

ABSENCES AND EXCUSES (continued)

If the school attendance review board or probation officer determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or student's parents/guardians have failed to respond to the directives of the school attendance review board or probation officer or to services provided, the school attendance review board and/or probation officer may notify the county district attorney.

7. If a student in grades 7-8 has been judged by the county juvenile court to be a habitual truant or habitually insubordinate or disorderly at school, or if a student has been required by the court to attend school as a condition of probation, the district shall inform the juvenile court and the student's probation or parole officer, within 10 days, whenever that student is insubordinate, disorderly at school, or truant or tardy without a valid excuse. (Education Code 48267)

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

WORK PERMITS

The Governing Board recognizes that part-time jobs can give students needed supplementary income, valuable work experience, and enhanced self-esteem. However, the Board also believes that outside employment should not interfere with students' educational progress nor impair their health. In accordance with law, students must obtain work permits from school authorities before accepting employment.

The Superintendent or designee shall issue work permits only as allowed by law and only to the extent that outside employment does not significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain satisfactory grades.

Legal Reference:

EDUCATION CODE

48231 Entrance into attendance area within 10 school days of end of term

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49164 Inspection; cancellation or revocation

LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors

Management Resources:

CDE MANAGEMENT ADVISORIES

1016.89 Local work permit policies

WORK PERMITS

Approval/Revocation of Work Permits

1. No work permit shall be issued until the student's parent/guardian, foster parent or residential shelter services provider has filed a written request with the district. (Education Code 49110)
2. To help in determining the extent to which outside employment may be approved, the Superintendent or designee shall:
 - a. Inspect the student's records for evidence of satisfactory grades and attendance
 - b. Confer with at least one of the student's teachers to determine whether the student appears to have the time, stamina, motivation and maturity to maintain academic progress while working
3. After issuing a work permit, the Superintendent or designee shall periodically inspect the student's scholastic and attendance records.
4. The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is impairing the student's health or education. (Education Code 49164)

Permits to Work Part Time When School Is in Session

1. While school is in session, a student 14 or 15 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than three hours on any school day and no more than 18 hours in any week. (Education Code 49112, 49116)

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

2. With the consent of the Superintendent or designee, a student who is 13 years old and has completed the sixth grade may receive a permit to work for no more than two hours on any given day, up to a maximum of four hours each week, provided that:
 - a. The student has been identified by the district as a potential dropout, and

WORK PERMITS (continued)

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

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

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

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

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

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

(cf. 6178.1 - Work Experience Education)

WORK PERMITS (continued)

Permits to Work When School Is Not in Session

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

RESIDENCY FOR HOMELESS CHILDREN

42 USC 11432, as amended, requires districts to immediately enroll homeless children even though the parent/guardian is unable to produce the records normally required for enrollment. The following lists some examples of alternative proofs of residency.

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

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

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

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

Pursuant to 42 USC 11432, as amended, placement determinations for homeless students must be made according to the student's "best interest" as defined in law. Under specified circumstances, homeless students also have the right to continue to attend a district school, even when the homeless family no longer resides within the district. For these and other details, see AR 6173 - Education for Homeless Children.***

Legal Reference:
EDUCATION CODE
1980-1986 County community schools
2558.2 Use of revenue limits to determine average daily attendance of homeless children
39807.5 Payment of transportation costs by parents
UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:
CDE PUBLICATIONS
Enrolling Students in Homeless Situations, 1999
FEDERAL REGISTER
U.S. Department of Education: Notice of school enrollment guidelines, 67 Fed. Reg. 10698
WEB SITES
CDE: <http://www.cde.ca.gov>
U.S. Department of Education: <http://www.ed.gov>
National Law Center on Homelessness and Poverty: <http://www.nlchp.org>

Regulation
approved: February 8, 2000
revised: January 8, 2003

Palermo, California

SCHOOL ATTENDANCE BOUNDARIES

The Governing Board shall regularly review school attendance boundaries, taking into account school facility capacity and design, including potential residential developments, enrollment data, including declining enrollment patterns, school feeder patterns, including maintaining, to the extent practicable, continuity of student attendance, geographic features, student safety, transportation capacity, racial and ethnic balance, educational programs and community input.

(cf. 5116.1- Intradistrict Open Enrollment)

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

In considering all policies relating to attendance areas, the Board reaffirms its commitment to the Board's mission of providing a quality educational program for all its students.

The Board is committed to the following policies:

1. The district has four regular education schools: Palermo School, Helen Wilcox School, Golden Hills Elementary School, and Honcut School.

Students are assigned to schools based on grades attended for grades 1-8. Kindergarten students are assigned by attendance areas defined by most economical and district approved bus routes. There are a.m. and p.m. "shuttle runs" between Helen Wilcox, Golden Hills, and Palermo Schools for students within walking distance of those schools (one mile). Honcut students will be assigned as per attendance and/or one mile walking distance.

2. Students in grades Kindergarten through grade two who reside within district boundaries may apply for enrollment in any district school, provided space is available at the school of choice. No overcrowding can be allowed. No student assigned to a school shall be displaced by student's transferring from outside the district or attendance area.
3. If parents/guardians choose to select a school other than their assigned school, then parents/guardians assume responsibility for providing transportation for their child(ren) to the school of choice.

However, there may be an opportunity whereby a student assigned to one school wishes to attend another school in the district. A student may ride the bus to and from the school of choice, if the following conditions are met:

- a. There is an established bus run.
- b. There is room on the bus.

SCHOOL ATTENDANCE BOUNDARIES (continued)

- c. No new bus runs will have to be created.
 - d. Prior written permission is obtained from the Superintendent for the student to ride the bus.
 - e. Permission will be determined on a yearly basis and can be revoked at any time due to increased bus ridership, necessary bus route or bus stop modifications or other pertinent events effecting the transportation system.
 - f. Each yearly permission shall be effective the third week of school and thereafter, to allow adequate time to analyze bus loads and assignments at the beginning of the school year.
4. The district will provide an annual notification to all parents/guardians of the enrollment options.
 5. Due to differences in the acreage and usable space at each school site, there will be variations in the optimum size of each school. Elementary school sites in general which have ten (10) acres in size should not be planned to exceed 600 pupils in traditional K-5~~6~~ schools. Middle school sites on 10-20 acres should not exceed 800 students. The district goal should be 20 students per classroom in grades K-3 and below 30 students in grades 4-8.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35160.5 District policies; rules and regulations

35291 Rules

35350 Transportation of students

35351 Assignment of students to particular schools

GOVERNMENT CODE

53312.7 Establishment of community facilities district; goals and policies

COURT DECISIONS

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

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

ATTORNEY GENERAL OPINIONS

29 Ops. Cal. Atty. Gen. 63

INTRADISTRICT OPEN ENROLLMENT (Unsafe Schools Choice)

The Governing Board desires to provide options that meet the diverse needs, potential and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities

The Superintendent or designee shall establish an open enrollment policy within the district for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

Parents/guardians of any student who reside within district boundaries may apply for enrollment in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

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

(cf. 5111.13 - Residency for Homeless Children)

Final acceptance of the school of choice intradistrict transfer is applicable for one school year only.

No overcrowding will occur at any school of choice.

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

Enrollment Priorities

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

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)

(cf. 5118 - Open Enrollment Act Transfers)

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

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

INTRADISTRICT OPEN ENROLLMENT (Unsafe Schools Choice) (continued)

3. If while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another district school or charter school. (20 USC 7912)
4. If a student attends a school designated by the California Department of Education as "persistently dangerous," he/she shall be provided an option to transfer to another district school. (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

5. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist
- b. A court order, including a temporary restraining order and injunction

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

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

(cf. 6172 - Gifted and Talented Student Program)

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

(cf. 5116 - School Attendance Boundaries)

INTRADISTRICT OPEN ENROLLMENT (Unsafe Schools Choice) (continued)

Transportation

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

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

48980 Notice at beginning of term

COURT DECISIONS

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

Policy
adopted: February 8, 2000
Revised: November 16, 2011

PALERMO UNION SCHOOL DISTRICT
Palermo, California

INTRADISTRICT OPEN ENROLLMENT (Unsafe Schools Choice)

No student currently attending a particular school will be displaced by the circumstance of choice.

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 10 school days, after it has been determined that a student the victim has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In determining whether a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident on a case-by-case basis and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Within 10 school days after receiving notification from the California Department of Education (CDE) that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 10 school days after notification of the school's designation, the Superintendent or designee shall notify parents/guardians of their option to transfer their child.

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide written request to the Superintendent or designee. The Superintendent or designee may establish a reasonable timeline, not to exceed 10 school days, for the submission of parent/guardian requests.

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

INTRADISTRICT OPEN ENROLLMENT (Unsafe Schools Choice) (continued)

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

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

(cf. 5117 - Interdistrict Agreements)

Other Intradistrict Open Enrollment

1. The Superintendent shall identify those schools and grade levels which may have space available for additional students. A list of those schools and open enrollment applications shall be available at all school offices.
2. All students who submit applications to the District Office by May 1 shall be eligible for admission to their school of choice the following school year under the district's open enrollment policy.
3. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, and a waiting list shall be established to indicate the order in which applicants may be accepted as more openings occur. Late applicants may be added to the waiting list in the order in which they apply.
4. The Superintendent shall inform applicants by mail as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
5. Applicants who receive approval must confirm their enrollment within two weeks.
6. Admission to a particular school shall not be influenced by a student's academic or athletic performance except insofar as academic standards are required for admission to specialized schools or programs such as programs for gifted and talented students. Such standards shall be uniformly applied to all students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

INTRADISTRICT OPEN ENROLLMENT (Unsafe Schools Choice) (continued)

Any complaints regarding the selection process should be taken to and reviewed by the Superintendent.

(cf. 1312 - Complaints Concerning the Schools)

Notifications

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

1. All options for meeting residency requirements for school of choice intradistrict enrollment

(cf. 5111.1 - District Residency)

(cf. 5111.11 - Residency of Students with Caregiver)

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

(cf. 5111.13 - Residency for Homeless Children)

2. Program options offered within the district
3. A description of any special program options available on both an interdistrict and intradistrict basis

(cf. 5117 - Interdistrict Attendance)

4. A description of the procedure for application for various programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the California Department of Education (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

INTERDISTRICT ATTENDANCE

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. The Board desires to communicate with parents/guardians and students regarding the educational programs and services that are available.

(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5116.1 - Intradistrict Open Enrollment)

Interdistrict Attendance Agreements

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance agreements with other districts on a case-by-case basis to meet individual student needs.

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

The Superintendent or designee may deny interdistrict attendance agreements because of overcrowding within district schools or limited district resources.

A student may be admitted provisionally to the schools of a district other than that in which he/she lives for a period not exceeding two (2) school months, pending decision by the Superintendent of the district concerned or by the County Board of Education relative to his/her attendance.

Transportation beyond that normally provided for students living in the district shall not be provided for students attending on the Interdistrict Attendance Agreement.

The Board reserves the right to revoke any Interdistrict Attendance Agreement at any time.

Legal Reference (see next page)

INTERDISTRICT ATTENDANCE (continued)

Legal Reference:

EDUCATION CODE

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48209-48209.17 Student attendance alternatives

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Admission of persons including nonresidents to attendance area; workers' compensation for pupils

INTERDISTRICT ATTENDANCE

Interdistrict Attendance Agreements

The Superintendent or designee may approve an interdistrict attendance agreement for a student for any of the following reasons:

1. To meet the child care needs of the student

Such students may be allowed to continue to attend district schools only as long as they continue to use a child care provider within district boundaries.

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

(cf. 5113.1 - Truancy)

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

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

INTERDISTRICT ATTENDANCE (continued)

The Superintendent or designee may deny initial requests for interdistrict attendance agreements if school facilities are overcrowded at the relevant grade level or based on other considerations that are not arbitrary. However, once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

Within 30 days of a request for an interdistrict agreement, the Superintendent or designee shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

(cf. 5145.6 - Parental Notifications)

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

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

OPEN ENROLLMENT ACT TRANSFERS

The Governing Board desires to offer enrollment options in order to provide children with opportunities for academic achievement that meet their diverse needs. Such options shall also be provided to children who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.

Whenever a student is attending a district school on the Open Enrollment List as identified by the Superintendent of Public Instruction, he/she may transfer to another school within or outside of the district, as long as the school to which he/she is transferring has a higher Academic Performance Index. (Education Code 48354, 48356)

A parent/guardian whose child is attending a district school on the Open Enrollment List and who wishes to have his/her child attend another school within the district shall apply for enrollment using BP/AR 5116.1 - Intradistrict Open Enrollment.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between June 11th and August 10th preceding the school year for which the transfer is requested.

(cf. 5111.1 - District Residency)

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

The Board may deny a transfer out of or into the district upon a determination by the Board that the transfer would negatively impact a court-ordered or voluntary desegregation plan in accordance with Education Code 48355.

Standards for Rejection of Transfer Applications

Pursuant to Education Code 48356, the Board has adopted the following standards for acceptance and rejection of transfer applications submitted by a parent/guardian of a student attending a school in another district on the Open Enrollment List. The Superintendent or designee shall apply these standards in accordance with Board policy and administrative regulation and shall ensure that the standards are applied uniformly and consistently.

OPEN ENROLLMENT ACT TRANSFERS (continued)

As applicable, the Superintendent or designee may deny a transfer application under any of the following circumstances:

1. Upon a determination that approval of the transfer application would negatively impact the capacity of a program, class, grade level, or school building, including:
 - a. The class or grade level exceeding the district's limits pursuant to the state Class Size Reduction Program
 - b. The site, classroom, or program exceeding the maximum student-teacher ratio specified by the Governing Board
 - c. The site or classroom exceeding the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document
 - d. The class or grade level exceeding capacity pursuant items #a-#c above in subsequent years as the student advances to other grade levels at the school

(cf. 6151 - Class Size)

(cf. 7110 - Facilities Master Plan)

2. Upon a determination that approval of the transfer application would have an adverse financial impact on the district, including:
 - a. The hiring of additional certificated or classified staff
 - b. The operation of additional classrooms or instructional facilities
 - c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students

Appeal Process for Denials of Transfer Applications

A parent/guardian may appeal the district's denial of a transfer application to the Board by filing a written request of appeal with the Superintendent or designee within 10 days of the receipt of the written notification of denial. In addition, a parent/guardian who believes he/she has been subject to discrimination may file an appeal using the district's Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

OPEN ENROLLMENT ACT TRANSFERS (continued)

The Board shall schedule an appeal hearing as soon as practicable at a regular or special meeting of the Board. At the hearing, the parent/guardian shall have the right to present oral or written evidence, rebut district evidence, and question any district witnesses. Unless the parent/guardian requests that the hearing be held in open session, the hearing shall be held in closed session in order to protect the privacy of students in accordance with law.

(cf. 9321- Closed Session Purposes and Agendas)

The Board shall make its decision by the next regularly scheduled meeting and shall send its decision to all concerned parties. The Board's decision shall be final.

Program Evaluation

The Superintendent or designee shall collect data regarding the number of students who transfer out of the district pursuant to the Open Enrollment Act. He/she also shall collect data regarding the number of students who apply to transfer into the district, the number of requests granted, denied, or withdrawn, and the district schools and programs receiving applications.

When the Superintendent or designee anticipates that a particular school will receive a large number of transfer applications, he/she shall study the enrollment pattern at that school in order to anticipate future resident enrollment at the school and at the district schools into which those students would normally matriculate.

The Superintendent or designee shall regularly report to the Board regarding the implementation of this program.

Legal Reference: (see next page)

OPEN ENROLLMENT ACT TRANSFERS (continued)

Legal Reference:

EDUCATION CODE

200 Prohibition of discrimination

35160.5 District policies, rules, and regulations

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

FAMILY CODE

6500-6552 Caregivers

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

CODE OF REGULATIONS, TITLE 5

4700-4703 Open Enrollment Act

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

ATTORNEY GENERAL OPINIONS

87 *Ops. Cal. Atty. Gen.* 132 (2004)

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

COURT DECISIONS

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

Management Resources:

WEB SITES

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

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

OPEN ENROLLMENT ACT TRANSFERS

Definitions

District of enrollment means the district, other than the district in which the student's parent/guardian resides, in which the parent/guardian intends to enroll his/her child. (Education Code 48352)

District of residence means the district in which the parent/guardian of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code 48200. (Education Code 48352)

(cf. 5111.1 - District Residency)

Open enrollment school means a "low-achieving" school identified by the Superintendent of Public Instruction (SPI) pursuant to Education Code 48352 and 5 CCR 4701. (Education Code 48352; 5 CCR 4701)

Transfer Applications into a District School

Enrollment priority shall be available to students who reside within this district. No student who resides within a school's attendance area or who is currently enrolled in a school shall be displaced by a student who is transferring pursuant Education Code 48350-48361 or 5 CCR 4700-4703. (Education Code 48354, 48356)

Applications shall be submitted within the deadlines established by Board policy.

However, the application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48354)

(cf. 6173.2 - Education of Children of Military Families)

The parent/guardian's application may request enrollment of his/her child in a specific school or program. Requests for admission to a program shall be subject to the usual admission requirements established by the district for district students. Except for such specialized admission requirements, the Superintendent or designee shall not consider the student's previous academic achievement, athletic performance, physical condition, English language proficiency, family income, or any of the prohibited bases for discrimination listed in Education Code 200. (Education Code 48354, 48356)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6172 - Gifted and Talented Student Program)

OPEN ENROLLMENT ACT TRANSFERS (continued)

Students applying for open enrollment transfers shall be assigned priority for approval as follows: (Education Code 48356):

1. First priority for the siblings of students who already attend the desired school
2. Second priority for students transferring from a program improvement school ranked in decile 1 on the Academic Performance Index (API)

If the number of students who request a particular school exceeds the number of spaces available at that school, the Superintendent or designee shall conduct a lottery, in the group priority order identified in items #1 and #2 above, to select students at random until all of the available spaces are filled. (Education Code 48356)

Within 60 days of receiving the application, the Superintendent or designee shall provide written notification to the parent/guardian and the student's district of residence as to whether the application has been accepted or rejected. If the application has been rejected, the notice shall state the reasons for the rejection. If the application has been approved, the notification shall specify the particular school site and the school's address to which the student has been admitted. (Education Code 48357; 5 CCR 4702)

Terms of Approval

The Superintendent or designee shall ensure that the school to which the student is transferring has a higher API than the school in which the student was previously enrolled. (Education Code 48356)

The parent/guardian shall enroll his/her child on or before the first day of instruction or within 14 calendar days of receipt of the district's notice of approval of the application, whichever is later. If the parent/guardian fails to enroll his/her child within this timeframe, the district may decline to enroll the student. (5 CCR 4703)

Upon enrollment, the district shall grant the student any credits towards graduation that he/she received from his/her district of residence. The student shall be eligible for graduation from district schools upon completion of state and district graduation requirements. (Education Code 48358)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

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

(cf. 6162.52 - High School Exit Examination)

OPEN ENROLLMENT ACT TRANSFERS (continued)

A student admitted to a district school through this process shall be deemed to have fulfilled district residency requirements pursuant to Education Code 48204 and shall not be required to reapply for enrollment in that school, regardless of whether his/her school of residence remains on the Open Enrollment List. (Education Code 48356; 5 CCR 4702)

Once admitted, a transfer student who wishes to matriculate into a district middle school or transfer to another district school shall reapply for admission to the new school pursuant to the requirements of Board policy and administrative regulation.

Parents/guardians are responsible for transporting their children to school.

Transfers out of District Schools on the Open Enrollment List

Upon identification by the California Department of Education (CDE) that a district school is on the Open Enrollment List, the Superintendent or designee shall notify the parents/guardians of each student enrolled in the school of the option to transfer. This notice shall be provided by the first day of instruction. However, if the CDE has not notified the district whether a school is on the list by the first day of instruction, the notification shall be provided no later than 14 calendar days after the Open Enrollment List is posted on the CDE's web site. (Education Code 48354; 5 CCR 4702)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 5145.6 - Parental Notifications)

STUDENTS EXPELLED FROM OTHER DISTRICTS

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

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

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance Agreements)

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

Legal Reference:

EDUCATION CODE

46600 Agreements for interdistrict attendance

46601 Failure to approve interdistrict attendance; expulsion prohibiting appeal

48660-48666 Community day schools

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48915.2 Expelled student; enrollment during and after period of expulsion

48918 Rules governing expulsion procedures

STUDENTS EXPELLED FROM OTHER DISTRICTS

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

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

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

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

Enrollment During the Term of Expulsion

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

STUDENTS EXPELLED FROM OTHER DISTRICTS (continued)

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

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

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

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

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

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level, not in relation to the work of other students in one particular class. The Superintendent or designee shall establish and regularly evaluate a uniform grading system, and principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of channels such as classroom participation, homework, tests and portfolios. The Board recognizes that portfolios may be especially useful in assessing how skills, knowledge and thought processes have been combined from a number of different subject areas.

(cf. 6030 - Integrated Academic and Vocational Instruction)

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

The Board recognizes that the developmental levels of young children vary a great deal. In order to give parents/guardians more information and also promote students' self-esteem and experiences of success, students in kindergarten through third grade may also receive narrative evaluations.

Behavior, effort and attendance shall be reported in separate evaluations, not in the student's academic grade.

(cf. 5113 - Absences and Excuses)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 5124 - Communication with Parents/Guardians)

(cf. 5125.3 - Challenging Student Records)

(cf. 6154 - Homework/Make-up Work)

Unexcused Absences

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

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Students with excessive unexcused absences exceeding twenty (20) days in a class may be given a failing grade and not receive credit for the class(es). Teachers who withhold class credit for this reason shall so inform the class and parents/guardians at the beginning of the semester.

Legal Reference:

EDUCATION CODE

48070 *Promotion and retention*

48205 *Excused absences*

48431.6 *Required systematic review*

49066 *Grades; finalization; physical education class*

49067 *Mandated regulations regarding pupil's achievement*

UNITED STATES CODE, TITLE 20

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

COURT DECISIONS

Johnson v. Santa Monica-Malibu Unified School District Board of Education

(App. 2 Dist. 1986) 224 Cal. Rptr. 885, 179 Cal. App. 3d 593

Management Resources:

CDE PUBLICATIONS

It's Elementary!, *Elementary Grades Task Force Report, 1992*

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

(cf. 6020 - Parent Involvement)

Grades for Achievement

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

K-5:

- 5 – Advanced Proficiency
- 4 – Proficient
- 3 – Approaching Proficiency
- 2 – Beginning Proficiency
- 1 – Non Proficient

6 – 8:

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

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

(cf. 5123 - Promotion/Acceleration/Retention)

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

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

Students in grades 6 through 8 must earn at least a 2.0 or C grade point average in order to participate in extra/cocurricular activities.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Students in grade 4 must earn 70% average and students in grade 5 must earn 60% average in order to participate in extra/cocurricular activities.

(cf. 6145 - Extracurricular and Cocurricular Activities)

Teachers may use narrative descriptions to indicate the student's level of achievement and may also furnish examples of student work.

Criteria for determining grades for achievement may include but are not limited to:

1. Preparation of assignments, including accuracy, legibility and promptness
2. Contribution to classroom discussions
3. Demonstrated understanding of concepts in tests
4. Application of skills and principles to new situations
5. Organization and presentation of written and oral reports
6. Originality and reasoning ability when working through problems

Grades for Citizenship and Effort

Grades for citizenship and effort shall be reported each marking period.

Criteria for determining grades for citizenship may include but are not limited to:

1. Student obeys rules
2. Student respects public and personal property
3. Student maintains courteous, cooperative relations with teachers and fellow students
4. Student works without disturbing others

Criteria for determining grades for effort may include but are not limited to:

1. Student takes responsibility for having necessary tools and materials
2. Student shows interest and initiative
3. Student goes to work immediately, and completes assignments
4. Student uses free time resourcefully

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Honor Roll

An Honor Roll shall be posted for grades 6-8. To qualify for the Honor Roll, a student must receive a grade point average of 3.0 or better.

Unexcused Absences

If a student receives a failing grade because of unexcused absences, school records shall specify that the grade was given because of excessive unexcused absences. (Education Code 49067)

(cf. 5113 - Absences and Excuses)

Progress Reports

Progress reports will be sent home at mid-point through the trimester for all students. The principal shall be responsible to develop/approve progress report forms.

PROMOTION/ACCELERATION/RETENTION

The Governing Board expects students to progress through each grade within one school year. To accomplish this, instruction should accommodate the varying interests and growth patterns of individual students and include strategies for addressing academic deficiencies when needed.

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

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)

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

As early as possible in the school year and in students' school careers, the Superintendent or designee shall identify students who are at risk of not meeting grade level standards, and in accordance with law, Board Policy, Administrative Regulation and specific criteria should be retained and who are at risk of being retained.

Any K-8 student who does not meet promotion criteria for his/her grade level shall be evaluated by a team that includes the child's teacher, parent, and an administrator/designee to determine if he/she should be retained or promoted. If it is determined by the team that the student shall be promoted an appropriate intervention plan shall be written.

PROMOTION/ACCELERATION/RETENTION (continued)

A student will be promoted to the next grade level if he/she achieves all of the following criteria for his/her grade level.

Grades K-3 (Reading):

1. Earn a “Proficient/Grade Level” or an “Advanced Proficiency” grade in Reading on his/her report card.

---and---

2. Earn a score of “Pass” on two of the three grade level multiple measures in Reading.

Grade 4-5 (Reading/Language Arts and Math):

1. Earn a “Proficient/Grade Level” or an “Advanced Proficiency” mark on the standards-based assessment side of his/her report card in Reading/Language Arts and Mathematics. (Both the Reading/Language Arts and Math will be averaged together- Average must be 3+).

---and---

2. Earn a score of “Pass” on two of the three grade level multiple measures in Reading/Language Arts.

---and---

3. Earn a score of “Pass” on two of the three grade level multiple measures in Math.

Grades 6-8 (Reading/Language Arts and Math):

1. Earn a grade point average (GPA) of 1.67 (C- average for the entire school year) in Reading/Language Arts and Math. (Both the Reading/Language Arts and Math grades will be averaged together.)

---and---

2. Earn a score of “Pass” on two of the three grade level multiple measures in Reading/Language Arts.

---and---

3. Earn a score of “Pass” on two of the three grade level multiple measures in Math.

Also for 8th Graders:

In addition to the above requirements, an eighth grader must earn an overall 2.0 yearly grade point average (2.0 GPA), as per Board Policy #6146.5, in order to be promoted to ninth grade, to graduate and receive a diploma, and to participate in the graduation ceremony.

PROMOTION/ACCELERATION/RETENTION (continued)**8th Grade Attendance Policy**

Regular school attendance is a necessary part of the learning process and the means to graduating with a high quality education. Research strongly supports that students who attend school regularly are more successful than those who do not. Students who are frequently absent from school fall behind in academics and are more likely to engage in behaviors that will have a negative impact on their futures.

In order to encourage and promote consistent school attendance, all 8th graders will:

- Attend 165 days of school out of 180 (91.7% attendance rate) with no more than 3 unexcused absences in order to participate in the graduation ceremony, graduation dance, and the 8th grade end of year trip. Students who enroll in long term home study must complete all assignments on 91.7% of their weekly contracts in order to qualify for participation in graduation, the graduation dance, and the end of year 8th grade trip.
- Receive a one time grade point average enhancement if they have 9 or fewer excused absences in the entire school year and no unexcused absences. A grade point average enhancement of .12 will be applied to either the ELA/Math grade point average or the overall grade point average, but not both.
- Receive an award at the third trimester awards assembly and be recognized at the graduation ceremony if they achieve perfect attendance in all classes. In order to receive the award for perfect attendance, students must attend every class, everyday.
- Will be allowed to “make-up” 1 day of school attendance by attending and successfully completing 2 Saturday School sessions, if Saturday School is offered.

Students that pass the required grade level assessments and meet the grade point average requirements for graduation, but fail to meet the attendance requirements will receive their diploma and be promoted to the ninth grade, but they will not be eligible to participate in the graduation ceremony, the graduation dance, and the end of the year 8th grade trip.

Students who enroll in short term independent study, but fail to complete all of the assigned work will receive an unexcused absence for each day that they were enrolled in independent study.

In cases of extreme hardship, family emergency, and/or chronic medical issues as documented by a physician, a student may request an administrative review of their attendance record in order to qualify for participation in graduation, the graduation dance, and the end of the year 8th grade trip.

PROMOTION/ACCELERATION/RETENTION (continued)**English Learners**

Decisions regarding the promotion or retention of English learners require special considerations. Proposition 227 allows programs to be designed primarily to teach English Learner pupils English first and academic content second. It is inappropriate to retain English Learners who have failed to meet academic standards while they are acquiring English. The Palermo Union School District offers academic content simultaneously with English instruction and instruction in English.

English Learners could be considered “at risk” based on the challenges they face in acquiring proficiency and mastering subject areas content in English. English Learners should be provided with supplemental instruction as a key intervention to ensure that they will eventually attain grade-level proficiency and beyond.

Special Education

Students with physical and/or mental disabilities which interfere with the major life activity of learning are provided protections under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). Their educational opportunities will be affected by the development of accommodation plans intended to mitigate the effects of the disability on educational performance.

Students whose eligible physical and/or mental disabilities create educational needs which require special education (specially designed instruction) and related services (services which enable them to benefit from their special education program) are provided protections under the Individuals with Disabilities Education Act (IDEA). Their educational opportunities will be governed by the development of Individualized Education Programs intended to mitigate the effects of the disability on educational performance and assure a beneficial access to a free appropriate education.

Students who are provided protections under Section 504 of the Rehabilitation Act and ADA will be placed in the respective grades pursuant to the general requirements of this policy unless the Student Study Team develops a accommodation plan which creates exception to those requirements in response to the effects of the presenting disability. If the student is to be retained, the accommodation plan must specify services, interventions, and differential standards if appropriate, intended to assure the effectiveness of the retention.

PROMOTION/ACCELERATION/RETENTION (continued)

Students who are provided protections under IDEA will, in most cases, be placed in the respective grades pursuant to the general requirements of this policy unless the IEP Team develops an IEP which creates an exception to those requirements in response to the effects of the presenting disability. In cases where retention would otherwise be considered, these students may be promoted pursuant to IEP's which provide for appropriate interventions and services to assure that meaningful progress will be made in the higher grade level. If the student is to be retained, the IEP must specify services and interventions intended to assure the effectiveness of the retention.

Should students who are provided protections under IDEA need them due to needs stemming from their disability, IEP's must reflect any necessary differential standards for promotion and graduation, any necessary modifications to the course of study, any necessary modifications to the administration of tests, and any necessary modifications to the curricula.

Students shall be identified on the bases of grades and other indicators of academic achievement.

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

(cf. 5149 - At-Risk Students)

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall provide opportunities for remedial instruction to assist the student in overcoming his/her academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after-school programs, summer school programs and/or Saturday Opportunity Program and/or the establishment of a student study team. After remediation, the student will be given the opportunity to re-take the assessment test(s) if needed.

(cf. 6164.5 - Student Study Teams)

(cf. 6177 - Summer School)

*Legal Reference:*EDUCATION CODE

37252-37253 Summer school

46300 Method of computing ADA

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

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

51215 Proficiency standards in basic skills

51216 Assessment of pupil proficiency

51217 Withholding diploma (high school)

51218 Separate proficiency standards

56345 Elements of individualized education plan

60641-60647 Standardized Testing and Reporting Program

60648 Minimum performance levels

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

PROMOTION/ACCELERATION/RETENTION (continued)

Management Resources:

CDE PROGRAM ADVISORIES

06121.89 - 06123.89 *Educating Young Children: Next Steps in Implementing the School Readiness Task Force Report*

0916.91 *Retention of Students in Elementary and Middle Grades, CIL 91/92-02*

CDE MANAGEMENT ADVISORIES

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

LEGISLATIVE COUNSEL OPINION

1001.98 *Promotion and Retention #21610*

CSBA ADVISORIES

1112.98 *Student Promotion/Retention Advisory*

WEB SITES

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

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

PROMOTION/ACCELERATION/RETENTION

Acceleration from Kindergarten to First Grade

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

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

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

Continuation in Kindergarten

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

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

Retention at Other Grade Levels

The Superintendent or designee shall identify students in grades 1-8 who should be retained or who are at risk of being retained. (Education Code 48070.5)

Students in grades K-3 shall be identified primarily on the basis of their level of proficiency in reading. Students in grades 4-8 shall be identified primarily on the basis of their level of proficiency in reading, English-language-arts and mathematics. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

PROMOTION/ACCELERATION/RETENTION (continued)

Students shall be identified on the basis of either assessment results or grades and other indicators of academic achievement, as established by Board Policy 5123.

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

(cf. 6162.5 - Student Assessment)

Teachers at each grade level shall record the progress of students identified as “at risk” in their cumulative file, and communicate that information to the parents by completing and sending home an At Risk (P/R 1) form, conducting a parent/teacher meeting, and completing an Intervention Plan (P/R 2).

(cf. 5145.6 - Parental Notifications)

When a student is identified as being “at risk of retention”, or “is to be retained”, the teacher will complete the Retention Consideration Record (P/R 3) immediately and file a copy with the school principal or designee. The site principal or designee shall so notify the student's parents/guardians as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to participate with the teacher(s) and administrator/designee who are responsible for the decision to promote or retain the student (Education Code 48070.5).

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless it is determined that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall be made by a team that includes the child's teacher, parent and an administrator/designee. If the student does not have a single regular classroom teacher, the principal or designee shall specify the teacher(s), as the member(s) of the team, responsible for the decision to promote or retain the student (Education Code 48070.5). The team shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that are necessary to assist the student in attaining acceptable levels of academic achievement (Education Code 48070.5). The team shall complete an End-of-Year Intervention Plan: P/R 2a Helen Wilcox, P/R 2b Golden Hills, P/R 2c Palermo School.

If a student is identified as being at risk of retention and has been retained previously, the student shall not be retained unless a team, including the child's teacher, parent and site administrator, determines that retention is the appropriate intervention.

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

PROMOTION/ACCELERATION/RETENTION (continued)

If a student is identified as at-risk of retention and he/she has reached the age of 15, the student shall be retained unless the site principal determines in writing that the student should be transitioned on to the high school due to age, maturity, and other considerations, after consultation with parents/guardians and teachers.

The Appeal Process

The decision to promote or retain a student may be appealed by the parent/guardian consistent with Board policy, administrative regulation and law.

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

The appeal shall be delivered to the Superintendent or designee within 10 school days of the determination of retention or promotion or at least 10 school days prior to the last day of school. A form letter provided by the District will establish a hearing date prior to the last day of school. At the scheduled closed meeting, an appeal panel (consisting of the principal or Superintendent, a teacher appointed by the principal, and a parent appointed by the Governing Board President) shall conduct the hearing. If the appealing party has legal representation, the Superintendent is to be notified 48 hours prior to the hearing (See Retention Appeal Form P/R 4). The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based. If the appeal panel determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, the appeal panel shall overrule the teacher's decision.

The appeal panel shall make its determination within 30 calendar days of the appeal hearing. The decision of the appeal panel shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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

(cf. 1312 - Complaints Against the Schools)

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)

Remedial Instruction

With the parent/guardian's consent, the Superintendent or designee may require a student who has been recommended for retention or has been identified as being at risk of retention to participate in a supplemental instructional program. Such programs may be offered during the summer, after school, and/or on Saturdays. Services shall not be provided during the regular instructional day if it would result in the student being removed from classroom instruction in the core curriculum. (Education Code 37252.5)

(cf. 6177 - Summer School)

PROMOTION/ACCELERATION/RETENTION (continued)

These services shall be provided to students in the following priority order: (Education Code 37252.5)

1. Students who have been recommended for retention or who have been identified as being at risk of retention pursuant to Education Code 48070.5
2. Students who have been identified as having a deficiency in mathematics, reading or written expression based on the results of the tests administered under the STAR program

This supplemental instruction program shall be developed in accordance with the requirements of Education Code 37252.5.