

**CLASS SIZE**

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

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

*(cf. 4141/4241 - Collective Bargaining Agreement)*

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

*(cf. 1431 - Waivers)*

*(cf. 6117 - Year-Round Schedules)*

*(cf. 7111 - Evaluating Existing Buildings)*

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

*(cf. 0100 - Philosophy)*

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

*(cf. 0500 - Accountability)*

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

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

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

Full-time mainstreamed special education students shall not be included in determining class size for purposes of the class size reduction program.

The K-3 CSR Programs is contingent upon state funding.

*(cf. 6159 - Individualized Education Program)*

The Superintendent or designee shall ensure that the teachers of these classes receive training which will help them to maximize the educational advantages of class size reduction.

*(cf. 4131 - Staff Development)*

*Legal Reference: (see next page)*

**CLASS SIZE** (continued)

*Legal Reference:*

EDUCATION CODE

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

17042.7 *Formula for calculation*

17200-17208 *Class size reduction facilities funding*

33050 *Nonwaivable provisions*

35160 *Authority of the board*

41375 *Legislative intent encouraging reduction in class size*

41376 *Minimum class size standards*

41378 *Apportionments and allowances, kindergarten classes*

42280 *Necessary small schools*

46205 *Computation for early-late programs*

51225.3 *Graduation requirements*

52120-52128 *Class Size Reduction Program*

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

GOVERNMENT CODE

3543.2 *Scope of representation*

CODE OF REGULATIONS, TITLE 5

15103 *Definitions*

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

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

*Management Resources:*

CDE PROGRAM ADVISORIES

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

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

*CIL: 90/91-01*

WEB SITES

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

**CLASS SIZE**

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

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

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

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

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

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

*(cf. 4131 - Staff Development)*

**CLASS ASSIGNMENT**

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

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

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

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

*Legal Reference:*

EDUCATION CODE

*35020 Duties of employees fixed by governing board*

**ASSIGNMENT TO TEACHERS AND CLASSES**

Every effort will be made to place students with teachers where a positive student-teacher relationship will be established.

Parent requests for a student to be assigned to a specific teacher should be made with regard to the specific needs of that child. Placement will be determined by an administrator. If the requested placement cannot be honored, the administrator will consult with the parent. Such requests are to be made beginning April 1 through May 15th for the following school year. These requests should be submitted on the district's form "Request for Student Placement" which will be readily available in the office at each school. Requests received after the May 15th deadline will be considered on the basis of need and space available after the second week of school in the fall. The Governing Board believes that it is the right of parents to make teacher requests. Parents will be notified of this policy in the Beginning of School Packets and the April/May school newsletter calendars. Parents will not be required by a site administrator to meet with him/her.

The assignment of students to teachers and classes will take into account the following considerations:

1. Teacher recommendations
2. Balanced classrooms
3. Parent requests, as to student's specific needs

**Students with Exceptional Needs**

Assignment for students eligible for special education under the local plan for special education will be made by each student's Individualized Education Program (IEP) team following assessment of the student's educational needs according to the provisions of Education Code 56320 and 56321. No student may be assessed nor placed in a special education program without the written consent of the parents/guardians unless the district prevails in a due process hearing related to such assessment or placement. (Education Code 56506)

It is the desire of the Board that special education students be placed in the least restrictive environment possible and, therefore, requests that all staff members of the district cooperate in every way with each student's IEP, especially so when the IEP places a student in a regular classroom. Such placement will be, in the hands of a compatible teacher, a good experience for the special student and will give the other students first-hand experience with special students, leading to a compassionate understanding and opportunities for personal assistance to the handicapped.

**ASSIGNMENT TO TEACHERS AND CLASSES** (continued)

*Legal Reference:*

EDUCATION CODE

56001 *Provisions of the Special Education Program*

56240 *et seq. Staff Development*

56340 *et seq. Instruction Planning and Individualized Education Program*

56360 *et seq. Implementation (of Individualized Education Program)*

CODE OF REGULATIONS, TITLE 5

3053 *Special classes*

3054 *Special classes*

Policy  
adopted: April 1992  
revised: June 28, 2007

**PALERMO UNION SCHOOL DISTRICT**  
Palermo, California

**SCHOOL-SPONSORED TRIPS**

The Governing Board recognizes that field trips are important components in the instructional program of the schools.

Field Trips shall be classified as either: study/educational; social/reward; athletic/band/event.

Study/educational trips shall be planned and implemented to result in one or more of the following.

1. Supplement and enrich classroom instruction by providing learning experiences in an environment outside the schools.
2. Introduce students to new areas of interest: academic, vocational, and cultural.
3. Help relate school experiences to the reality of the world outside of school.
4. Bring all the resources of the community within the scope of a student's learning experience.

Social/reward field trips shall be planned and implemented to result in one or more of the following.

1. Help relate school experiences to the reality of the world outside of school;
2. Bring all the resources of the community within the scope of a student's learning experience;
3. Reward students for significant achievements in learning and/or service to the community.

Athletic/school band/event field trips shall be planned and implemented to result in one or more of the following.

1. Provide students opportunities participate as representatives of PUSD in sanctioned athletic competitions;
2. Provide students opportunities to participate as representatives of PUSD in appropriate community parades and events.

The Governing Board shall, at its discretion, allocate funds for school-related field trips. Individual schools shall be provided with budgetary allocations so that effective planning can be made for such activities. Fund raisers may be conducted, with prior Board approval. Students may not be asked to pay or bring money to pay for school-sponsored trips.

Social/reward trips that are more than fifty (50) miles (one-way) from Palermo shall be approved by the Governing Board.

Field trips that require overnight lodging shall be approved by the Governing Board.

**SCHOOL-SPONSORED TRIPS** (continued)

On all field trips involving students, provision shall be made for proper supervision by school employees. Parents/guardians are encouraged to participate in such supervision.

The District shall provide a first-aid kit whenever students are taken on school-sponsored trips under the supervision of a teacher, employee, or agent of the school.

Whenever study trips are conducted in areas known to be infested with poisonous snakes, the following requirements of law shall be met (Education Code 32043):

1. The first-aid kit taken on school-sponsored trips shall contain medically-accepted snakebite remedies.
2. A teacher, employee, or agent of the school who has completed a course in first-aid which emphasizes the treatment of snake-bites shall accompany the field-trip. Such a first-aid course shall be certified by the American Red Cross.

By law, any member of the Governing Board, or Superintendent, Principal, teacher, instructor, or school agent who willfully violates the provisions regarding first-aid, are guilty of a misdemeanor (Education Code 32040) et seq.)

Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.

Principals shall approve no activities they consider to be inherently dangerous to students or to pose unacceptable, unmitigated risks.

Lifeguards(Red Cross certified) must be designated for all swimming activities.

There will be appropriate adult/student ratio, example: one (1) adult per five (5) students in primary grades and one (1) adult per ten (10) students in upper grades.

Unless approved otherwise by the Superintendent, teachers will accompany their classes on study trips, including bus transportation to and from the activity. Other personnel, e.g., substitutes, will be utilized to teach/supervise students not going on the study trips. There will be adequate supervision on the busses, as per administration discretion.

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

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

**SCHOOL-SPONSORED TRIPS** (continued)

**Study Trips**

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

*Legal Reference:*

EDUCATION CODE

*8760 Authorization of outdoor science and conservation programs*

*32040 Duty to equip school with first aid kit*

*32041 Field trips*

*32043 Snakebite kits on field trips*

*32044 Violations*

*35330 Excursions and field trips*

*35331 Provision for medical or hospital service for pupils (on field trips)*

*35332 Transportation by chartered airline*

*35350 Transportation of students*

*44808 Liability when pupils not on school property*

*48908 Duties of pupils; authority of teachers*

Policy  
adopted: May 22, 2001  
Revised: December 15, 2005

**PALERMO UNION SCHOOL DISTRICT**  
Palermo, California

**SCHOOL-SPONSORED TRIPS**

Field trips are considered to be important components in the instructional program of the schools and should be planned as such with definite objectives determined by the teacher in advance. Appropriate instruction shall precede and follow each study trip.

The following regulations will apply to field trips:

1. A teacher planning to take a field trip shall make a request in writing to the Principal so that there is time for the trip request to be processed and approved. Whenever practical, an alternate should be listed. The purpose of the trip and its relation to the course of study must be stated.
2. The Principal shall approve or disapprove the request and notify the teacher. If approved, the Principal shall forward the transportation request to the Superintendent. If disapproved, the Principal should state the reasons.
3. No student shall be denied the opportunity to take part in a study trip which is related to classroom instruction because of an inability to pay for admission fees, lunches, or any other costs. No student shall be required to pay the cost of transportation, admission fees, or any other costs related to study trips deemed a part of the instructional program. Students may go on special school staff supervised excursions outside school hours and may conduct fund raisers (with prior Board approval) to pay for these student excursions.
4. Written approval of parents/guardians is required for participation of students going on field-trips.
5. All study trips shall begin and end at the school.
6. Study trips requiring school bus transportation shall not interfere with the regularly scheduled transportation of students to and from school.
7. Bus transportation may be provided for bands, orchestras, or other groups of students to participate in activities in communities outside the district.
8. The bus driver shall see that all rules and regulations are enforced in the use of school buses for study trips. Certificated personnel shall assist the bus driver in so doing.
9. When district transportation is not available, transportation may be provided by volunteer private vehicles as long as the Volunteer Driver Form is signed and approved by the Principal.
10. Teachers will accompany their own students on the buses on all study trips and shall assume responsibility for their proper conduct. Students on approved study trips are under the jurisdiction of the Governing Board and are subject to school rules and regulations.

**SCHOOL-SPONSORED TRIPS** (continued)

11. When a study trip is made to a place of business or industry, the teacher shall insist that an employee of the host company serve as conductor.
12. Appropriate educational experience and proper supervision shall be supplied for any student whose parents/guardians do not wish them to participate in study trip.
13. Chaperones shall be 21 years of age or older.
14. Chaperones shall be assigned a prescribed group of students and shall be responsible for the continuous monitoring of these students' activities.
15. Teachers and chaperones shall not consume alcoholic beverages or use controlled substances while accompanying and supervising students on a trip.
16. When a trip is made to a place of business or industry, the teacher shall arrange for an employee of the host company to serve as conductor.

**Trip Approval**

1. A list of planned social reward and overnight lodging trips that require Board approval shall be submitted annually no later than the second regular Board Meeting in September.
2. Any field trip requiring Board approval that has not been previously approved must be submitted for approval at least eight weeks prior to departure.
3. Teachers planning a trip shall make a request in writing to the principal at least 14 days prior to the date desired. Whenever practical, an alternate date should also be listed. The purpose of the trip and its relation to the course of study shall be stated in the request.
4. The principal shall approve or disapprove the request and notify the teacher. If the trip is disapproved, the principal should state the reasons.
5. Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.
6. Principals shall approve no activities which they consider to be inherently dangerous to students or to pose unacceptable, unmitigated risks.

**SCHOOL-SPONSORED TRIPS** (continued)

**Trips Which Include Swimming or Wading**

1. No swimming or wading shall be allowed on trips unless planned and approved in advance.
2. When wading in the ocean, bay, river or other body of water as part of a planned, supervised outdoor education activity, teachers shall provide for a number of chaperones to exceed the normal one to 10 ratio and shall instruct both chaperones and students of the real and potential risks inherent in such activities and the precautions necessary for their safety.
3. **Swimming Activities**
  - a. Parents/guardians must provide written permission for the student to swim and must indicate the student's swimming ability.
  - b. Swimming facilities, including backyard pools, must be inspected by the principal and teacher before the trip is scheduled.
  - c. Owners of private pools must provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage.
  - d. Lifeguards must be designated for all swimming activities. If lifeguards are not provided by the pool owner or operator, the principal shall ensure their presence. Lifeguards must be Red Cross certified or equivalent and must be at least 21 years old.
  - e. The ratio of adult chaperones to students shall be at least one to 10. In grades 4-6, this ratio shall be one to eight. In grades K-3, this ratio shall be one to four.
  - f. Specific supervisory responsibilities shall be determined in advance to accommodate the varying swimming abilities of students. These responsibilities shall be clarified in writing and reviewed verbally before the trip.
  - g. Emergency procedures shall be included with written instructions to adult chaperones and staff.
  - h. Staff and chaperones assigned to supervise students must wear swim suits and know how to swim.

**SCHOOL-SPONSORED TRIPS** (continued)

- i. The principal may require students to wear flotation devices, depending upon their age and swimming ability.
- j. A buddy-system or other means of surveillance shall be arranged in advance and strictly enforced during swimming activities.

**HOMEWORK/MAKEUP WORK**

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

*(cf. 6011 - Academic Standards)*

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

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4131 - Staff Development)*

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

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

*(cf. 6020 - Parent Involvement)*

To further support students' homework efforts, the Superintendent or designee may establish and maintain telephone help lines and/or after-school centers where students can receive encouragement and clarification about homework assignments from teachers, volunteers and/or more advanced students who are performing community service.

*(cf. 1240 - Volunteer Assistance)*

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

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

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

*(cf. 6112 - School Day)*

*(cf. 6142.4 - Learning through Community Service)*

**Makeup Work**

Students shall be given the opportunity to make school work missed because of an excused absence and shall receive full credit for work that is turned in according to a reasonable make-up schedule.

*(cf. 5113 – Absences and Excuses)*

**HOMEWORK/MAKEUP WORK** (continued)

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

Teachers shall give suspended students full credit for work that is turned in according to a reasonable make-up schedule.

*Legal Reference:*

EDUCATION CODE

*48205 Absences for personal reasons*

*48913 Completion of work missed by suspended student*

*48980 Parental notifications*

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

*Management Resources:*

SBE POLICIES

*Parent Involvement in the Education of Their Children, 1994*

*Policy Statement on Homework, 1995*

**HOMEWORK/MAKEUP WORK**

**School-Site Homework Plan**

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

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

**Makeup Work**

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

**HOMEWORK/MAKEUP WORK** (continued)

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

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

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

**INDEPENDENT STUDY**

The Governing Board authorizes independent study as an optional alternative instructional strategy by which students in grades K-8 may reach curriculum objectives and fulfill graduation requirements. Independent study shall offer a means of individualizing the educational plan for eligible students whose needs may be met best through study outside of the regular classroom setting.

*(cf. 5147 - Dropout Prevention)*

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

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

A student's participation in independent study shall be voluntary. Students participating in independent study shall have the right, at any time, to enter or return to the regular classroom mode of instruction. (Education Code 51747; 5 CCR 11700)

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

The minimum period of time for any independent study option shall be five school days.

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

The written agreement shall specify the length of time in which each independent study assignment must be completed.

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

**INDEPENDENT STUDY** (continued)

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

1. For students in grades K-3: 2 weeks
2. For students in grades 4-8: 3 weeks

When circumstances justify a longer time, the Superintendent or designee may extend the maximum length of an assignment to a period not to exceed 60 days, pursuant to a written request with justification.

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

*(cf. 5125 - Student Records)*

The Superintendent or designee shall annually report to the Board the number of students engaged in independent study, the ADA generated for apportionment purposes, the quality of these students' work as measured by standard indicators, and the number and proportion of independent study students who graduate or successfully complete independent study.

*(cf. 0500 - Accountability)*

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

*(cf. 6162.5 - Student Assessment)*

**Home-Based Independent Study**

The Superintendent or designee shall encourage parents/guardians desiring to teach their children at home to enroll their children in independent study. Such enrollment allows continued contact and cooperation between the school system and home-based student and ensures that the student will be offered a standards-based education substantially equivalent in quality and quantity to the district's classroom instruction.

*Legal Reference: (see next page)*

**INDEPENDENT STUDY** (continued)

*Legal Reference:*

EDUCATION CODE

17289 Exemption for building

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

46300-46300.6 Methods of computing ADA

48220 Classes of children exempted

48340 Improvement of pupil attendance

48915 Expulsion; particular circumstances

48917 Suspension of expulsion order

51225.3 Requirements for high school graduation

51745-51749.3 Independent study programs

52000 Improvement of elementary and secondary education: legislative intent

52015 School improvement plans: components of plan

52017 Secondary schools: additional plan components

56026 Individual with exceptional needs

FAMILY CODE

6550 Authorization affidavits

CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study

*Management Resources:*

CDE PROGRAM ADVISORIES

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

0904.86 Independent Study, SPB: 86/7-5

CDE PUBLICATIONS

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

WEB SITES

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

Policy  
adopted: May 22, 2001  
revised: September 7, 2011

**PALERMO UNION SCHOOL DISTRICT**  
Palermo, California

**INDEPENDENT STUDY**

**Equivalency**

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary time frame. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

*(cf. 6159 – Nondiscrimination in District Programs and Activities)*

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

**Eligibility**

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

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

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

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

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

*(cf. 6159 - Individualized Education Program)*

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

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

In addition, when requested by the parent/guardian due to emergencies, vacation or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

*(cf. 5113 - Absences and Excuses)*

## **INDEPENDENT STUDY (continued)**

### **Criteria for Participation**

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

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

### **Written Agreements and Assignments**

A written agreement shall be developed for each student participating in independent study for five or more school days. (Education Code 46300, 51747)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

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

1. The manner, frequency, time and place for submitting the student's assignments and for reporting his/her progress.
2. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
3. The specific resources, including materials and personnel, that will be made available to the student.
4. The district's independent study policy describing (1) the maximum length of time allowed between an assignment and its completion, and (2) the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study.
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one trimester.

**INDEPENDENT STUDY** (continued)

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

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

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

*(cf. 6143 - Courses of Study)*

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

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

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

**Student Rights and Responsibilities**

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

**INDEPENDENT STUDY** (continued)

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

1. A letter to the student and/or parent/guardian, as appropriate
2. A special meeting between the student and the teacher and/or counselor
3. A meeting between the student and the administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

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

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

**Administration of Independent Study**

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

The responsibilities of the independent study administrator shall be to:

1. Ensure that the district's independent study option is operated in accordance with law, Board policy and administrative regulation and is substantially equal in quality and quantity to the classroom instruction
2. Approve the participation of students requesting independent study for a period exceeding five school days
3. Facilitate the completion of independent study written agreements
4. Approve all grades earned through independent study supervised at a location apart from the student's regular school and forward the information to the appropriate staff so that the information becomes part of the student's record
5. Help select staff who are assigned to supervise independent study

**INDEPENDENT STUDY** (continued)

6. Supervise any staff assigned to independent study functions who are not regularly supervised by another administrator
7. Complete or coordinate the preparation of all necessary records and reports
8. Establish and maintain in a systematic manner all records required by law, Board policy and administrative regulation
9. Monitor enrollment in independent study to stay within prescribed limits and to maximize income to the district without compromising the educational quality of independent study
10. Help develop and manage the budget for independent study
11. Obtain and maintain current information and skills required for the operation of an independent study strategy that meets established standards for the district's educational programs
12. Prepare and submit reports as required by the Board or Superintendent
13. Assure a smooth transition into and out of the independent study mode of instruction

**Supervising Teachers**

The Superintendent shall approve the assignment of any teachers who directly supervise independent study on a regular basis. The principal may recommend teachers or students for independent study.

Independent study teachers shall:

1. Complete designated portions of the written agreement and add additional information to the written agreement when appropriate
2. Supervise and approve coursework
3. Design all lesson plans and make assignments
4. Maintain records of student assignments showing the date the assignment is given and the date the assignment is due

**INDEPENDENT STUDY** (continued)

5. Provide direct instruction and counsel as necessary for individual student success
6. Regularly meet with the student to discuss the student's progress
7. Assess all student work and determine and assign grades or other approved measures of achievement
8. Personally judge the time value of assigned work or work products completed and submitted by the student
9. Select and save with each agreement representative samples of the student's completed and evaluated assignments for each subject, signed or initialed and dated in accordance with item #3 in the section on "Records" below on not less than a monthly basis, preferably biweekly
10. Maintain a daily or hourly attendance resister in accordance with item #4 in the section on "Records" below
11. Sign and complete the agreement when the student has reached his/her objectives or the agreement is terminated
12. Maintain any other required records and files on a current basis

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

**Records**

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

The school district shall maintain records for the students at each school.

**INDEPENDENT STUDY** (continued)

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

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

*(cf. 3580 - District Records)*

The above records shall be maintained for three years, excluding the current fiscal year.

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

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

A written record of the findings of any evaluation conducted after the student has missed the number of assignments specified in Board policy shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

*(cf. 5125 - Student Records)*

Regulation  
approved: May 22, 2001  
revised: September 7, 2011

**PALERMO UNION SCHOOL DISTRICT**  
Palermo, California

**INDIVIDUALIZED EDUCATION PROGRAM**

Students with disabilities shall receive a free appropriate public education (FAPE) and be placed in the least restrictive environment which meets their needs to the extent provided by law.

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 4112.23 - Special Education Staff)*

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

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

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

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

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

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

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

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

*Legal Reference: (see next page)*

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

*Legal Reference:*

EDUCATION CODE

51225.3 *Requirements for high school graduation and diploma*

56195.8 *Adoption of policies*

56321 *Development or revision of IEP*

56321.5 *Notice to include right to electronically record*

56340-56347 *Instructional planning and individualized education program*

56390-56393 *Certificate of completion, special education*

56506 *Due process rights*

60850 *High school exit examination, students with disabilities*

CODE OF REGULATIONS, TITLE 5

3022 *Assessment plan*

3023 *Assessment*

3024 *Transfer*

3040 *Individualized education program implementation*

3043 *Extended school year*

3068 *Review of individualized education program*

UNITED STATES CODE, TITLE 20

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

1400-1491 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.340-300.349 *Individualized education programs*

300.503 *Independent educational assessment*

300.533 *Placement procedures*

300.550-300.553 *Least restrictive environment; alternative placements; placement; nonacademic settings*

COURT DECISIONS

*Sacramento City School District v. Rachel H.*, 14 F.3d 1398 (9th Cir. 1994)

*Mill Valley Elementary School v. Webb*

*Management Resources:*

WEB SITES:

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

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

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

**INDIVIDUALIZED EDUCATION PROGRAM**

**Members of the Individualized Education Program (IEP) Team**

The district shall ensure that the IEP team for any student with a disability shall include at least the following members: (20 USC 1414(d)(1); 34 CFR 300.321; Education Code 56341, 56341.2, 56341.5)

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

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

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

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

5. An individual who can interpret the instructional implication of evaluation results, who may already be a member of the team as described above
6. At the discretion of the parent/guardian or agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate

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

7. Whenever appropriate, the student with a disability

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

8. For a student suspected of having a specific learning disability, a member of the evaluation team shall be present or at least one of the persons present shall be qualified to conduct individual diagnostic examinations, and knowledgeable about the evaluation (assessment) procedures, familiar with the results of the student's previous assessment, if any, and qualified to interpret the results of the assessment which are significant to development of the student's IEP. (Education Code 56341; 34 CFR 300.308344) ; 34 CFR 300.310)

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

9. For students with suspected learning disabilities, at least one member of the IEP team shall be a person other than the student's regular teacher who has observed the student's educational performance in an appropriate setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an appropriate environment. (Education Code 56341)
10. For students who have been placed in a group home by the juvenile court, a representative of the group home

If a student with a disability is identified as potentially requiring mental health services, the district shall request the participation of the county mental health program in the IEP team meeting. (Education Code 56331)

Upon request of the parent/guardian of a child who was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), the district shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (20 USC 1414(d)(1)(D); 34 CFR 300.321; Education Code 56341)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian consents and the district agrees, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting involves a discussion of the member's area of the curriculum or related service, the IEP team member may be excused from the meeting if the parent/guardian consents in writing to the excusal and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (20 USC 1414(d)(1)(C); 34 CFR 300.321; Education Code 56341)

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

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

1. The program specialist, school psychologist, school nurse, school social worker, counselor, or other student services worker who has conducted an assessment of the student, when the assessment is significant to the development of the IEP
2. Any other person whose competence is needed because of the nature and extent of the student's disability
3. A public agency representative fluent in the student's primary language

**Parent/Guardian Participation and Other Rights**

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (34 CFR 300.322; Education Code 56341.5)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (34 CFR 300.322; Education Code 56341.5)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform the parents/guardians of the provisions of 34 CFR 300.321(a)(6) and (c) relating to the participation on the IEP team of other individuals who have knowledge or special expertise about the student, and 34 CFR 300.321(f) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting

The parent/guardian shall have the right and opportunity to examine all of his/her child's school records upon request and before any IEP meeting. Upon receipt of an oral or written request, the district shall provide complete copies of the records within five business days. (Education Code 56043)

*(cf. 5125 - Student Records)*

## **INDIVIDUALIZED EDUCATION PROGRAM (continued)**

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (20 USC 1414(f); 34 CFR 300.322; Education Code 56341.5)

An IEP team meeting may be conducted without a parent/guardian in attendance if the district is unable to convince the parent/guardian that he/she should attend. In such a case, the district shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including: (34 CFR 300.322; Education Code 56341.5)

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

The district shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (34 CFR 300.322; Education Code 56345.1)

The district shall give the parents/guardians of a student with disabilities a copy of his/her child's IEP at no cost. (34 CFR 300.322)

### **Due Process/Mediation**

All parts of the IEP to which the parent/guardian has consented in writing shall be implemented without delay. If the Superintendent determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a free and appropriate public education to the student, he/she shall either initiate a due process hearing or a prehearing mediation conference with the state pursuant to Education Code 56500.3. While the due process hearing or prehearing mediation conference is pending, the student shall remain in his/her current placement unless the parent/guardian and the Superintendent otherwise. (Education Code 56346)

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

## **INDIVIDUALIZED EDUCATION PROGRAM (continued)**

### **IEP Team Meetings**

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

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

### **Contents of IEP**

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

1. A statement of the present levels of the student's educational performance, including one of the following:
  - a. How the student's disability affects the student's involvement and progress in the general curriculum
  - b. For preschool children, as appropriate, how the disability affects the student's participation in appropriate activities

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

2. A statement of measurable annual goals, including benchmarks or short-term objectives related to:
  - a. Meeting the student's needs that result from the student's disability in order to enable the student to be involved in and progress in the general curriculum
  - b. Meeting each of the student's other educational needs that result from the student's disability
  - c. For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
3. A description of the manner in which the progress of the student toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
4. A statement of the special education, related services and supplementary aids and services, based on peer-reviewed research, to the extent practicable to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to:
  - a. Advance appropriately toward attaining the annual goals
  - b. Be involved and progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

- c. Be educated and participate with other students with disabilities and nondisabled students in the activities in item #3 above

*(cf. 3541.2 - Transportation for Students with Disabilities)*

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in item #4 above

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

6. A statement of any individual accommodations necessary to measure the academic achievement of the student on state or districtwide assessments
  - a. If the IEP team determines that the student will take an alternate assessment instead of a particular regular state or districtwide assessment, a statement of all of the following:
    - (a) The reason that the student cannot participate in the regular assessment
    - (b) The reason that the particular alternate assessment is appropriate for the student

*(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)*  
*(cf. 6162.5 - Standardized Testing and Reporting Program)*

7. The projected date for the beginning of the services and modifications described in item #3 above and the anticipated frequency, location and duration of those services and modifications
8. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved.
9. A statement of:
  - a. How the student's progress toward the annual goals described in item #2 above will be measured
  - b. How the student's parents/guardians will be regularly informed (by such means as periodic report cards), at least as often as parent/guardians of nondisabled students of:
    - (1) Their child's progress towards the annual goals described in item #2 above
    - (2) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

10. A determination as to whether differential proficiency standards shall be developed for the student pursuant to Education Code 51215. If differential proficiency standards are to be developed, the IEP shall include these standards.

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

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

1. For students in grades 7- 8 ~~12~~, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation
2. Linguistically appropriate goals, objectives, programs and services for students whose primary language is not English
3. Extended school year services when needed, as determined by the IEP team on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)
4. Provision for transition into the regular education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a regular education program in a public school for any part of the school day

The IEP shall include descriptions of activities intended to:

- a. Integrate the student into the regular education program, including indications of the nature of each activity and the time spent on the activity each day or week
  - b. Support the transition of the student from the special education program into the regular education program
5. Specialized services, materials and equipment for students with low incidence disabilities, consistent with the guidelines of Education Code 56136

**INDIVIDUALIZED EDUCATION PROGRAM (continued)**

**Development, Review, and Revision of the IEP**

In developing or revising the IEP, the IEP team shall consider the following: (20 USC 1414(d)(3)(A); 34 CFR 300.324; Education Code 56341.1, 5634, 56345)

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial assessment or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. When appropriate, strategies including positive behavioral interventions and supports to address the behavior of a student whose behavior impedes his/her learning or that of others
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student
8. Whether the student requires assistive technology devices and services
9. The communications needs of the student, and in the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode the related services and program options that provide the student with an equal opportunity for communication access, including the following: (Education Code 56345)
  - a. The student's primary language mode and language, which may include the use of spoken language with or without visual cues, and/or the use of sign language

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

- b. The availability of a sufficient number of age, cognitive and language peers of similar abilities
- c. Appropriate, direct and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language consistent with existing law regarding teacher training requirements
- d. Services necessary to ensure communication-accessible academic instructions, school services and extracurricular activities consistent with the federal Vocational Rehabilitation Act and the federal Americans with Disabilities Act

If, in considering the special factors in items #1-9 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the IEP team must include a statement to that effect in the student's IEP. (Education Code 56341.1)

The Superintendent or designee shall ensure that the IEP team: (20 USC 1414(d)(4); 34 CFR 300.324; Education Code 56043, 56341.1, 56380)

- 1. Reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and the appropriateness of placement

The IEP team shall conduct this review. Others may participate if they have essential expertise or knowledge. (20 USC 1414(d))

- 2. The IEP may be revised, as appropriate, to address: (20 USC 1414(d); Education Code 6343, 56345.1)
  - a. Any lack of expected progress toward the annual goals and in the general curriculum
  - b. The results of any assessment conducted pursuant to Education Code 56381
  - c. Information about the student provided to or by the parents/ guardians regarding review of evaluation data pursuant to 20 USC 1414(c)(1)(B)
  - d. The student's anticipated needs
  - e. Other matters
- 3. Considers the special factors listed in items #5-9 above when reviewing the IEP

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

As a member of the IEP team, the regular education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of: (20 USC 1414(d)(3)(C); 34 CFR 300.324; Education Code 56341)

1. Appropriate positive behavioral interventions and supports and other strategies for the student

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

2. Supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320

To the extent possible, the district shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(A); 34 CFR 300.324)

The student shall be allowed to provide confidential input to any representative of his/her IEP team. (Education Code 56341.5)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the district may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the district shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (20 USC 1414(d)(3)(D); 34 CFR 300.324)

If a student with disabilities residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the district shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

*(cf. 6173.1 - Education for Foster Youth)*

When an IEP calls for a residential placement as a result of a review by an expanded IEP team, the IEP shall include out-of-home care

**INDIVIDUALIZED EDUCATION PROGRAM (continued)**

**Timelines for the IEP and for the Provision of Services**

At the beginning of each school year, the district shall have an IEP in effect for each student with a disability within district jurisdiction. (34 CFR 300.323; Education Code 56344)

The district shall ensure that a meeting to develop an initial IEP is conducted within 30 days of a determination that a student needs special education and related services. The district shall also ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with his/her IEP. (34 CFR 300.323; Education Code 56344)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days in between the student's regular school sessions, terms, or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

An IEP required as a result of an assessment of the student shall be developed within 5–60 days, (not counting days between school sessions or term days), from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing to an extension. However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for each student for whom a referral has been made 20 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time limit shall recommence on the date that student's school days reconvene. (Education Code 56344)

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

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

The district shall ensure that the student's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The district shall also ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

Before providing special education and related services, the district shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). If the parent/guardian refuses to consent to the initiation of services, the district shall not provide the services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f). If the parent/guardian does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)

If the parent/guardian refuses all services in the IEP after having consented to those services in the past, the district shall file a request for a due process hearing. If the district determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the district agree otherwise. (Education Code 56346)

**Transfer Students**

To facilitate a transfer student's transition, this district shall take reasonable steps to promptly obtain the records of a student with disabilities transferring into this district, including his/her IEP and the supporting documents related to the provision of special education services. (34 CFR 300.323; Education Code 56325)

If a student with disabilities transfers to this district during the school year from a district within this same SELPA, this district shall continue, without delay, to provide services comparable to those described in the existing IEP, unless the student's parent/guardian and district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (34 CFR 300.323; Education Code 56325)

If a student with disabilities transfers to this district during the school year from a California district outside of this district's SELPA, this district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP. Within 30 days, this district shall, in consultation with the parents/guardians, adopt the other district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (34 CFR 300.323; Education Code 56325)

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

If a student with disabilities transfers to this district during the school year from an out-of-state district, this district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as this district conducts an assessment, if this district determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (34 CFR 300.323; Education Code 56325)

Regulation  
approved: May 22, 2001  
revised: February 17, 2010

**PALERMO UNION SCHOOL DISTRICT**  
Palermo, California

## **PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

### **Procedural Safeguards/Due Process Hearings**

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

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

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159 - Individualized Education Program)*

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

### **Complaints for Special Education**

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

*Legal Reference: (see next page)*

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

*Legal Reference:*

EDUCATION CODE

56000 *Education for individuals with exceptional needs*

56001 *Provision of the special education programs*

56020-56035 *Definitions*

56195.7 *Written agreements*

56195.8 *Adoption of policies for programs and services*

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

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

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

56600-56606 *Evaluation, audits and information*

CODE OF REGULATIONS, TITLE 5

3000-3089 *Regulations governing special education*

4600-4671 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1400-1491 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

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

104.36 *Procedural safeguards*

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

*Management Resources:*

WEB SITES

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

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

**Prior Written Notice**

The Superintendent or designee shall send to the parents/guardians of any student with disabilities a prior written notice within a reasonable time: (20 USC 1415(c); 34 CFR 300.102, 300.300, 300.503; Education Code 56500.4, 56500.5)

1. Before the district initially refers the student for assessment
2. Before the district proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student
3. Before the district refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student
4. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to his/her child

This notice shall include: (20 USC 1415(c); 34 CFR 300.503; Education Code 56500.4)

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

*(cf. 6159 - Individualized Education Program)*

7. A description of any other factors relevant to the district's proposal or refusal

*(cf. 5145.6 - Parental Notifications)*

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

**Procedural Safeguard Notice**

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

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

A procedural safeguards notice shall be made available to parents/ guardians of students with a disability each school year and upon: (20 USC 1415(d)) 34 CFR 300.504; Education Code 56301)

1. Initial referral or parent/guardian request for evaluation
2. Upon receipt of the first state compliance complaint in a school year

*(cf. 1312.3 - Uniform Complaint Procedures)*

3. Upon receipt of the first due process hearing request in a school year
4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when a decision is made to remove a student because of a violation of a code of conduct constituting a change of placement

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

5. Upon request by a parent/guardian

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: (20 USC 1415(d)(2); 34 CFR 300.504; Education Code 56301)

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

1. Independent educational evaluation

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

2. Prior written notice

3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to his/her child's continued receipt of special education and related services

4. Access to educational records

*(cf. 5125 - Student Records)*

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures

6. The availability of mediation

7. The student's placement during the pendency of any due process complaint

8. Procedures for students who are subject to placement in an interim alternative educational setting

9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense

10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations

11. State-level appeals

12. Civil actions, including the time period in which to file those actions

13. Attorney's fees

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341. A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

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

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

**Format of Parent/Guardian Notices**

The parents/guardians of a student with a disability shall be provided written notice of their rights in a language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (34 CFR 300.503; Education Code 56341, 56506)

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

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

The district may place a copy of the procedural safeguards notice on the district's web site. (20 USC 1415(d))

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

**Complaints**

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

1. There is a proposal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education (FAPE) to the student
2. There is a refusal to initiate or change the identification, assessment or educational placement of the student or the provision of a FAPE to the student
3. The parent/guardian refuses to consent to an assessment of his/her child
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: (20 USC 1415(b); 34 CFR 300.508; Education Code 56502)

1. The student's name
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student

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

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

Parties filing a due process complaint shall file their request with the Superintendent of Public Instruction or designated contracted agency. (Education Code 56502)

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

**District Response to Due Process Complaints**

**Informal Process/Pre-Hearing Mediation Conference**

Prior to or upon initiating a due process hearing, the Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. The Superintendent or designee shall have the authority to resolve the issue(s). In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. (Education Code 56502)

Before requesting a state mediation conference or due process hearing, parties may ask to meet informally to resolve the issue(s). The district Superintendent or designee shall conduct this informal meeting and shall have the authority to resolve the problem(s).

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

This conference shall be scheduled if both parties agree to mediate and are willing to extend the 45-day limit for issuing a hearing decision for a period equal to the length of the mediation process. (Education Code 56501)

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3. (Education Code 56500.3)

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

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

**Due Process Hearing Rights**

Due process hearing rights include: (Education Code 56501, 56506)

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

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

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

*(cf. 5125 - Student Records)*

4. The right to a fair and impartial administrative hearing at the state level before a person knowledgeable and under contract in accordance with law.
5. The right to have the student who is the subject of the state hearing present at the hearing.
6. The right to open the state hearing to the public.
7. The right to initiate referral of a child for special education pursuant to Education Code 56303.
8. The right to obtain an independent educational assessment pursuant to Education Code 56329.
9. The right to participate in the development of the individualized education program and be informed of the availability under state and federal law of free appropriate public education and of all available alternative programs, both public and nonpublic.
10. The right to obtain written parental consent pursuant to Education Code 56321 before any assessment of the student is conducted unless the district or SELPA prevails in a due process hearing relating to such assessment.

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

11. The right to obtain written parental consent pursuant to Education Code 56321 before the student is placed in a special education program.

The parties shall also have the following rights: (5 CCR 3082)

1. The right to call witnesses, including adverse witnesses, and to cross-examine witnesses
2. The right to compel the attendance of witnesses, including the right to issue subpoenas

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**  
(continued)

3. The right to have witnesses excluded from the hearing
4. Because hearings are conducted in English, the right to an interpreter, when the primary language of a party to a hearing is other than English, or other mode of communication (cost borne by CDE)
5. The right to have an attorney present as an observer to watch the proceedings and to advise his/her party at a later date; however, the attorney may not present oral argument, written argument or evidence, or consult in any manner in or out of the room, during the process hearing
6. The right of parents/guardians to determine whether the due process hearing will be open or closed to the public
7. If the hearing officer conducts all or part of a hearing by electronic means, the right of each participant in the hearing to participate in and hear the entire proceeding while it is taking place and to observe exhibits

**APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS**

Pursuant to SELPA policies and regulations, in order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a child with exceptional needs in accordance with law and shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3541.2 - Transportation for Students with Disabilities)*

*(cf. 4112.23 - Special Education Staff)*

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

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

*(cf. 6159 - Individualized Education Program (IEP))*

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

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

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

*Legal Reference:*

EDUCATION CODE

56028 Parent (definition includes surrogate)

56050 Surrogate Parents

GOVERNMENT CODE

7579.5 Surrogate Parent; appointment; qualifications; liability

**APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS**

**Conditions Necessitating a Surrogate**

The Superintendent or designee shall appoint a surrogate parent pursuant to SELPA policies and regulations to represent a child with exceptional needs under one or more of the following circumstances: (Government Code 7579.5)

1. No parent or legal guardian for the child can be identified.
2. The district, after reasonable efforts, cannot discover the location of a parent or legal guardian of the child.
3. The child is adjudicated a dependent or ward of the court pursuant to Welfare and Institutions Code 300, 601 or 602, and
  - a. The court has referred the child for special education and related services or the child has an existing individualized education program (IEP).
  - b. The court has specifically limited the right of the parent/guardian to make educational decisions for his/her child
  - c. The student has no responsible adult to represent him or her pursuant to Welfare and Institutions Code 361 or 726 or Education Code 56055

*(cf. 6159 - Individualized Education Program)*

4. The student is an unaccompanied homeless youth not in the custody of a parent/guardian, as defined in 42 USC 11434a

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

5. The student has reached the age of majority but has been declared incompetent by a court of law

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

**Appointment of Surrogate Parents**

Upon a determination that a student needs a surrogate parent, the Superintendent or designee shall make reasonable efforts to ensure that the surrogate is appointed within 30 days. (20 USC 1412(b)(2)(B))

First preference shall be given to a relative caretaker, foster parent or court-appointed special advocate, provided any of these individuals exists and is willing to serve. If none of these individuals is willing or able to act as a surrogate parent, another choice shall be made. If the child is moved from the home of the relative caretaker or foster parent who was appointed as a surrogate parent, another surrogate parent shall be appointed. (Government Code 7579.5)

(cf. 6173.1 - Education for Foster Youth)

The Superintendent or designee shall ensure that individuals to be appointed as surrogate parents have passed a criminal background check and have demonstrated interest and skill in working with students with disabilities.

Surrogate parents shall have no vested interests that conflict with the child's educational interests and shall have knowledge and skills that ensure adequate representation of the student. If a conflict of interest arises after the appointment of a surrogate parent, the Superintendent or designee shall terminate the appointment and appoint another surrogate parent. (34 CFG 300.519; Government Code 7579.5)

**Duties of Surrogate Parent**

The surrogate parent shall have all the rights relative to the child's education that a parent has under the Individuals with Disabilities Education Act pursuant to 20 USC 1400-1482 and 34 CFR 300.1-300.818. The surrogate parent may represent the child in all matters relating to the provision of a free appropriate public education to the child, including: (Government Code 7579.5; Education Code 56050)

1. The identification, assessment, instructional planning and development, educational placement, review and revision of the child's IEP.

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

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

2. The provision of written consent related to the IEP, including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to law. Government Code 7570-7588. (Education Code 56050)

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

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

*(cf. 3350 – Travel Expense)*

Surrogate parents shall have access to the student's school records and shall maintain their confidentiality to the same extent as is required of school employees.

*(cf. 5125 - Student Records)*

**Termination of Appointment**

The Superintendent or designee shall terminate the appointment of a surrogate parent under the following conditions:

1. The child's legal parent or legal guardian is located, and the reason for the appointment was the district's inability to discover the location of the parent or guardian
2. The court reinstates the parent's rights to represent the child in educational matters (Government Code 7579.5)
3. The surrogate parent:
  - a. Fails or is unable to fulfill the responsibilities of a surrogate parent
  - b. Becomes an employee of an agency involved in the child's education or care, or develops any conflict of interest in representing the student
4. When the student is no longer in need of special education (Government Code 7579.5)
5. Another responsible adult is appointed to make educational decisions for the student (Government Code 7579.5)

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

If there is a conflict between the District's policies and/or regulations and the Butte County SELPA policies, regulations, or procedures, then the SELPA policy, regulation, or procedure shall be the applicable.

Regulation  
approved: May 22, 2001  
revised: March 23, 2011

**PALERMO UNION SCHOOL DISTRICT**  
Palermo, California

**BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**

A special education student's minor behavioral problems shall be subject to the disciplinary measures applicable to all students for such infractions.

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

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

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

**Definitions**

*Serious behavioral problems* are self-injurious or assaultive or cause property damage, which could lead to suspension or expulsion, or are other pervasive and maladaptive severe behavior problems requiring frequent and systematic use of behavioral interventions. (5 CCR 3001)

*Behavioral intervention* is a systematic use of procedures that result in lasting positive changes in the individual's behavior. Behavioral interventions should be designed to provide greater access to community settings, social contacts and public events and ensure placement in the least restrictive environment, pursuant to the student's individualized education program (IEP). The use of behavioral interventions shall not cause pain or trauma, shall respect the individual's human dignity and personal privacy, and shall assure his/her physical freedom, social interaction, and individual choice. (5 CCR 3001)

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

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

**Functional Analysis Assessment**

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

*(cf. 6159 - Individualized Education Program)*

**BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**  
(continued)

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

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

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

The parent/guardian shall receive a complete written report of the assessment including a description of the nature and severity of the targeted behavior(s) in objective and measurable terms, with baseline data and an analysis of the antecedents and consequences that maintain the behavior; a functional analysis of the behavior across all appropriate settings in which it occurs; a description of the rate of alternative behaviors, their antecedents and consequences; and a proposed behavioral intervention plan for consideration by the IEP team. (5 CCR 3052)

**Behavioral Intervention Plan**

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

1. A summary of information gathered from the functional analysis assessment

## **BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**

(continued)

2. An objective description of the targeted maladaptive behavior(s) and replacement positive behavior(s)
3. The student's goals and objectives specific to the behavioral intervention plan
4. A detailed description of interventions to be used and the circumstances for their use
5. Specific schedules for recording the frequency of intervention use and the frequency of the targeted and replacement behaviors, including specific criteria for discontinuing an ineffective intervention or replacing it with a specified alternative
6. Criteria by which the procedure will be diminished or less restrictive intervention schedules or techniques used
7. The extent to which the behavioral interventions will be used in the home, residential facility, work site or other settings
8. Specific dates when the IEP team will periodically review the efficacy of the program
9. The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan

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

1. Altering the identified antecedent event to prevent the behavior from occurring
2. Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior
3. Teaching the student adaptive behaviors
4. Manipulating the consequences of behaviors so that the alternative behaviors more effectively produce desired outcomes

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

1. Ignoring the behavior but not the student

## **BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**

(continued)

2. Redirecting the student to an activity
3. Providing verbal feedback
4. Acknowledging the message of the behavior
5. Providing a brief physical prompt to interrupt or prevent aggression, self-abuse or property destruction

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

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

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

If the IEP team determines that major changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and propose changes. The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications in accordance with law without an IEP team meeting. The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team. (5 CCR 3052)

### **Emergency Interventions**

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

Only emergency interventions approved by the SELPA may be used. (5 CCR 3052)

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

**BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**  
(continued)

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

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

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

**Prohibited Interventions**

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

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

**BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**

(continued)

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

*Legal Reference:*

EDUCATION CODE

*49001 Prohibition of corporal punishment*

*56321 Notice of parental rights; consent of parents*

*56500-56508 Procedural safeguards, including due process rights*

*56520-56524 Behavioral Interventions*

CODE OF REGULATIONS, TITLE 5

*3001 Definitions*

*3052 Designated positive behavioral interventions*

**EQUIPMENT, BOOKS AND MATERIALS**

The Governing Board recognizes that students' educational opportunities are enhanced when they have sufficient access to high-quality textbooks, equipment and other instructional materials for each of the subjects they are studying. To adequately support the Board-approved curriculum, instructional materials must also be up to date.

The Superintendent or designee shall develop procedures for determining the obsolescence of instructional materials. When new materials have been chosen in accordance with the district's selection and evaluation policy and approved by the Board, the Board shall make final decisions regarding their purchase and the use of district funds to supplement state allotments for this purpose.

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

Whenever the Board determines that district students lack sufficient textbooks or instructional materials, the Board shall seek funding opportunities through the state's incentive program and shall comply with all related legal requirements.

*Legal Reference:*

EDUCATION CODE

*60010 Definitions*

*60040-60047 Requirements, materials*

*60117-60119 Pupil textbook and instructional materials incentive program*

*60200-60206 Elementary school materials*

*60240-60252 State instructional materials funds*

*60400-60411 High school textbooks*

**EQUIPMENT, BOOKS AND MATERIALS**

**Pupil Textbook and Instructional Materials Incentive Program**

Any year during which the district participates in the state Pupil Textbook and Instructional Materials Incentive Program, the Governing Board shall hold one or more public hearings. At these hearings, the Board shall determine whether each student in each school has or will have before the end of the fiscal year sufficient textbooks and instructional materials in each subject consistent with the content and cycles of the state curriculum frameworks. The Board's determination shall be made in the form of a resolution. (Education Code 60119)

The Board shall encourage participation by parents/guardians, teachers, interested community members and bargaining unit leaders at the above hearing(s). Ten days before the hearing(s), the Superintendent or designee shall post a notice in three public places within the district containing the time, place and purpose of the hearing. (Education Code 60119)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall: (Education Code 60119)

1. Provide classroom teachers and the public the reasons for the insufficiency, and
2. Take action to ensure that the insufficiency is corrected within two years, using any of the following:
  - a. Funds available from categorical programs for textbooks and/or instructional materials, including funds appropriated in the annual Budget Act.
  - b. District funds that are in excess of the amount available for each student during the prior fiscal year to purchase textbooks and/or instructional materials.
  - c. Other funds available to the district for textbooks and/or instructional materials.

The Superintendent or designee shall: (Education Code 60252)

1. Assure the Superintendent of Public Instruction of the district's compliance with the above requirements, and
2. Ensure that funds received through the Pupil Textbook and Instructional Materials Incentive Program:
  - a. Are used in compliance with Education Code 60119, and
  - b. Supplement any other state and local monies expended on textbooks and/or instructional materials.

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS**

The Governing Board believes that instructional materials should be selected and evaluated with great care so that they will effectively support the adopted courses of study and meet current curricular goals. The review of instructional materials shall be coordinated with the overall development and evaluation of the district's curriculum. Taken as a whole, district instructional materials should present a broad spectrum of knowledge and viewpoints, reflect the ethnic and cultural diversity of our society, and enhance the use of multiple teaching strategies and technologies.

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

The Superintendent or designee shall establish a process by which new instructional materials may be requested and subsequently evaluated, together with existing materials. Teachers, students, parents/guardians and community members shall have the opportunity to recommend instructional materials.

The Superintendent or designee shall establish instructional material evaluation committees. These committees may include teachers, administrators and other staff who have subject-matter expertise, as well as parents/guardians and/or community members broadly representative of the district's ethnic and socioeconomic composition. Staff members who participate in selecting and/or evaluating instructional materials shall be those most competent for the task because of their professional training, experience and assignments.

Individuals who participate in selecting and evaluating instructional materials shall have no financial interest in the materials being reviewed, recommended, or approved. Incompatible activities and conflicts of interest related to the selection and evaluation of instructional materials shall be clearly identified in administrative regulations.

*(cf. 3315 - Relations with Vendors)*

*(cf. 9270 - Conflict of Interest)*

Recommendations for the adoption and/or withdrawal of instructional materials shall be presented to the Board by the Superintendent or designee and shall include documentation supporting the recommendation. All recommended materials shall be displayed and available for public inspection.

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

Once instructional materials have been adopted by the Board, objections and complaints shall be handled on a case-by-case basis in keeping with Board policy.

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

*Legal Reference: (see next page)*

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

*Legal Reference:*

EDUCATION CODE

1720-1723 *Preparation of courses of study*

35272 *Education and athletic materials*

44805 *Enforcement of course of studies; use of textbooks, rules and regulations*

51501 *Subject matter reflecting on race, color, etc.*

60010 *Definitions*

60040-60047 *Instructional requirements and materials*

60070-60076 *Prohibited acts (re instructional materials)*

60110-60111 *Instructional materials on drug education*

60200-60206 *Elementary school materials*

60400-60411 *High school textbooks*

*Management Resources:*

CDE PROGRAM ADVISORIES

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

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS**

**General Criteria for Selection and Evaluation**

Selection and evaluation committees shall assess the educational suitability of instructional materials according to the following criteria:

1. Relationship to the adopted courses of study and current curricular goals
2. Contribution to a comprehensive, balanced curriculum
3. Reliable quality of scholarship as evidenced by:
  - a. Accurate, up-to-date and well-documented information
  - b. Objective presentation of diverse viewpoints
  - c. Clear, concise writing and appropriate vocabulary
  - d. Thorough treatment of subject
4. Fair and balanced portrayal of people with regard to race, creed, color, national origin, gender and disability
5. Provision a wide range of materials on all levels of difficulty, with appeal to students of varied interests, abilities and maturity levels
6. Inclusion of materials which stimulate discussion of contemporary issues and improve students' thinking and decision-making skills
7. Contribution to the proper articulation of instruction through grade levels
8. Quality and durability of paper, binding etc.
9. Availability of corresponding versions in languages other than English
10. Availability and quality of corresponding teacher's guides

Whenever possible, selection and evaluation committees should consider at least three different textbooks before recommending one for adoption.

**Incompatible Activities**

To ensure integrity and impartiality in the selection and evaluation of instructional materials, no Board member or professional staff member shall:

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

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

Sample copies of instructional materials are excepted from this prohibition (Education Code 60074)

2. Accept any gift, favor, entertainment or item of value from any person or entity that submits or is likely to submit instructional materials or related proposals to the district

*(cf. 3315 - Relations with Vendors)*

**Conflict of Interest**

Evaluation committee members shall not:

1. Be employed by any person, firm or organization submitting instructional material to the district
2. Have or negotiate a contractual relationship with any such person, firm or organization
3. Receive any compensation from any such person, firm or organization or any of its subsidiaries or controlling entities
4. Have an interest as a contributor, author, editor or consultant in any textbook or other instructional material submitted to the district
5. Discuss any instructional material or related proposal which has been or is likely to be submitted to the district with the person, entity or representative submitting it, except in a meeting scheduled and authorized by the Board or by the committee studying instructional materials
6. Attend workshops, seminars or social events sponsored by publishers, producers or vendors of instructional materials

Individuals formerly employed as consultants on textbooks or other materials shall not be deemed to be financially interested in the selection or evaluation of instructional materials provided they:

1. Have not had a contractual relationship or received compensation for such consultant service for two years before serving on the committee, and

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS** (continued)

2. Retain no rights to compensation accruing while they serve on the committee

Individuals shall not be disqualified from serving on committees if they have only a "remote interest."

As used in this regulation, "remote interest" means:

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

Any remote interest must be disclosed in a meeting of the committee. Such disclosures shall be recorded in the committee's minutes and communicated to the Board. Individuals who disclose a "remote interest" shall abstain from discussing, evaluating or voting on the related material.

**SUPPLEMENTARY INSTRUCTIONAL MATERIALS**

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

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

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

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

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

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

All materials must be used within legal copyright limits.

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

**Films**

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

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

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

*(cf. 6142.1 - Family Life/Sex Education)*

*(cf. 6144 - Controversial Issues)*

*Legal Reference: (see next page)*

**SUPPLEMENTARY INSTRUCTIONAL MATERIALS** (continued)

*Legal Reference:*

EDUCATION CODE

*233.5 Duty re instruction in morals, manners and citizenship*

*18111 Exclusion of books by governing board*

*51510 Prohibited study or supplemental materials*

*51511 Religious matters properly included*

*51550 Sex education materials*

*60010 Definitions*

COURT DECISIONS

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

**DAMAGED OR LOST INSTRUCTIONAL MATERIALS**

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

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

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

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

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

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

*Legal Reference:*

EDUCATION CODE

*48904 Willful misconduct; limit of liability of parent or guardian*

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

*60411 Purchase and use; property of district*

CODE OF REGULATIONS, TITLE 5

*305 Pupil responsible for care of property*

**TOXIC ART SUPPLIES**

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

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

The Superintendent or designee shall ensure that arts and crafts material purchased for use by students in grades K-8 will not contain toxic substances or cause chronic illness as determined by the State Department of Health Services.

Students in grades 7-8 are considered able to read and understand product labels and to take adequate precautions to use products which are prohibited for use in grades K-6. The Superintendent or designee shall ensure that arts and crafts materials purchased for use in grades 7-8 meet the requirements of Education Code 32065. The products must be properly labeled to identify toxic ingredients, warn of potential adverse health effects and describe procedures for safe use and storage.

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

*Legal Reference:*

EDUCATION CODE

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

HEALTH AND SAFETY CODE

- 108500-108515 *Labeling of arts and crafts materials*

PENAL CODE

- 594.1 *Aerosol containers of paint*

*Management Resources:*

CDE PROGRAM ADVISORIES:

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

**STUDENT ASSESSMENT**

The Governing Board believes that the primary purpose of student assessments should be to help students, parents/guardians and teachers identify individual student's academic strengths and areas needing improvement, in order to enhance teaching and learning. The effectiveness of the schools and district shall be evaluated in part on the basis of these student assessments.

*(cf. 0500 - Accountability)*

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

Assessments also shall be conducted for purposes of determining student eligibility for and appropriate placement in district programs.

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

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

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

*(cf. 6171 - Title I Programs)*

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

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

*(cf. 6175 - Migrant Education Program)*

The Board desires to use a variety of evaluation measures to reach the above goals. To have validity, tests must correspond to the material that is being taught and measure the extent to which students meet specified standards of achievement. A single test or testing method cannot be expected to always take ethnic, cultural or gender differences into account, nor to provide an accurate assessment of each student's skills.

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

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

*(cf. 6011 - Academic Standards)*

*(cf. 6142.7 - Physical Education)*

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

*(cf. 0510 - School Accountability Report Card)*

**Standardized Testing and Reporting Program**

The Superintendent or designee shall administer mandatory student assessments in the state Standardized Testing and Reporting (STAR) program as required by law. (Education Code 60640)

**STUDENT ASSESSMENT** (continued)

The Board desires to use the results of the achievement tests to evaluate the performance of its students with that of other students across the state and nation.

*Legal Reference:*

EDUCATION CODE

51041 Evaluation of educational program

51450-51455 Golden State Seal Merit Diploma

51513 Personal beliefs (re questionnaires, etc.)

60600-60652 Assessment of academic achievement, especially:

60605 State content and performance standards; alignment of assessments with standards

60614 Personal beliefs

60640-60647 Standardized Testing and Reporting program

60650-60652 Golden State Examinations

60800 Physical fitness testing

60810 Assessment of language development

CODE OF REGULATIONS, TITLE 5

850-873 Standardized Testing and Reporting program

880-904 Designated primary language test

*Management Resources:*

CDE LEGAL ADVISORIES

0924.91 Clarification of Crawford v. Honig. LO: 2-91

CDE PROGRAM ADVISORIES

0327.86 Reporting norm-referenced standardized achievement test scores to

WEB SITES

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

**STUDENT ASSESSMENT****Standardized Testing and Reporting Program**

The Superintendent or designee shall administer the mandatory state achievement test in the Standardized Testing and Reporting (STAR) program to all students in grades 2 through 11 before May 15 of each year. (Education Code 60640)

Any district student of limited English proficiency who has been enrolled in a California public school for less than 12 months shall take both the statewide assessment in English and a test in his/her primary language if such a test is available. (Education Code 60640)

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

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of STAR and/or the designated primary language test. The parent/guardian must initiate the request and the district and its employees shall not solicit or encourage any written request on behalf of any child. (5 CCR 852, 881)

Special education students shall be tested with the designated achievement test, unless an explicit provision in their individualized education program specifically exempts them from testing. (5 CCR 852, 881)

*(cf. 6159 - Individualized Education Program)*

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

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

Students in special education programs with individualized education plans or students with current Section 504 plans delineating accommodations such as, but not limited to, large print, Braille, extended time, or the use of a reader or scribe or a calculator shall be tested and the prescribed adaptations or accommodations shall be made. (5 CCR 853)

The Superintendent or designee shall arrange for at least two make-up days for the testing of students who were absent during the period that any school administered the achievement test. All make-up testing shall occur within 10 instructional days of the last date that the district administered the test or by May 25, whichever is earlier. (Education Code 60640; 5 CCR 855)

By November 1 of each year, the Superintendent or designee shall designate a district coordinator who shall serve as the district representative and liaison with the California Department of Education for all matters relating to the STAR program. The Superintendent or designee also shall designate a coordinator at each test site. (5 CCR 857-858, 886)

The Superintendent or designee shall report in a timely manner the results of each student's test in writing to the student's parents/guardians of receiving results from the test publisher. If the test results are received from the publisher after the last day of instruction in the school year, each student's results shall be mailed to his/her parents/guardians. The report shall include a clear explanation of the purpose of the test, the student's score and its intended use by the district. (Education Code 60641; 5 CCR 863)

**STUDENT ASSESSMENT** (continued)

*(cf. 5145.6 - Parental Notifications)*

Individual students' scores shall also be reported to their school and teachers and shall be included in their student records. Individual test results shall not be released without the permission of the student's parents/guardians. (Education Code 60641)

*(cf. 5125 - Student Records)*

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

*(cf. 9321.1 - Closed Session Actions and Reports)*

Within 10 working days of the last day of make-up testing in the district, the Superintendent or designee shall report the following information to the California Department of Education, for grades 2-11: (Education Code 60640; 5 CCR 862)

1. The number of students enrolled in the district on the first day of testing in the district
2. The number of students in the district to whom an achievement test was administered
3. The number of special education students in the district who were exempted from the test based on an explicit provision in their individualized education program
4. The number of students in the district who were exempted from the test at the request of their parents/guardians
5. The number of tests administered with pre-identified answer documents, if applicable

Within 10 working days of the last day of make-up testing in the district, the Superintendent or designee shall report the following information relative to the designated primary language test to the California Department of Education, for grades 2-11: (5 CCR 891)

1. The number of students who are limited English proficient
2. The number of limited English proficient students who were administered each designated primary language test pursuant to Education Code 60640(f)
3. The number of students who were administered each designated primary language test pursuant to Education Code 60640(g)
4. The total number of limited English proficiency students exempted from the test pursuant to Education Code 60615

**STUDENT ASSESSMENT** (continued)

5. The total number of limited English proficient students exempted pursuant to any provision in their individual education program which explicitly exempts them from standardized testing
6. If the district opted to have the publisher of a designated primary language test provide pre-identified answer sheets, the number of tests administered with these sheets

Prior to completed district testing, the Superintendent or designee shall provide the state and local sales and use tax rate to the publisher. (5 CCR 856)

**Individual Record of Accomplishment**

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

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

**STANDARDIZED TESTING AND REPORTING PROGRAM**

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

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

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

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

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

*(cf. 6011 - Academic Standards)*

*Legal Reference (next page)*

**STANDARDIZED TESTING AND REPORTING PROGRAM (continued)**

*Legal Reference:*

EDUCATION CODE

51041 Evaluation of educational program

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

60600-60630 Assessment of academic achievement

60640-60649 Standardized Testing and Reporting program

60660-60663 Electronic learning assessment resources

60810 Assessment of language development

CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting program

880-901 Designated primary language test

UNITED STATES CODE, TITLE 20

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

6311 Adequate yearly progress

*Management Resources:*

CDE PUBLICATIONS

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

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

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

WEB SITES

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

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

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

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

**STANDARDIZED TESTING AND REPORTING PROGRAM**

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

- 1 The California Standards Test (CSTs) as the standards-based achievement tests, as designated by the SBE pursuant to Education Code 60642.5, to each student in grades 2-8. (Education Code 60640)
- 2 The Standards-Based Test in Spanish (STS) as the designated primary language test(DPLT) for any Spanish speaking English learners who have been enrolled in a California public school for less than 12 months. This test shall be administered in addition the standards-based achievement test. (Education Code 60640)

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

3. The California Alternate Performance Assessment (CAPA) for students with severe cognitive disabilities who are unable to take the CSTs even with accommodations or modifications, or the California Modified Assessment (CMA) for students who are not severely cognitively disabled, when determined appropriate by the student's individualized education program (IEP) team (Education Code 56345, 60640; 5 CCR 850; 34 CFR 200.1)

Any special education student who is an English learner may be tested with the STS in accordance with item #2 above, unless the IEP specifically exempts him/her from such testing. (5 CCR 881)

*(cf. 6159 - Individualized Education Program)*

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

**Testing Period**

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

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

**STANDARDIZED TESTING AND REPORTING PROGRAM** (continued)

The STAR writing assessment shall be administered only on the testing day(s) and make-up day(s) specified annually by the Superintendent of Public Instruction. (Education Code 60640; 5 CCR 855)

**Exemptions**

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

**Testing Variations**

The STAR assessments shall be administered in accordance with the manuals or other instructions provided by the test contractor, unless a testing variation, accommodation, or modification is specifically allowed in 5 CCR 853 or 853.5. (5 CCR 853, 853.5) and as specified in instructions provided by the test contractor for all students, identified English learners, and students with disabilities.

Students with disabilities shall be permitted to take the assessments with any of the testing variations listed in 5 CCR 853.5, provided the variations are specified in their IEP or Section 504 plan. These variations may include, but are not limited to, accommodations in the presentation or setting of the test administration or in how a student is allowed to respond, and/or modifications in accordance with 5 CCR 853.5. (5 CCR 850, 853, 853.5)

**District and Test Site Coordinators**

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

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

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

**STANDARDIZED TESTING AND REPORTING PROGRAM** (continued)

After receiving summary reports and files from the test contractor, the district STAR coordinator shall review the files and reports for completeness and accuracy, and shall notify the test contractor and the California Department of Education of any errors, discrepancies, or incomplete information. (5 CCR 857)

**Reports of Test Results**

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

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

*(cf. 5145.6 - Parental Notifications)*

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

*(cf. 5125 - Student Records)*

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

*(cf. 9321.1 - Closed Session Actions and Reports)*

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

**STANDARDIZED TESTING AND REPORTING PROGRAM**

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

1. A nationally norm-referenced achievement test in basic academic skills designated by the State Board of Education (SBE) pursuant to Education Code 60642, to each student in grades 3 and 7. (Education Code 60640)
2. A standards-based achievement tests, as designated by the SBE pursuant Education Code 60642.5, to each student in grades 2-8. (Education Code 60640)
3. A primary language test for any limited-English-proficient student who has been enrolled in a California public school for less than 12 months. This test shall be administered in addition to any applicable norm-referenced achievement test and standards-based achievement test. (Education Code 60640)

Following the first year of enrollment in a California public school, English language learners in grades 2-8 shall take the DPLT, in addition to the tests in English, to the extent that such a test is available in their primary language and the Superintendent or designee determines that such test results would provide useful information about students' performance.

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

4. An alternate assessment for any special education student who is unable to take the standards-based achievement tests even with accommodations or modifications. The individualized education program (IEP) team shall determine whether a student shall take an alternate assessment. (Education Code 56345, 60640; 5 CCR 850; 34 CFR 200.1)

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

*(cf. 6159 - Individualized Education Program)*

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

**STANDARDIZED TESTING AND REPORTING PROGRAM** (continued)

**Testing Period**

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

The STAR writing assessment shall be administered only on the day(s) specified annually by the Superintendent of Public Instruction. (Education Code 60640; 5 CCR 855)

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

Any DPLT shall be administered between March 15 and May 14 of each school year. The Superintendent or designee shall provide for at least two make-up days for students who were absent during the period. All make-up testing shall occur within 10 instructional days of the last date that the district administered the primary language assessment, but not later than May 25 of each school year, whichever is earlier. (5 CCR 855)

**Exemptions**

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

**STANDARDIZED TESTING AND REPORTING PROGRAM** (continued)

**Testing Variations**

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

All students may be provided with the following variations: (5 CCR 853.5)

1. Simplified or clarified test directions
2. For grades 2-8, write-in test booklets (e.g., underlining, working math problems)

Any marks other than those in response circles for grades 2 and 3 must be erased to ensure that the tests can be scored.

3. On the standards-based achievement test, as much time as needed within a single sitting to complete a test or test part

In addition, all students shall be provided with the following testing variations if such variations are regularly used in the classroom: (5 CCR 853.5)

1. Special adaptive furniture
2. Special lighting, special acoustics, or visual magnifying or audio amplification equipment
3. An individual carrel or study enclosure
4. Individual testing in a separate testing room provided that a district employee who has signed the STAR Test Security Affidavit directly supervises the student
5. Colored overlay, masks, or other means to maintain visual attention to the test or test questions
6. Manually Coded English or American Sign Language to communicate directions for test administration

Identified English learners shall be provided with the following testing variations if such variations are regularly used in the classroom or for assessment: (5 CCR 853.5)

1. Flexible setting: testing in a separate room with other English learners provided that a district employee who has signed the Test Security Affidavit directly supervises the student.

**STANDARDIZED TESTING AND REPORTING PROGRAM** (continued)

2. Flexible schedule: additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.
3. Translated directions: hearing the test directions printed in the test administration manual translated into their primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.
4. Glossaries: access to translation glossaries/word lists for the standards-based achievement tests in mathematics, science, and history/social science (English to primary language). The translation glossaries/word lists are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries/word lists shall not include definitions or formulas.

Students with disabilities shall be permitted to take the assessments with any of the testing variations listed in 5 CCR 853.5, provided the variations are specified in their IEP or Section 504 plan. These variations may include, but are not limited to, accommodations in the presentation or setting of the test administration or in how a student is allowed to respond, and/or modifications in accordance with 5 CCR 853.5. (5 CCR 850, 853, 853.5)

**District and Test Site Coordinators**

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

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

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

After receiving summary reports and files from the test contractor, the district STAR coordinator shall review the files and reports for completeness and accuracy, and shall notify the test contractor and the California Department of Education of any errors, discrepancies, or incomplete information. (5 CCR 857)

**STANDARDIZED TESTING AND REPORTING PROGRAM** (continued)

**Reports of Test Results**

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

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

*(cf. 5145.6 - Parental Notifications)*

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

*(cf. 5125 - Student Records)*

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

*(cf. 9321.1 - Closed Session Actions and Reports)*

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

## **Instruction**

BP 6162.54 (a)

### **TEST INTEGRITY/TEST PREPARATION**

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

*(cf. 0500 - Accountability)*  
*(cf. 0520 - Intervention for Underperforming Schools)*  
*(cf. 0520.1 - High Priority Schools Grant Program)*  
*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.9 - Academic Honesty)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6162.51 - Standardized Testing and Reporting Program)*  
*(cf. 6162.52 - High School Exit Examination)*

#### **Test Integrity**

In the administration of standardized tests, staff shall not:

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

## **TEST INTEGRITY/TEST PREPARATION** (continued)

### **Preparation for State Tests**

Staff may prepare students for assessments by providing instruction in the content specified in state and district academic standards and teaching general test-taking strategies that are designed to improve their performance on tests included in the Standardized Testing and Reporting program, or the California English Language Development Test. Such strategies may include, but not be limited to, using time efficiently, understanding directions, placing answers correctly on answer sheets, checking answers, problem-solving tactics, and exposing students to various test formats.

*(cf. 6011 - Academic Standards)*

\*\*\*Note: SB 755 (Ch. 676, Statutes of 2005) amended Education Code 60611 to correct a drafting error and to prohibit districts from using a specific program of preparation, as specified below.\*\*\*

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

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

Staff shall not use released test questions to develop practice tests that mimic or parallel state tests, or for teaching or drilling students only on the released items.

### **Investigation and Consequences of Testing Irregularities**

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

*(cf. 5144 - Discipline)*

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

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action)*

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

**TEST INTEGRITY/TEST PREPARATION** (continued)

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

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

*Legal Reference:*

*EDUCATION CODE*

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

*60611 Inappropriate test preparation*

*60850-60859 California High School Exit Examination*

*GOVERNMENT CODE*

*54957 Complaints against employees, closed session*

*CODE OF REGULATIONS, TITLE 5*

*850-870 Standardized Testing and Reporting program, especially:*

*854 Advance preparation for STAR test*

*880-901 Designated primary language test*

*1200-1225 California High School Exit Examination, especially:*

*1215 Cheating on the high school exit examination*

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Guidelines on Academic Preparation for State Assessments, April 2004*

*WEB SITES:*

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

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

**USE OF COPYRIGHTED MATERIALS**

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

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

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

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

*Legal Reference:*

EDUCATION CODE

35182 *Computer Software*

UNITED STATES CODE, TITLE 17

**USE OF COPYRIGHTED MATERIALS**

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

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

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

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

**Printed Materials****Permitted Uses:**

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

**USE OF COPYRIGHTED MATERIALS** (continued)

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

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

**Prohibited Uses:**

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

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

## **USE OF COPYRIGHTED MATERIALS (continued)**

### **Sheet and Recorded Music**

#### **Permitted Uses:**

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

#### **Prohibited Uses:**

1. Copying to replace or substitute for anthologies or collections.
2. Copying from works intended to be "consumable."
3. Copying for purposes of performance except as noted in an emergency.
4. Copying to substitute for purchase of music.

**USE OF COPYRIGHTED MATERIALS** (continued)

5. Copying without inclusion of copyright notice on the copy.
6. Duplication of tapes, unless reproduction rights were given at time of purchase.
7. Reproduction of musical works or conversion to another format, e.g. record to tape.

**Videotapes, Films, Filmstrips or Slide Programs**

**Permitted Uses:**

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

**Prohibited Uses:**

1. Reproduction of an audiovisual work in its entirety.
2. Conversion from one media format to another, e.g., film to videotape, unless permission is secured.

**USE OF COPYRIGHTED MATERIALS (continued)**

3. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as the copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film via closed-circuit television outside the building is not permitted.

**Radio - Off-Air Taping**

**Permitted Uses:**

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

**Prohibited Uses:**

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

**Television - Off-Air Taping**

**Permitted Uses:**

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first 10 consecutive school days in the 45 calendar-day retention period.

**USE OF COPYRIGHTED MATERIALS** (continued)

3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
5. After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes; i.e., to determine whether or not to include the broadcast program in the teaching curriculum; they may not be used for student exhibition or any other nonevaluation purpose without authorization.
6. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

**Prohibited Uses:**

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

**USE OF COPYRIGHTED MATERIALS** (continued)

**Software Copyright**

**Permitted Uses:**

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

1. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
2. The copy is used for archival or "backup" purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the district unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program. (United States Code, Title 17, Section 117).

**Prohibited Uses:**

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

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