

CONCEPTS AND ROLES

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

(cf. 5113 - Absences and Excuses)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

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

(cf. 5125 - Student Records)

(cf. 5144 - Discipline)

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

(cf. 5145.6 - Parental Notifications)

(cf. 9000 - Role of the Board)

Legal Reference:

EDUCATION CODE

35160 Authority of Board of Trustees

35160.1 Broad authority of school districts

35291-35291.5 Rules

PARENT RIGHTS AND RESPONSIBILITIES

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

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

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

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

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

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

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

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

(cf. 5145.6 - Parental Notifications)

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

Legal Reference: (see next page)

PARENT RIGHTS AND RESPONSIBILITIES (continued)

Legal Reference:

EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

PARENT RIGHTS AND RESPONSIBILITIES**Parent/Guardian Rights**

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

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

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

(cf. 6116 - Classroom Interruptions)

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

(cf. 5113 - Absences and Excuses)

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

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

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6162.52 - High School Exit Examination)

(cf. 6174 - Education for English Learners)

PARENT RIGHTS AND RESPONSIBILITIES (continued)

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

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

(cf. 5142 - Safety)

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

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

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

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 6141 - Curriculum Development and Evaluation)

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

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

(cf. 6161.11 - Supplementary Instructional Materials)

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

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

(cf. 6020 - Parent Involvement)

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

PARENT RIGHTS AND RESPONSIBILITIES (continued)

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

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

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

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

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

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

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

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

14. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)

(cf. 1250 - Visitors/Outsiders)

(cf. 5132 - Dress and Grooming)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

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

(cf. 5123 - Promotion/Acceleration/Retention)

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

PARENT RIGHTS AND RESPONSIBILITIES (continued)

(cf. 6164.2 - Guidance/Counseling Services)

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

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

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information (Education Code 49091.18; 20 USC 1232h)

(cf. 5022 - Student and Family Privacy Rights)

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

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

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6171 - Title I Programs)

(cf. 6175 - Migrant Education Program)

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

(cf. 5125.3 - Challenging Student Records)

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.3 - Health Examinations)

Parent Responsibilities

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

PARENT RIGHTS AND RESPONSIBILITIES (continued)

1. Monitoring attendance of their child
2. Ensuring that homework is completed and turned in on time
(cf. 6154 - Homework/Makeup Work)
3. Encouraging their child to participate in extracurricular and cocurricular activities
(cf. 6145 - Extracurricular and Cocurricular Activities)
4. Monitoring and regulating the television viewed by their child
5. Working with their child at home in learning activities that extend the classroom learning
6. Volunteering in their child's classroom(s) or for other school activities
(cf. 1240 - Volunteer Assistance)
7. Participating in decisions related to the education of their own child or the total school program as appropriate

NONCUSTODIAL PARENTS

The Board of Trustees recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the district's need to ensure the safety of students while at school.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

The parent/guardian who enrolls a child in a district school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to his/her student information, a parent/guardian shall provide a copy of the certified court order to the principal or designee upon enrollment or upon a change in circumstances.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

(cf. 5141 - Health Care and Emergencies)

(cf. 5142 - Safety)

(cf. 6159 - Individualized Education Program)

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

Legal Reference: (see next page)

NONCUSTODIAL PARENTS (continued)

Legal Reference:

EDUCATION CODE

48204 Residency requirements

49061 Definitions

49069 Absolute right to access

49091.10-49091.19 Parental review of curriculum and instruction

49408 Emergency information

56028 Definition, parent for special education

51100-51102 Parent/guardian rights

FAMILY CODE

3002 Joint legal custody, definition

3006 Sole legal custody, definition

3025 Parental access to records

6550-6552 Caregivers

GOVERNMENT CODE

810-996.6 Government Claims Act

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

Management Resources:

WEB SITES

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

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

STUDENT AND FAMILY PRIVACY RIGHTS

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5021 - Noncustodial Parents)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6162.8 - Research)

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

1. Whether the district may collect the personal information of students for marketing or sale
2. How the district will administer surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect:
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
 - b. Instructional materials used as part of their children's educational curriculum
4. Whether the district may administer any nonemergency invasive physical examination or screening
5. Notifications that the district will provide to students and parents/guardians with respect to their privacy rights

The Superintendent or designee shall consult with parents/guardians regarding the development of the procedures. (20 USC 1232h)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committee)

(cf. 1230 - School-Connected Organizations)

Legal Reference: (see next page)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Legal Reference:

EDUCATION CODE

49450-49458 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

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

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco>

STUDENT AND FAMILY PRIVACY RIGHTS**Collection of Personal Information for Marketing or Sale**

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

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

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

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

(cf. 6162.51 - State Academic Achievement Tests)

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

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

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or his/her parent/guardian

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148 - Child Care and Development)

Notwithstanding the above requirements, the district may administer to students in grades 5-8 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

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

(cf. 6162.8 - Research)

Parent/Guardian Access to Surveys and Instructional Materials

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

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

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian. (20 USC 1232h)

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

(cf. 5131.61 - Drug Testing)

(cf. 5141.3 - Health Examinations)

Notifications

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

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

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 5-8, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

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

(cf. 5145.6 - Parental Notifications)

Regulation
approved:

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

STUDENT WELLNESS

The Board of Trustees recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

(cf. 1020 - Youth Services)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
(cf. 6164.2 - Guidance/Counseling Services)

School Wellness Committee

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b; 7 CFR 210.30)

To fulfill this requirement, the Superintendent or designee may appoint a school wellness committee and a wellness committee coordinator. The council may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before-and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)
(cf. 9140 - Board Representatives)

The wellness council shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

STUDENT WELLNESS (continued)

Goals for Nutrition, Physical Activity, and Other Wellness Activities

The Board shall adopt specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 1758b; 7 CFR 210.30)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

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

(cf. 6011 - Academic Standards)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer Learning Programs)

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 5142.2 - Safe Routes to School Program)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

STUDENT WELLNESS (continued)

(cf. 1330.1 - Joint Use Agreements)

Professional development may be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

Nutrition Guidelines for All Foods Available at School

For all foods and beverages available on each campus during the school day, the district shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773, and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

STUDENT WELLNESS (continued)

The Superintendent or designee shall provide access to free, potable water in the food service area during meal times in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and by serving water in an appealing manner.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's reimbursable food services program, should support the health curriculum and promote optimal health. Nutrition standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutrition standards.

(cf. 3312 - Contracts)

(cf. 3554 - Other Food Sales)

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

He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7 CFR 210.30)

(cf. 1325 - Advertising and Promotion)

Program Implementation and Evaluation

The Superintendent designates the school principals as the individual(s) responsible for ensuring that each school site complies with the district's wellness policy. (42 USC 1758b; 7 CFR 210.30)

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.30)

STUDENT WELLNESS (continued)

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. Student participation rates in all school meal programs, including the number of students participating in the free and reduced-price meals program compared to the number of students eligible for that program
3. Results of the state's physical fitness test at applicable grade levels
4. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
5. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
6. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

STUDENT WELLNESS (continued)

The assessment results of both the district and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Notifications

The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall distribute this information through the most effective methods of communication, including district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6020 - Parent Involvement)

Records

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.30)

Legal Reference: (see next page)

STUDENT WELLNESS (continued)

Legal Reference:

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education
38086 Free fresh drinking water
49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49562 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act
51210 Course of study, grades 1-6
51210.1-51210.2 Physical education, grades 1-6
51210.4 Nutrition education
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-51798 School instructional gardens
51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j National School Lunch Program, especially:
1758b Local wellness policy
1771-1793 Child Nutrition Act, especially:
1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.33 National School Lunch Program, especially:
210.30 Wellness policy
220.1-220.22 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

Integrating Physical Activity into the School Day, Governance Brief, April 2016
Increasing Access to Drinking Water in Schools, Policy Brief, April 2013
Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012
Physical Activity and Physical Education in California Schools, Research Brief, April 2010
Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Management Resources continued: (see next page)

STUDENT WELLNESS (continued)

Management Resources: (continued)

CSBA PUBLICATIONS (continued)

Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009

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

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, January 2015

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev. 2012

FEDERAL REGISTER

Rules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, rev. 2012

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2016

WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

Alliance for a Healthier Generation: <http://www.healthiergeneration.org>

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

California Department of Public Health: <http://www.cdph.ca.gov>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

Center for Collaborative Solutions: <http://www.ccscenter.org>

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

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

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

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

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

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

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>

U.S. Department of Agriculture, Healthy Meals Resource System: <http://healthymeals.fns.usda.gov>

STUDENT WELLNESS**Comprehensive School Health/Nutrition Program**

Comprehensive School Wellness Program – School affiliated strategies, activities, and services designed to promote the optimal physical, emotional, social, and educational development of students.

Quality and Effective Health Education –helps students acquire knowledge, personal skills and attitudes to take increasing responsibility for their own health and practice healthful behaviors. The sequential health education curriculum includes instruction on physical activity topics that complement the instruction students receive in quality Physical Education programs. There is an inter-relationship of Health Concepts and Physical Education Standards.

Students need to learn to take responsibility for their own health and to adopt health-enhancing attitudes and behaviors:

- Every school shall be a healthy place for students and employees to learn and work, with a climate that nurtures learning, achievement, and growth of character
- Each school shall be organized to reinforce students' adoption of health-enhancing behaviors, and school staff shall be encouraged to model healthy lifestyles

The schools will create a culture that supports all children and youth in building developmental assets.

- Every school will create a caring school climate where every child feels valued and supports the development of boundaries and expectations, empowerment, constructive use of time, commitment to learning, positive values, positive identity, social competencies and support.
- Sites will use surveys to evaluate and plan appropriate programs related to the development of assets in children

School Health Services – promotes the health of students through prevention, health screenings (eye, ear, and scoliosis), early intervention and remediation of specific health programs, and direct services to students. School leaders shall ensure, with available resources, that the nutrition, health services, and social services students need in order to learn are provided either at the school site or in cooperation with the community agencies.

Community Collaboration – promotes a collaborative partnership with parents and community agencies to address the comprehensive health needs of students and their families. Integrated family and community involvement activities are designed to engage families as active participants in their student's education, encourage the ability of families to support students' school achievement, and foster collaboration with community resources and services to respond more effectively to the health-related cultural needs of students.

STUDENT WELLNESS (continued)

To achieve the student wellness policy goals, the regulations of the district's local wellness policy will focus on the following five areas:

1. Nutrition Education
2. Physical Activity
3. Other School-Based Wellness Activities
4. Nutritional Guidelines for Food Available at School
5. Periodic Assessment and Public Updates

1. Nutrition Education

- a. Nutrition education shall be provided as part of the health education program and as appropriate, integrated into core academic subjects. Content shall be based on current state curriculum frameworks and designed to build the skills and knowledge needed to adopt healthy eating behaviors and a positive self-image.
- b. Students shall receive consistent nutrition messages from their schools and throughout the district. Parents shall be encouraged to support nutrition education efforts by providing healthy, balanced meals and snacks for their children. Examples of these shall be included in outreach that will also explain the academic and emotional benefits of healthy eating for children.

2. Physical Activity

Physical education exposes students to the skills necessary to perform a variety of physical activities, ensures that students participate regularly in physical activities, teaches the benefits of involvement in physical activities, and emphasizes the value of physical activity and its contributions to a healthful lifestyle.

Physical Education is a multifaceted process that teaches a wide range of skills and activities with the aim of the students becoming physically educated, physically fit, able to enjoy a variety of physical activities and committed to lifelong health and physical wellbeing. It is a continuing process of articulated, sequential, developmental skills, talents, attitudes, and behaviors. (*Physical Education Framework, for California Public Schools Kindergarten through Grade Twelve.*)

- a. Physical activity shall be provided through physical education. Physical education content shall be based on state standards.

STUDENT WELLNESS (continued)

- (1) **The Physical Education Model Content Standards for California Public Schools, Kindergarten through Grade Twelve** establish specific learning goals and objectives for physical education. These standards describe the essential skills and knowledge that all students need to maintain a physically active, healthy lifestyle. *Education Code* section 51210 requires 200 minutes of physical education every 10 school days for students in grades one through six, and *Education Code* section 51222 provides for 400 minutes of physical education every 10 school days for students in grades seven through twelve.
 - (2) The California Physical Fitness Test (PFT) will be administered to 5th and 7th grade students. The PFT is designed to assess six key fitness areas that represent three broad components of fitness: (1) aerobic capacity, (2) body composition, and (3) muscular strength, endurance and flexibility. Results of the PFT will be analyzed by teachers and used when designing instruction.
- b. The district shall also promote additional physical activity through school athletic programs, extracurricular programs, before-and after-school programs, programs encouraging students to walk or bicycle to and from school, and in-class physical activity breaks. Information and resources regarding these and other structured and unstructured activities shall be made available to parents/guardians.
3. Other School-Based Wellness Activities
- a. The Superintendent or designee shall disseminate health information and/or the district's student wellness policy to parents/guardians, students, school district staff, and the community through newsletters, handouts, parent/guardian meetings, district and school websites, and other communications. Outreach shall emphasize the relationship between student health and academic performance.
 - b. The district shall promote a safe, positive school environment as another means of supporting students' physical and mental health. Bullying and harassment of all students is therefore prohibited, as set forth by Berryessa USD Board Policy 5131.2.
 - c. District staff shall serve as positive role models for healthy eating and physical fitness. The Superintendent or designee shall promote work-site wellness activities among employees.

STUDENT WELLNESS (continued)

4. Nutritional Guidelines for Foods Available at School

Foods and beverages available to students during the school day shall meet or exceed state and federal nutrition standards. This includes all foods and beverages provided through the district's nutrition services department, student stores, vending machines, or other venues. Consistent nutrition messages shall be promoted in all marketing, celebrations, fundraising, and rewards.

The district shall follow the state and federal Food and Beverage Restrictions for Elementary School and Middle School that are presented in attached Exhibits A and B, respectively. These nutrition standards shall apply to all entities, including parent/student organizations, teachers, boosters, fundraisers, and the nutrition services department. These standards are in effect from any time before school through 1/2 hour after school, in accordance with the federal Smart Snacks for School and state regulations. Non-compliant foods may be sold from 1/2 hour after school through midnight. These standards will not supercede the law. If a law conflicts with the attached nutrition standards, the law will take the place of nutrition standards.

a. Student Nutrition Services

- (1) The district shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast programs, to the extent possible.
- (2) Student Nutrition Services shall be committed to:
 - Providing children with a wide variety of foods to choose from with a strong emphasis on fresh, healthful, and tasty foods.
 - Maintaining nutritional integrity and food safety.
 - Complying with state and federal regulations.
 - Monitoring student meal preferences on an on-going basis.
 - Providing Child Nutrition staff with training in food safety and preparation of healthy menu items.

b. Schools

- (1) To encourage students to spend more time eating, elementary schools shall schedule lunch periods to follow recess periods, where feasible; if recess is after lunch, schools shall prohibit students from leaving the cafeteria until the lunch period is over.

STUDENT WELLNESS (continued)

- (2) To help protect against foodborne illness, students and staff shall be prohibited from taking school meals off campus to eat, unless it is during a district-approved field trip, as set forth by Berryessa USD Board Policy 3550.

c. Fundraisers

- (1) To support the district's nutrition promotion efforts, school fundraising activities held on campus during the school day will not involve food or will use only foods that meet state and federal child nutrition regulations. The Wellness Committee will disseminate a list of ideas for non-food related fundraising activities to schools.
- (2) Students may receive *compliant* foods and/or beverages from order forms or when redeeming purchased vouchers. If the foods and/or beverages are *noncompliant*, students must collect the foods and/or beverages off school campus or ½ hour after the end of the school day if on school campus.
- (3) All foods or beverages offered for sale at any school on any school day by any student or adult entity or organization must also be approved by the Board of Trustees, as set forth by Berryessa USD Board Policy 3554.

d. Classroom Celebrations and Rewards

- (1) Class parties or celebrations that involve food shall be held after the lunch period and shall be limited to no more than one party per class per month.
- (2) Parents are encouraged to offer healthy food and beverage choices for celebrations. Foods should be commercially purchased and devoid of common allergens, e.g., peanuts, to minimize the risk of food-borne illness and allergic reactions. The Wellness Committee will disseminate a list of healthy party ideas to schools that may be shared with parents.
- (3) Schools shall not use foods or beverages of minimal nutritive value as rewards.

e. Sharing of Foods and Beverages

- (1) Schools should discourage students from sharing their foods or beverages with one another, given the prevalence of food allergies and other dietary restrictions.

STUDENT WELLNESS (continued)

- (2) Schools shall not establish “sharing tables” due to food allergy and food safety concerns.

5. Periodic Assessment and Public Updates

- a. The Superintendent or designee shall inform and update the public about the contents and implementation of this policy and assessment results.
- b. The Superintendent shall designate one or more district or school officials, as appropriate, to ensure that each school site complies with this policy.
- c. The Superintendent or designee shall assess the implementation and effectiveness of this policy and update the Board at least once every two years.
- c. Each school shall post the district’s policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (EC Section 49432).

Note: A copy of the California Department, Nutrition Service Division Guidelines for Student Nutrition is available for reference at the Berryessa Union School District Student Nutrition Services located at 951 Piedmont Road, San Jose, CA 95132 and on the school district website www.berryessa.k12.ca.us, Student Nutrition Services page.

Regulation

approved: May 16, 2006
revised: February 23, 2007
revised: February 14, 2012
revised: February 11, 2014
revised: April 15, 2015
revised:

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

SOCIAL EMOTIONAL LEARNING (SEL)

The Board of Trustees believe in for fostering conditions that enable every school in the Berryessa Union School District to create safe, nurturing learning environments that provide excellent instruction leading to high academic achievement, matriculation to high school and preparation for success in college, career and community for all of its students.

Berryessa Union School District Trustees believe that, foundational to all aspects of the priorities identified in its Strategic Plan, is the development of the social, emotional and physical health of all students and adults in our district. The Superintendent or designee shall strive to have all of our constituents experience a safe, caring, and inclusive environment that is accepting, supportive and respectful within an organization that sets high behavioral and rigorous learning expectations for all.

Social Emotional Learning (SEL) is a process through which children and adults develop the fundamental skills for life effectiveness. These are the skills we all need to handle ourselves, our relationships and our work effectively and ethically. The five SEL skills and competencies are:

- Self-Awareness(labeling one’s feelings; relating feelings and thoughts to behavior; accurate self-assessment of strengths/limitations; self-efficacy; optimism)
- Self Management (regulating one’s emotions; managing stress; self-control; self-motivation; setting and achieving goals)
- Social Awareness(perspective-taking; empathy; understanding the socio-historical context of diversity; understanding social ethical norms for behavior; recognizing family, school and community supports)
- Relationship Skills(building relationships with diverse individuals/groups; communicating clearly; working cooperatively; resolving conflicts; seeking help)
- Responsible Decision Making (considering the well-being of self and others; basing decisions on safety, social and ethical considerations, making constructive, safe choices about self. Relationships and school)

The Board of Trustees hereby establishes intent to:

1. Communicate the shift in our district’s mission that we believe that SEL skills and competencies are integral to meeting needs of the whole child, engaging high quality education and preparing all students for college, career and the community in the 21st century.
2. Implement developmentally, culturally and linguistically appropriate PreK-8 Standards, developed by students and adults, that integrate the social lenses defined by the Berryessa community to include race, class, culture, language, gender, gender identity, sexual orientation, learning needs and age.

SOCIAL EMOTIONAL LEARNING (SEL) (continued)

3. Create an infrastructure that establishes and maintains the conditions to intentionally support the growth and development of SEL skills and competencies for both students and adults across the organization.
 - a. Provide structures and opportunities for ongoing and job embedded professional development and learning for teachers, leaders and staff.
 - b. Provide structures and opportunities for ongoing engagement and training for families and community partners.
4. Communicate expectations that district leadership will demonstrate the intentional practice of SEL skills and competencies
5. Communicate and establish accountability measures that SEL skills and competencies are foundational to creating learning conditions for students and adults and are a key lever to shifting organizational culture.
6. Adopt research and evidenced-based curriculum that is aligned to the SEL Standards, SEL Programs, Common Core Standards, and the Next Generation Science Standards.
7. Create and maintain metrics and an assessment system to measure growth and development of SEL skills.

REFERENCES

Collaborative for Academic, Social, and Emotional Learning. CASEL's SEL core competencies. (2014). Chicago: Authors

Dusenbury, L., Newman, J., Weissberg, R. P., & Mart, A. (2011). State learning standards to advance social and emotional learning: The state scan of social and emotional learning standards, preschool through high school. Chicago: Collaborative for Academic, Social, and Emotional Learning

Dusenbury, L., Newman, J., Weissberg, R. P., Goren, P., Domitrovich, C., & Mart, A. (in press). Developing a blueprint for education in social and emotional learning, preschool through high school: The case for state learning standards. In J. A. Durlak, C. E. Domitrovich, R. P. Weissberg, & T. P. Gullotta (Eds.), Handbook on social and emotional learning: Research and practice. New York: Guilford.

Zinsser, K.M., Weissberg, R.P., Dusenbury, L. (2013). Aligning preschool through high school social and emotional learning standards: A critical (and doable) next step. Chicago: Collaborative for Academic, Social and Emotional Learning.

ADMITTING PUPILS TO KINDERGARTEN AND TO FIRST GRADE

The district admits students, who have established legal residence, to kindergarten as prescribed by the State of California Education Code, Administration Code, and District Administrative Guidelines 5100.

Students are admits to first grade upon successful completion of kindergarten in Berryessa Union School District or another public school in California. Students completing kindergarten in a nonpublic school or in another state shall be admitted to first grade as prescribed by legal state statutes. District procedures shall be consistent in all schools.

Legal Reference:

EDUCATION CODE

46300(G) *Parent Agreement to Kindergarten Retention*

48000 *Minimum Age of Admission*

48002 *Evidence of Minimum Age Required to Enter Kindergarten or First Grade*

48010 *Minimum Age of Admission (First Grade)*

48011 *Admission on completeing kindergarten: Grade Placement of Pupils Coming from Other Districts*

48200 *Children between 6 and 18 years (Compulsory Full-Time Education)*

48204 *Legal iesidence*

CODE OF REGULATION TITLE V

200 *Admittance to First Grade from Kindergarten*

16075 *Signed Kindergarten Retention forms to be kept on file for three years*

ADMITTING PUPILS TO KINDERGARTEN AND TO FIRST GRADE

Admission to Kindergarten

1. Berryessa Union School District has one kindergarten term each school year.
2. A child shall be admitted to kindergarten in Berryessa Union School District at the beginning of the school year (or whenever they move into a district) if they will be five years of age on or before November 1 for the 2012-13 school year, October 1 for the 2013-14 school year and September 1 for the 2014-15 school year and each school year thereafter. Evidence of proof of age shall be in the form of a certified copy of a birth record or a statement by the registrar or county recorder, a baptism certificate, or a passport. An affidavit may be used when all of the other documents are not obtainable.
3. When parents or guardians of a child that is eligible for Kindergarten admission request to enroll their child in the Transitional Kindergarten Program (BP 6170.1), the child's name shall be put on a waiting list. Ranking on the waiting list will be determined by date of request. If space becomes available parents and guardians will be notified.

Admission to First Grade

1. A child who will have reached the age of six (6) years on or before one of the following dates shall be eligible for enrollment in first grade:
 - a. December 2 of the 2011-12 school year.
 - b. November 1 of the 2012-13 school year.
 - c. October 1 of the 2013-14 school year.
 - d. September 1 of the 2014-15 school year and each school year thereafter.

For good cause the Board of Trustees of a school district may permit a child of proper age to be admitted to class after the first school month.

2. A child who has been lawfully admitted to the kindergarten as defined by the State of California, maintained by a private or a public school in California or any other state, and who has completed one year therein shall be admitted to first grade of an elementary school unless the parent or guardian of the child and the school district agree in writing on a form provided by the District that the child may be retained in kindergarten for not more than an additional school year. (Form: Agreement to Retain Pupil in Kindergarten)

ADMITTING PUPILS TO KINDERGARTEN AND TO FIRST GRADE (continued)

3. A child who has been lawfully admitted to a public or private school kindergarten in California or in any other state and who is judged by the administration of the school district, in accordance with rules and regulations adopted by the State Board of Education, to be ready for first grade work may be admitted to the first grade at the discretion of the school administration of the district and with the written consent of the child's parent or guardian under the following conditions:
 - a. The child has attained at least five years of age.
 - b. The child has attended kindergarten for a long enough time to enable school personnel to make an evaluation of the child's ability.
 - c. The child's mental ability is in the upper 5% of the peer group.
 - d. The child's physical development and social maturity are consistent with advanced mental ability.
 - e. The parent or guardian of the child has filed with the school district a written statement approving placement in the first grade
 - f. Written verification of attendance on record from public or nonpublic school kindergarten attended by the pupil shall be provided for the school district by the parents or guardian.
 - g. The school may administer one or more tests to obtain an evaluation of the child's general ability and readiness for first grade.

When a child has been legally enrolled in the public schools of another district within or out of the state, he or she may be admitted to school and placed in the grade of enrollment in the district of former attendance, at the discretion of the school administration of the district.

Regulation
approved: December 11, 1998
revised: February 12, 1991
revised: May 15, 2012
revised:

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

ADMITTING PUPILS TO KINDERGARTEN AND TO FIRST GRADE

AGREEMENT TO RETAIN PUPIL IN KINDERGARTEN

Name of Pupil:

Kindergarten Attendance Anniversary Dated

Date Enrolled in Kindergarten: _____

Name of School District Official

Approving for District: _____

Information for Parent/Guardian:

California law provides that after a child has been lawfully admitted to kindergarten and has attended for a year, the child shall be promoted to the first grade unless the school district and the child's parent/guardian agree to the child's retention in kindergarten for not longer than one additional year. Because kindergarten-age children often do not develop at steady or predictable rates, the California Department of Education recommends that approval to retain not be given until near the anniversary of a child's admittance to kindergarten.

Please check one of the boxes below and sign on space indicated.

☐ I agree to the retention of my child (named above) in kindergarten until

Date: _____ (may not be more than one year beyond anniversary.)

☐ I do not agree to the retention of my child in kindergarten.

Signature of Parent/Guardian: _____

Date: _____

Address: _____

Telephone Number: _____

Signature of Principal: _____

DISTRIBUTION: WHITE: Student Cum File/School YELLOW: Ed. Services/D.O. PINK: Parent

ATTENDANCE. RESIDENT AND NON-RESIDENT STUDENTS

The Board of Trustees believes that all children should have the opportunity to receive educational services and all children residing within the district shall have access to district schools. Nonresident students may be enrolled in any school in the district as provided under district policy on Inter-District Transfer Agreements.

Immigrant children shall not be denied admission on the basis of citizenship or legal resident status.

Children of the homeless shall be admitted with or without a permanent address.

No child shall be admitted to any district school without presentation of a fully documented immunization record and Tuberculosis Mantoux test results as required by law.

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

Legal Reference:

EDUCATION CODE

4801 1. Admission on Completing Kindergarten; Grade Placement of Pupils from Other Districts

48200-48204. Children Between Ages of 6 and 16 Years

46600. Agreements for Admission of Pupils Desiring Interdistrict Attendance

HEALTH AND SAFETY CODE

3380-3390. Immunization Against Communicable Diseases

3400 et seq. Tuberculosis Tests for Pupils

ADMINISTRATIVE CODE. TITLE 17

6000-6075. School Attendance Immunization Requirements

WELFARE AND INSTITUTION CODE

17.1. Residence of Minor

Policy
adopted: August 7, 1975
revised: July 28, 1983
revised: January 15, 1991
revised:

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

ATTENDANCE. RESIDENT AND NON-RESIDENT STUDENTS

A student residing within the district may establish residency by documenting that he/she lives with a parent/guardian within the district or that he/she is in the court-appointed care of a licensed foster home, family home, or children's institution in the district. Students shall also qualify as district residents if legally placed by the parent/guardian into a home located within the district, provided the home is properly licensed or is the home of a relative as defined by the California Administrative Code.

"Relative" is defined as a spouse, parent, step-parent, son, daughter, brother, sister, step-brother, step-sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any such person denoted by the prefix "Grand" or "Great" or the spouse of any of the persons specified, even after the marriage has been terminated by death or dissolution.

Nonimmigrant alien students, children who have entered the country on a nonimmigrant, nonresident tourist visa, may request enrollment in the district.

Homeless children shall be exempt from the proof of residency requirements and shall be admitted to a district school upon presentation of the following:

1. Hotel or motel receipt
2. Social Service Agency letter verifying that the child lives within the district.
3. Affidavit from the parent/guardian stating that the family lives within the district with the purpose of remaining there.

BERRYESSA DISTRICT SCHOOL ATTENDANCE AND REVIEW BOARD (SARB)

The Superintendent shall establish a District School Attendance Review Board pursuant to Education Code Section 48320. The District School Attendance and Review Board shall be governed by its adopted and approved rules and regulations, which shall be consistent with the County SARB rules and regulations. Local SARBS may appeal to the County SARB regarding rules, regulations, and decisions.

Policy
adopted: June 3, 1975
revised: July 28, 1983
revised:

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

BERRYESSA DISTRICT SCHOOL ATTENDANCE AND REVIEW BOARD (SARB)

The District School Attendance and Review Board will attempt to identify and resolve problems of student attendance and behavior in the schools of the District.

1. Students shall be referred to the District SARB only after all of the resources for solving the problem at the school level have been exhausted.
2. Referral to the District SARB shall be accompanied by appropriate documentation of the student's attendance and behavior, and written parental authorization for release of student records to the District SARB.
3. The principal of the school shall be the referring person.
4. The presenter of the case may be the principal or designee.
5. The presenter of the case shall ask that it be placed on the District SARB agenda to review all attempts and resources used for resolution of the situation and to request an evaluation and recommendations for additional alternatives to juvenile court action.

The District School Attendance and Review Board will attempt to identify and resolve problems of student attendance and behavior in the schools of the District.

Membership

The District SARB, in addition to the chairperson, shall include, but need not be limited to, the following persons to be appointed or approved by the Superintendent and the County SARB.

1. One school administrator
2. One middle school parent
3. One middle school teacher
4. One elementary school teacher
5. One elementary school parent
6. One County Child Protective Services Social Worker
7. One member from the County Probation Department and/or the Office of the County Superintendent's Office (County SARB representative)
8. Ex-officio or temporary membership shall be at the discretion of the chairperson as approved by the Superintendent

ADMISSION

The Board of Trustees encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

The Superintendent or designee shall ensure that the enrollment of a homeless or foster child or a child of a military family is not delayed because of outstanding fees or fines owed to the child's last school or for his/her inability to produce previous academic, medical, or other records normally required for enrollment.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

In addition, no child shall be denied enrollment in a district school solely on the basis of his/her arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 6173.3 - Education for Juvenile Court School Students)

The Superintendent or designee shall not inquire into or request documentation of a student's citizenship or immigration status, and shall not deny a student enrollment in a district school on the basis of the citizenship or immigration status of the student or his/her parents/guardians. Any information obtained about a student's or parent/guardian's citizenship or immigration status shall not be shared without parent/guardian consent or a lawful judicial order, in accordance with laws pertaining to the confidentiality of student records.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

ADMISSION (continued)

A student shall not be denied enrollment based on the parent/guardian's refusal to provide the student's or parent/guardian's social security number. During the enrollment process, students and parents/guardians shall be informed that disclosure of their social security number is voluntary. (5 USC 552a Note)

When enrolling in any district school, including a school in their attendance area, children whose parents/guardians reside within district boundaries shall be subject to the timelines established by the Board for open enrollment. Children whose parents/guardians do not reside within the district or who are not otherwise eligible for enrollment in the district may apply for interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5118 - Open Enrollment Act Transfers)

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family. (Education Code 49452.9)

Legal Reference: (see next page)

ADMISSION (continued)

Legal Reference:

EDUCATION CODE

46300 *Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten*

46600 *Agreements for admission of students desiring interdistrict attendance*

48000 *Minimum age of admission (kindergarten)*

48002 *Evidence of minimum age required to enter kindergarten or first grade*

48010 *Minimum age of admission (first grade)*

48011 *Admission from kindergarten or other school; minimum age*

48050-48053 *Nonresidents*

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

48350-48361 *Open Enrollment Act*

48850-48859 *Educational placement of homeless and foster youth*

48645.5 *Enrollment of former juvenile court school students*

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

49408 *Information of use in emergencies*

49452.9 *Health care coverage options and enrollment assistance*

49700-49704 *Education of children of military families*

HEALTH AND SAFETY CODE

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

121475-121520 *Tuberculosis tests for students*

CODE OF REGULATIONS, TITLE 5

200 *Promotion from kindergarten to first grade*

201 *Admission to high school*

CODE OF REGULATIONS, TITLE 17

6000-6075 *School attendance immunization requirements*

UNITED STATES CODE, TITLE 5

552a *Note Refusal to disclose social security number*

UNITED STATES CODE, TITLE 42

11431-11435 *McKinney-Vento Homeless Assistance Act*

COURT DECISIONS

Plyler v. Doe, 457 U.S. 202 (1982)

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS

Fact Sheet: Information on the Rights of All Children to Enroll in School

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <https://www.justice.gov>

ADMISSION

Age of Admittance to Kindergarten and First Grade

At the beginning of each school year, the Superintendent or designee shall enroll any otherwise eligible child who will have his/her fifth or sixth birthday on or before September 1 of that year into kindergarten or first grade, as applicable. (Education Code 48000, 48010)

Any child who will have his/her fifth birthday from September 2 through December 2 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and Board policy. (Education Code 48000)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6170.1 - Transitional Kindergarten)

Documentation of Age/Grade

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age. (Education Code 48002)

Evidence of the child's age may include: (Education Code 48002)

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth
2. A duly attested baptism certificate
3. A passport

When none of the foregoing is obtainable, the parent/guardian may provide any other appropriate means of proving the age of the child. (Education Code 48002)

DISTRICT RESIDENCY

The Board of Trustees desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

DISTRICT RESIDENCY (continued)

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

DISTRICT RESIDENCY (continued)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.2 Evidence of residency

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

48350-48361 Open Enrollment Act transfers

48645.5 Former juvenile court school students, enrollment

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS

Fact Sheet: Information on the Rights of All Children to Enroll in School

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014

WEB SITES

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

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

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

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

U.S. Department of Justice: <https://www.justice.gov>

DISTRICT RESIDENCY**Criteria for Residency**

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

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
3. The student is admitted through an interdistrict attendance option, such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (Education Code 46600, 48204, 48301, 48356)

(cf. 5117 - Interdistrict Attendance)

(cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)
9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within district boundaries. (Education Code 48204.3)

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

DISTRICT RESIDENCY (continued)

Residency Based on Parent/Guardian Employment (Allen Bill Transfers)

District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204)

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Board of Trustees.
3. Other circumstances exist that are not arbitrary.

Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)

Proof of Residency

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt

DISTRICT RESIDENCY (continued)

3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

(cf. 5141 - Health Care and Emergencies)

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

A parent/guardian who is transferred or pending transfer into a military installation within district boundaries shall provide proof of residence within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.3 - Education for Juvenile Court School Students)

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing

DISTRICT RESIDENCY (continued)

residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

(cf. 3580 - District Records)

EXEMPTIONS FROM ATTENDANCE

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

(cf. 5113.1 - Chronic Absence and Truancy)

However, the Superintendent or designee may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student from the school for disciplinary purposes.

(cf. 5111 - Admission)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5112.3 - Student Leave of Absence)

(cf. 5113.2 - Work Permits)

(cf. 5141.22 - Infectious Diseases)

(cf. 5144 - Discipline)

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

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

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

(cf. 6158 - Independent Study)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6200 - Adult Education)

As needed, the Superintendent or designee may require a student or his/her parent/guardian to submit written documentation that the student fulfills one of the conditions specified in law and administrative regulation for which exemption is authorized.

(cf. 5125 - Student Records)

Legal Reference: (see next page)

EXEMPTIONS FROM ATTENDANCE (continued)

Legal Reference:

EDUCATION CODE

33190 Affidavit by persons conducting private school instruction

46100-46147 Minimum school day

46170 Minimum school day, continuation education

48200-48341 Compulsory education law

48400-48454 Compulsory continuation education

48800-48802 Attendance at community college

49110-49119 Permits to work

49130-49135 Permits to work full time

LABOR CODE

1285-1312 Employment of minors

1390-1399 Employment of minors

CODE OF REGULATIONS, TITLE 5

11522 Parental consent for exemption based on high school proficiency certificate

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

COURT DECISIONS

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

Management Resources:

WEB SITES

California Department of Education, Attendance Improvement: <http://www.cde.ca.gov/ls/ai/>

EXEMPTIONS FROM ATTENDANCE

Exemptions from Regular Education Program

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

1. Is being instructed in a private full-time school and the Superintendent or designee verifies that the private school has filed an affidavit pursuant to Education Code 33190 (Education Code 48222, 48223)
2. Is being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year (Education Code 48224)
3. Holds a work permit to work temporarily in the entertainment or allied industries (Education Code 48225, 48225.5)

(cf. 5113.2 - Work Permits)

4. Holds a work permit and attends part-time classes (Education Code 48230)
5. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term (Education Code 48231)

Exemptions from Continuation Education

A student who would otherwise be subject to compulsory continuation education pursuant to Education Code 48400 or 48402 may be exempted if he/she: (Education Code 48410)

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

(cf. 5141.22 - Infectious Diseases)

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

(cf. 6158 - Independent Study)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

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

EXCLUSIONS FROM ATTENDANCE

The Superintendent or designee shall ensure that each child entering a district school at any grade level adheres to district admission requirements and enrollment procedures.

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5116 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5125 - Student Records)

(cf. 5141.3 - Health Examinations)

Mandatory Exclusions

The Superintendent or designee shall not unconditionally admit any student to an elementary or secondary school, preschool, or child care and development program for the first time, nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized in accordance with Health and Safety Code 120335 and BP/AR 5141.31 - Immunizations or is exempted by law.

If a conditionally admitted student has not received required immunizations within 10 days after his/her parent/guardian has been notified of the need to do so, the student shall be excluded until he/she provides written evidence that he/she has received the vaccines due at that time. (Education Code 48216; Health and Safety Code 120335, 120370; 17 CCR 6055)

(cf. 5141.31 - Immunizations)

(cf. 5141.22 - Infectious Diseases)

The Superintendent or designee shall not admit a student who is reasonably suspected of having active tuberculosis. He/she shall be denied admission until the local health officer or licensed medical practitioner informs the district, in writing, that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 121485, 121495, 121505)

(cf. 5141.26 - Tuberculosis Testing)

The Superintendent or designee shall exclude a student who is infected with any contagious or infectious disease. The student shall be permitted to return to school when a medical provider informs the Superintendent or designee in writing that he/she is satisfied that the contagious or infectious disease no longer exists. (Education Code 49451; 5 CCR 202)

The Superintendent or designee shall exclude a student who resides where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed and who is subject to strict isolation or quarantine of contacts, unless written permission of the health officer is provided. (Health and Safety Code 120230)

EXCLUSIONS FROM ATTENDANCE (continued)

Permissive Exclusions

A student may be excluded from attendance at a district school under either of the following circumstances:

1. If there is good cause to believe that the student has been exposed to any disease stated in Health and Safety Code 120335 and his/her documentation of immunization does not show proof of immunization against that disease, the student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120335, 120370)
2. If the student has not had the health screening specified in Health and Safety Code 124040 before or within the first 90 days of attending first grade, he/she may be excluded for up to five days unless the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

(cf. 5141.32 - Health Screening for School Entry)

Notifications to Parents/Guardians

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

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

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

(cf. 5145.6 - Parental Notifications)

EXCLUSIONS FROM ATTENDANCE (continued)

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

Appeals from Exclusion

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

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

Legal Reference:

EDUCATION CODE

48210-48216 *Persons excluded*

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

49408 *Information of use in emergencies*

49451 *Parent's refusal to consent*

HEALTH AND SAFETY CODE

120230 *Exclusion of persons from school*

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

121475-121520 *Tuberculosis tests for students*

124025-124110 *Child Health and Disability Prevention Program*

CODE OF REGULATIONS, TITLE 5

202 *Exclusion of students with a contagious disease*

CODE OF REGULATIONS, TITLE 17

6055 *Exclusion for failure to obtain required immunizations*

Management Resources:

CSBA PUBLICATIONS

Recent Legislation on Vaccines: SB 277, Fact Sheet, August 2015

WEB SITES

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

California Department of Public Health, Immunization Branch:

<http://www.cdph.ca.gov/programs/immunize>

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

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

Regulation
approved:

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

ABSENCES AND EXCUSES

The Board of Trustees believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws and may use appropriate legal means to correct problems of chronic absence or truancy.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5113.1 - Chronic Absence and Truancy)

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

(cf. 6154 - Homework/Makeup Work)

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

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

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule medical and other appointments during non-school hours.

Students shall not be absent from school without their parents/guardians' knowledge or consent, except in cases of medical emergency or, as authorized pursuant to Education Code 46010.1, for a confidential medical appointment.

The Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

Legal Reference: (see next page)

ABSENCES AND EXCUSES (continued)

Legal Reference:

EDUCATION CODE

1740 *Employment of personnel to supervise attendance (county superintendent)*
37201 *School month*
37223 *Weekend classes*
41601 *Reports of average daily attendance*
42238-42250.1 *Apportionments*
46000 *Records (attendance)*
46010-46014 *Absences*
46100-46119 *Attendance in kindergarten and elementary schools*
46140-46147 *Attendance in junior high and high schools*
48200-48208 *Children ages 6-18 (compulsory full-time attendance)*
48210-48216 *Exclusions from attendance*
48240-48246 *Supervisors of attendance*
48260-48273 *Truants*
48292 *Filing complaint against parent*
48320-48324 *School attendance review boards*
48340-48341 *Improvement of student attendance*
48980 *Parental notifications*
49067 *Unexcused absences as cause of failing grade*
49701 *Provisions of the interstate compact on educational opportunities for military children*

ELECTIONS CODE

12302 *Student participation on precinct boards*

FAMILY CODE

6920-6929 *Consent by minor for medical treatment*

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*
11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

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

ATTORNEY GENERAL OPINIONS

87 *Ops.Cal.Atty.Gen.* 168 (2004)
66 *Ops.Cal.Atty.Gen.* 244 (1983)

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010

WEB SITES

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

ABSENCES AND EXCUSES**Excused Absences**

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

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)

(cf. 5112.2 - Exclusions from Attendance)

3. Medical, dental, optometrical, or chiropractic appointment (Education Code 48205)
4. Attendance at funeral services for a member of the immediate family, which shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state (Education Code 48205)

Immediate family shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student's immediate household. (Education Code 45194, 48205)

5. Jury duty in the manner provided by law (Education Code 48205)
6. The illness or medical appointment of a child to whom the student is the custodial parent (Education Code 48205)

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

7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
 - a. Appearance in court
 - b. Attendance at a funeral service
 - c. Observation of a holiday or ceremony of his/her religion
 - d. Attendance at religious retreats for no more than four hours per semester
 - e. Attendance at an employment conference
 - f. Attendance at an educational conference offered by a nonprofit organization on the legislative or judicial process

ABSENCES AND EXCUSES (continued)

8. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code 48205)

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

9. To attend his/her naturalization ceremony to become a United States citizen. (Education Code 48205)
10. Participation in religious exercises or to receive moral and religious instruction in accordance with district policy, subject to the following conditions: (Education Code 46014)
 - a. The student's parent/guardian shall provide written consent for the absence.
 - b. The student shall attend at least the minimum school day.
 - c. The student shall be excused from school for this purpose on no more than four days per school month.

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

Method of Verification

When a student who has been absent returns to school, he/she shall present a satisfactory explanation verifying the reason for the absence within five days. Absences shall be verified by the student's parent/guardian, other person having control of the minor, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee

ABSENCES AND EXCUSES (continued)

- d. Date(s) of absence
 - e. Reason for absence
- 3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.
 - 4. Physician's verification.
 - a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
 - b. If a student shows a pattern of chronic absenteeism due to illness, district staff may require physician verification of any further student absences.

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

- 1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination (Education Code 46014, 48980)
- 2. Notify students and the parents/guardians of all students that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian (Education Code 46010.1)
- 3. Notify parents/guardians that a student shall not have his/her grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and include the full text of Education Code 48205 in the notice (Education Code 48980)

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

(cf. 5145.6 - Parental Notifications)

(cf. 6154 - Homework/Makeup Work)

Regulation
approved:

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

CHRONIC ABSENCE AND TRUANCY

The Board of Trustees believes that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

(cf. 5113 - Absences and Excuses)

(cf. 5113.11 - Attendance Supervision)

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district. He/she shall provide the Board with data on school attendance, chronic absence, and truancy rates districtwide, for each school, and disaggregated for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be used in the development of annual goals and specific actions for student attendance and engagement to be included in the district's local control and accountability plan and other applicable school and district plans.

(cf. 0400 - Comprehensive Plans)

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

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

(cf. 5126 - Awards for Achievement)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.6 - School Health Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

CHRONIC ABSENCE AND TRUANCY (continued)

The Superintendent or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy.

Interventions for students with serious attendance problems shall be designed to meet the specific needs of the student and may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The Superintendent or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make alternative educational programs and support services available for students and families.

(cf. 1020 - Youth Services)
(cf. 5030 - Student Wellness)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 6158 - Independent Study)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6175 - Migrant Education Program)
(cf. 6179 - Supplemental Instruction)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

Students who are identified as truant shall be subject to the interventions specified in law and administrative regulation.

(cf. 5113.12 - District School Attendance Review Board)

A student's truancy, tardiness, or other absence from school shall not be the basis for his/her suspension or expulsion. Alternative strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

CHRONIC ABSENCE AND TRUANCY (continued)

The Superintendent or designee shall periodically report to the Board regarding the district's progress in improving student attendance rates for all students and for each numerically significant student population. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

*Legal Reference:*EDUCATION CODE*1740-1742 Employment of personnel to supervise attendance (county superintendent)**37223 Weekend classes**46000 Records (attendance)**46010-46014 Absences**46110-46119 Attendance in kindergarten and elementary schools**46140-46147 Attendance in junior high and high schools**48200-48208 Children ages 6-18 (compulsory full-time attendance)**48225.5 Work permits, entertainment and allied industries**48240-48246 Supervisors of attendance**48260-48273 Truants**48290-48297 Failure to comply; complaints against parents**48320-48325 School attendance review boards**48340-48341 Improvement of student attendance**48400-48403 Compulsory continuation education**48900 Suspension and expulsion**49067 Unexcused absences as cause of failing grade**52052 Academic Performance Index; numerically significant student subgroups**60901 Chronic absence*GOVERNMENT CODE*54950-54963 The Ralph M. Brown Act*PENAL CODE*270.1 Chronic truancy; parent/guardian misdemeanor**272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy**830.1 Peace officers*VEHICLE CODE*13202.7 Driving privileges; minors; suspension or delay for habitual truancy*WELFARE AND INSTITUTIONS CODE*256-258 Juvenile hearing officer**601-601.4 Habitually truant minors**11253.5 Compulsory school attendance*CODE OF REGULATIONS, TITLE 5*306 Explanation of absence**420-421 Record of verification of absence due to illness and other causes*COURT DECISIONS*L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976*

CHRONIC ABSENCE AND TRUANCY (continued)

Management Resources:

CSBA PUBLICATIONS

Attendance Awareness Month, Fact Sheet, September 2014

ATTENDANCE WORKS PUBLICATIONS

Count Us In! Working Together to Show that Every School Day Matters, 2014

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook: A Road Map for Improved School Attendance and Behavior, 2015

School Attendance Improvement Handbook, 2000

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

CHRONIC ABSENCE AND TRUANCY**Definitions**

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901)

Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian after either of the two previous reports. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260, 48260.5, 48261, 48262, 48263, and 48291. (Education Code 48263.6)

For purposes of classifying a student as a truant, *valid excuse* includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5. A valid excuse may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

(cf. 5113 - Absences and Excuses)

(cf. 5113.2 - Work Permits)

Addressing Chronic Absence

When a student is identified as a chronic absentee, the Superintendent or designee shall communicate with the student and his/her parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

(cf. 5113.11 - Attendance Supervision)

(cf. 6020 - Parent Involvement)

CHRONIC ABSENCE AND TRUANCY (continued)

The student may be referred to a student success team or school-site attendance review team to assist in evaluating his/her needs and identifying strategies and programs to assist him/her.

(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6175 - Migrant Education Program)

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

(cf. 6158 - Independent Study)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6178.1 - Work-Based Learning)
(cf. 6179 - Supplemental Instruction)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)

Whenever chronic absenteeism is linked to a health issue or nonschool condition, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.

(cf. 1020 - Youth Services)
(cf. 5141.6 - School Health Services)

Addressing Truancy

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

(cf. 3515.3 - District Police/Security Department)

CHRONIC ABSENCE AND TRUANCY (continued)

The Superintendent or designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of trancies he/she has committed:

1. Initial truancy

- a. The student shall be reported to the Superintendent or designee. (Education Code 48260)
- b. The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)

- (1) The student is truant.
- (2) The parent/guardian is obligated to compel the student to attend school. If the parent/guardian fails to meet this obligation, he/she may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
- (3) Alternative educational programs are available in the district.
- (4) The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
- (5) The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or designee, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.
- (6) The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.

CHRONIC ABSENCE AND TRUANCY (continued)

- (7) It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

(cf. 5145.6 - Parental Notifications)

- c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
 - d. The student and, as appropriate, his/her parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)
 - e. The Superintendent or designee may notify the district attorney and/or probation officer of the student's name and the name and address of his/her parents/guardians. (Education Code 48260.6)
2. Second truancy
- a. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year. (Education Code 48261)
 - b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
 - c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)
 - d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and his/her parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)
 - e. The student and parent may be given a written contract by the site administrator. A record of that contract may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

CHRONIC ABSENCE AND TRUANCY (continued)

- f. The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)
- 3. Third truancy (habitual truancy)
 - a. A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. (Education Code 48263, 48264.5)

(cf. 5113.12 - District School Attendance Review Board)

 - b. Upon making a referral to the SARB or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)
 - c. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)
 - d. I
f the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or his/her parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer. (Education Code 48263)

CHRONIC ABSENCE AND TRUANCY (continued)

4. Fourth truancy
 - a. Upon his/her fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)
 - b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)
5. Chronic truancy (unexcused absence for 10 percent of school days)
 - a. The Superintendent or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.
 - b. If a chronically truant student is at least age six years and is in any of grades K-8, the Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

Records

The Superintendent or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. The Superintendent or designee also shall document all contacts with a student and his/her parent/guardian regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

(cf. 5125 - Student Records)

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

Regulation
approved:

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

ATTENDANCE SUPERVISION

The Superintendent or designee shall appoint an attendance supervisor and any assistant attendance supervisor(s) as may be necessary to supervise the attendance of district students. (Education Code 48240)

The Superintendent or designee shall ensure that any person appointed as an attendance supervisor has been certificated for the work by the County Board of Education. (Education Code 48241, 48245)

Such supervisors shall perform duties related to compulsory full-time education, truancy, compulsory continuation education, work permits, and any additional duties prescribed by the Superintendent or designee. (Education Code 48240)

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.2 - Work Permits)

(cf. 6184 - Continuation Education)

The attendance supervisor shall promote a culture of attendance and establish a system to accurately track student attendance in order to achieve all of the following: (Education Code 48240)

1. Raise the awareness of school personnel, parents/guardians, caregivers, community partners, and local businesses of the effects of chronic absenteeism and truancy and other challenges associated with poor attendance
2. Identify and respond to grade level or student subgroup patterns of chronic absenteeism or truancy

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

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

(cf. 6175 - Migrant Education Program)

3. Identify and address factors contributing to chronic absenteeism and habitual truancy, including suspension and expulsion

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

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

4. Ensure that students with attendance problems are identified as early as possible to provide applicable support services and interventions

ATTENDANCE SUPERVISION (continued)

5. Evaluate the effectiveness of strategies implemented to reduce chronic absenteeism rates and truancy rates

(cf. 0500 - Accountability)

The attendance supervisor may provide support services and interventions, including, but not limited to, the following: (Education Code 48240)

1. A conference between school personnel, the student's parent/guardian, and the student
2. Promotion of cocurricular and extracurricular activities that increase student connectedness to school, such as tutoring, mentoring, the arts, service learning, or athletics

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.6 - Visual and Performing Arts)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

3. Recognition of students who achieve excellent attendance or demonstrate significant improvement in attendance

(cf. 5126 - Awards for Achievement)

4. Referral of the student to a school nurse, school counselor, school psychologist, school social worker, and other student support personnel for case management and counseling

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

5. Collaboration with child welfare services, law enforcement, courts, public health care agencies, government agencies, or medical, mental health, and oral health care providers to receive necessary services

(cf. 1020 - Youth Services)

6. Collaboration with school study teams, guidance teams, school attendance review teams, or other intervention-related teams to assess the attendance or behavior problem in partnership with the student and his/her parents/guardians or caregivers

(cf. 6164.5 - Student Success Teams)

ATTENDANCE SUPERVISION (continued)

7. In schools with significantly higher rates of chronic absenteeism, identification of barriers to attendance that may require schoolwide strategies rather than case management
8. Referral of the student for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program for a student with disabilities or creating a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973

(cf. 6159 - Individualized Education Program)

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

9. Referral of the student to a school attendance review board established pursuant to Education Code 48321 or to the probation department pursuant to Education Code 48263

(cf. 5113.12 - District School Attendance Review Board)

10. Referral of the student to a truancy mediation program operated by the county's district attorney or probation officer pursuant to Education Code 48260.6

The attendance supervisor shall annually report student attendance data to the Superintendent or designee and the Board of Trustees. Such data shall include, by school, grade level, and each numerically significant student subgroup as defined in Education Code 52052, rates of school attendance, chronic absence in which students are absent on 10 percent or more of the school days in the school year, and dropout.

(cf. 5147 - Dropout Prevention)

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

37223 Weekend classes

46000 Records (attendance)

46010-46014 Absences

46110-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

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

48240-48246 Supervisors of attendance

48260-48273 Truants

48290-48297 Failure to comply; complaints against parents

48320-48325 School attendance review boards

48340-48341 Improvement of student attendance

48400-48403 Compulsory continuation education

52060-52077 Local control and accountability plan

60901 Chronic absence

PENAL CODE

ATTENDANCE SUPERVISION (continued)

Legal Reference (Continued)

270.1 Chronic truancy; parent/guardian misdemeanor

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, 2015

School Attendance Improvement Handbook, 2000

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

DISTRICT SCHOOL ATTENDANCE REVIEW BOARD

The Board of Trustees recognizes that poor school attendance and behavior problems negatively impact student achievement and put students at greater risk of dropping out of school. The Superintendent or designee shall establish a comprehensive and integrated system for the early identification of attendance problems and shall implement strategies to encourage students' attendance. After other interventions have been exhausted, students with a pattern of unexcused absences may be referred to a school attendance review board (SARB), in accordance with applicable law, in order to receive intensive guidance and assistance.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5113.11 - Attendance Supervision)
(cf. 5147 - Dropout Prevention)

The SARB shall maintain a continuing inventory of community resources, including alternative educational programs.

The Superintendent or designee shall collaborate with the SARB and appropriate community agencies, including, but not limited to, law enforcement agencies, child welfare agencies, and health services, to provide school-based and/or community-based interventions tailored to the specific needs of the student.

(cf. 1020 - Youth Services)
(cf. 5030 - Student Wellness)
(cf. 5126 - Awards for Achievement)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5141.6 - School Health Services)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6158 - Independent Study)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6175 - Migrant Education Program)
(cf. 6179 - Supplemental Instruction)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

DISTRICT SCHOOL ATTENDANCE REVIEW BOARD (continued)

The Board shall appoint members to the district's SARB, who may include a parent/guardian as well as representatives of various agencies including, but not limited to, school districts; the county probation department; the county welfare department; the County Superintendent of Schools; law enforcement agencies; community-based youth service centers; school guidance personnel; child welfare and attendance personnel; school or county health care personnel; school, county, or community mental health personnel; the county district attorney's office; and the county public defender's office. (Education Code 48321)

The district's SARB shall provide support to improve student attendance and behavior through proactive efforts focused on building positive school environments and improved school connectedness, early identification and immediate intervention to re-engage students with poor attendance or behavior, and intensive intervention with students and families to address severe or persistent attendance or behavior issues.

The district's SARB shall operate in accordance with Education Code 48320-48325, the Brown Act (Government Code 54950-54963), and the bylaws of the SARB.

The SARB shall collect data and annually report outcomes on SARB referrals to the Board of Trustees, Superintendent or designee, and County Superintendent of Schools. (Education Code 48273)

Legal Reference:

EDUCATION CODE

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

1980-1986 *County community school*

46010-46014 *Absences*

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

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48290-48297 *Failure to comply; complaints against parents*

48320-48325 *School attendance review boards*

48340-48341 *Improvement of student attendance*

48400-48403 *Compulsory continuation education*

48660-48666 *Community day school*

49067 *Unexcused absences as cause of failing grade*

CODE OF CIVIL PROCEDURE

1985-1997 *Production of evidence; means of production*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

270.1 *Chronic truancy; parent/guardian misdemeanor*

272 *Parent/guardian duty to supervise and control minor child; criminal liability for truancy*

830.1 *Peace officers*

VEHICLE CODE

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

DISTRICT SCHOOL ATTENDANCE REVIEW BOARD (continued)

Legal Reference (Continued)

WELFARE AND INSTITUTIONS CODE

256-258 Juvenile hearing officer

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

COURT DECISIONS

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook: A Road Map for Improved School Attendance and Behavior, 2015

School Attendance Improvement Handbook, 2000

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

DISTRICT SCHOOL ATTENDANCE REVIEW BOARD

Upon receiving a referral of a student with attendance and/or behavior problems, a designated member of the school attendance review board (SARB) shall review the case and may meet with school personnel to determine whether the school has provided sufficient information about the student's attendance record or behavior. If the referral is complete and is an appropriate matter for the SARB to consider, the SARB chairperson shall provide written notification to the student's parents/guardians stating the reasons a referral has been made and explaining the SARB process.

The SARB shall meet with the student and his/her parents/guardians, give them an opportunity to present their understanding of the problem, and discuss the school and/or community resources appropriate for the student's circumstances.

Any SARB meeting to consider matters related to an individual student shall be held in closed session unless the parent/guardian requests, in writing, that the meeting be held in open session.

(cf. 9321 - Closed Session Purposes and Agendas)

The SARB shall have access to relevant student records, but shall not provide access to others without written consent of the student's parent/guardian. (Education Code 49076)

(cf. 5125 - Student Records)

For the limited purpose of making a proper disposition of the referral of a student, the SARB may issue subpoenas pursuant to Code of Civil Procedure 1985-1997 or may request the juvenile court to issue subpoenas to require the attendance of the student, parents/guardians or other person having control of the student, the school authority referring the student, or any other person who has pertinent or material information concerning the matter. The SARB shall not issue any subpoena that includes a request for production of written materials, but may request a juvenile court to issue such subpoena for the production of written materials. (Education Code 48263, 48321.5)

The SARB shall issue written directives stating the responsibilities of all persons involved, detailed resource referrals, and follow-up dates for the school's reports on the student's progress. The written directives shall include an agreement that the student will attend school or improve classroom behavior as applicable, and shall be signed by the student, his/her parents/guardians, the SARB chairperson, and the Superintendent or designee.

DISTRICT SCHOOL ATTENDANCE REVIEW BOARD (continued)

When referred by the SARB, a student may be assigned to a community day school or a county community school. (Education Code 1981, 48662)

(cf. 6185 - Community Day School)

At any time it deems proper, the SARB may require the student or his/her parents/guardians to furnish satisfactory evidence of participation in any available community services that the student or parents/guardians have been directed to use. (Education Code 48263)

Based on progress reports submitted by the school, the SARB may terminate the agreement upon the successful completion of the terms of the agreement, extend the time for completion of the agreement, or schedule another meeting with the student and his/her parents/guardians.

If the student's attendance or behavior problems cannot be resolved by the SARB, or if the student and/or the student's parents/guardians continually and willfully fail to respond to SARB directives or the services provided, the student or parents/guardians shall be referred to the appropriate agency, including law enforcement agencies when necessary. (Education Code 48263, 48290-48291)

Regulation
approved:

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

SCHOOL ATTENDANCE BOUNDARIES

The Board of Trustees shall establish school attendance boundaries in order to maximize the efficient use of district facilities and effective administration of district schools. The Superintendent or designee shall periodically review school attendance boundaries and, as necessary, make recommendations to the Board for boundary adjustments.

When reviewing school attendance boundaries, the Superintendent or designee shall consider the following factors:

1. School enrollment data, including declining enrollment patterns
2. Facility capacity and design, including potential commercial and residential developments
3. School feeder patterns, including maintaining, to the extent practicable, continuity of student attendance
4. Federal, state, or court mandates
5. Community input
6. Student safety
7. Geographic features of the district, including traffic patterns
8. Educational programs, such as magnet schools and charter schools

(cf. 7160 - Charter School Facilities)

9. Other factors

(cf. 5116.1- Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

In order to alleviate overcrowding, the Superintendent or designee may place some students in a school outside of their attendance area. Parents/guardians of students who are attending schools outside of their attendance area shall be notified of the school their child will be attending as soon as possible.

(cf. 3541 - Transportation Routes and Services)

Legal Reference: (see next page)

SCHOOL ATTENDANCE BOUNDARIES (continued)

Legal Reference:

EDUCATION CODE

35160 Authority of Board of Trustees

35160.1 Broad authority of school districts

35160.5 District policies; rules and regulations

35291 Rules

35350 Transportation of students

35351 Assignment of students to particular schools

GOVERNMENT CODE

53311-53317.5 Establishment of community facilities district

CALIFORNIA CONSTITUTION

Article I, Section 31 Discrimination based on race, sex, color, ethnicity

COURT DECISIONS

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

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

Jackson v. Pasadena City School District (1963) 59 Cal.2d 876

Management Resources:

WEB SITES

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

INTRADISTRICT OPEN ENROLLMENT

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

(cf. 5117 - Interdistrict Attendance)

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

(cf. 5111.1 - District Residency)

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

Enrollment Priorities

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

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

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

(cf. 5118 - Open Enrollment Act Transfers)

2. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

3. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
4. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

INTRADISTRICT OPEN ENROLLMENT (continued)

- a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist
 - b. A court order, including a temporary restraining order and injunction
- 5. Any sibling of a student already in attendance in that school
 - 6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between January 1st - February 28th of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5) Once an intradistrict transfer has been granted, the student is allowed to remain at their requested school until the highest grade level at that site. Once an approved elementary intradistrict transferred students reaches the highest grade level (5th grade), the student will automatically be enrolled in their original resident elementary school's assigned feeder middle school.

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants.

(cf. 6172 - Gifted and Talented Student Program)

Transportation

Except as required for students who transferred out of a Title I program improvement school, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

INTRADISTRICT OPEN ENROLLMENT (continued)

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

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

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6311 State plans

7912 Transfers from persistently dangerous schools

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Unsafe School Choice Option, May 2004

WEB SITES

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

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

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

INTRADISTRICT OPEN ENROLLMENT**Transfers for Victims of a Violent Criminal Offense**

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

(cf. 0450 - Comprehensive Safety Plan)

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

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

INTRADISTRICT OPEN ENROLLMENT (continued)

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

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

(cf. 5117 - Interdistrict Attendance)

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.
2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur. Late applicants shall not be added to the waiting list for the current year.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

INTRADISTRICT OPEN ENROLLMENT (continued)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5118 - Open Enrollment Act Transfers)

2. Program options offered within local attendance areas

3. A description of any special program options available on both an interdistrict and intradistrict basis

4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied

5. A district application form for requesting a change of attendance

6. The explanation of attendance options under California law as provided by the CDE

(cf. 5145.6 - Parental Notifications)

INVOLUNTARY STUDENT TRANSFERS

The Board of Trustees desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5116.1 - Intradistrict Open Enrollment)

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

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

(cf. 6173.3 - Education for Juvenile Court School Students)

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

Students Convicted of Violent Felony or Misdemeanor

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6164.2 - Guidance and Counseling Services)

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

INVOLUNTARY STUDENT TRANSFERS (continued)

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Other Involuntary Transfers

Students may be involuntarily transferred under the following circumstances:

If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6185 - Community Day School)

Legal Reference: (see next page)

INVOLUNTARY STUDENT TRANSFERS (continued)

Legal Reference:

EDUCATION CODE

35146 *Closed sessions; student matters*

48430-48438 *Continuation classes, especially:*

48432.5 *Involuntary transfer to continuation school*

48660-48666 *Community day schools, especially:*

48662 *Involuntary transfer to community day school*

48900 *Grounds for suspension and expulsion*

48929 *Transfer of student convicted of violent felony or misdemeanor*

48980 *Notice at beginning of term*

PENAL CODE

667.5 *Violent felony, definition*

29805 *Misdemeanors involving firearms*

WELFARE AND INSTITUTIONS CODE

300 *Minors subject to jurisdiction*

602 *Minors violating laws defining crime; ward of court*

Management Resources:

WEB SITES

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

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

INTERDISTRICT ATTENDANCE

The Board of Trustees recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

(cf. 5111.1 - District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5118 - Open Enrollment Act Transfers)

Interdistrict Attendance Permits

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

*Legal Reference:***EDUCATION CODE**

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48317 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

ATTORNEY GENERAL OPINIONS

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

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

COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234

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

INTERDISTRICT ATTENDANCE (continued)

Management Resources:

WEB SITES

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

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

INTERDISTRICT ATTENDANCE**Interdistrict Attendance Permits**

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a student's attendance outside his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance.

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

1. When the student has been determined by staff of either the district of residence or district of proposed attendance to be a victim of an act of bullying as defined in Education Code 48900(r). Such a student shall be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, shall be given consideration for the creation of a new permit. (Education Code 46600)

(cf. 5131.2 - Bullying)

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

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

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

(cf. 5145.6 - Parental Notifications)

Pending a decision by the two districts or an appeal by the County Board, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months. (Education Code 46603)

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

(cf. 5119 - Students Expelled from Other Districts)

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

INTERDISTRICT ATTENDANCE (continued)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

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

(cf. 6146.3 - Reciprocity of Academic Credit)

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

Transfers Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

(cf. 3100 - Budget)

INTERDISTRICT ATTENDANCE (continued)

3. The Board determines that the transfer would negatively impact any of the following:
(Education Code 48307)
 - a. A court-ordered desegregation plan
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
 - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

STUDENTS EXPELLED FROM OTHER DISTRICTS

The Board of Trustees may grant admission to students expelled from other districts in accordance with law and when consistent with the Board's goal to provide a safe and secure environment for students and staff.

(cf. 0450 - Comprehensive Safety Plan)

If a student expelled from another district is granted enrollment, in accordance with the procedures specified below, he/she shall either establish legal residence in this district or enroll pursuant to an interdistrict attendance agreement. (Education Code 48915.1, 48915.2)

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance)

Enrollment During the Term of the Expulsion

The district shall not enroll a student expelled by another district for any of the offenses listed in Education Code 48915(a) or (c) (mandatory expulsion offenses) during the term of the student's expulsion, unless the enrollment is at a community day school. (Education Code 48915.2)

Upon receiving a request for enrollment from a student expelled from another district for acts other than those specified in Education Code 48915(a) or (c), the Board shall hold a hearing to determine whether the student poses a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.1)

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

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

If the Board finds that a student expelled for acts other than those specified in Education Code 48915(a) or (c) does not pose a continuing danger to students or staff, the student may be admitted or conditionally admitted during the term of expulsion. If the Board determines that the student does pose a continuing danger to students or staff, the student shall not be admitted. (Education Code 48915.1)

(cf. 5145.6 - Parental Notifications)

STUDENTS EXPELLED FROM OTHER DISTRICTS (continued)

Enrollment After the Term of the Expulsion

A student expelled for an act specified in Education Code 48915(a) or (c) may enroll in the district after the term of his/her expulsion if the Board finds, at a hearing, that the student does not pose a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.2)

A student expelled for any act other than those specified in Education Code 48915(a) or (c) may request enrollment after the term of his/her expulsion in accordance with the district's procedures for establishing residency or interdistrict transfer.

Legal Reference:

EDUCATION CODE

46600 Agreements for interdistrict attendance

46601 Failure to approve interdistrict attendance; expulsion prohibiting appeal

48200 Compulsory attendance

48645.1 Juvenile court school

48660-48666 Community day schools

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48915.2 Expelled student; enrollment during and after period of expulsion

48918 Rules governing expulsion procedures

Management Resources:

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

The Superintendent or designee shall establish a uniform grading system that shall be applied to all students in that course and grade level. Teachers shall inform students and parents/guardians how academic performance will be evaluated in the classroom.

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

A teacher shall base a student's grades solely on the quality of the student's academic work and his/her mastery of course content based on district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, including, but not limited to, tests, projects, portfolios, and/or class discussion as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment.

(cf. 6154 - Homework/Makeup Work)

Students in grades K-3 shall receive progress reports at the end of each grading period.

At all grade levels, report cards may include reports of student progress on specific academic standards applicable to the course and grade level.

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

A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

(cf. 5125.3 - Challenging Student Records)

Legal Reference:

EDUCATION CODE

48070 Promotion and retention

48205 Excused absences

48800-48802 Enrollment of gifted students in community college

48904-48904.3 Withholding grades, diplomas, or transcripts

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding student's achievement

49069.5 Students in foster care, grades and credits

51242 Exemption from physical education based on participation in interscholastic athletics

69432.9 Cal Grant program; notification of grade point average

76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

10060 Criteria for reporting physical education achievement, high schools

30008 Definition of high school grade point average for student aid eligibility

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

COURT DECISIONS

Owasso Independent School District v. Falvo, (2002) 534 U.S. 426

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

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

Johnson v. Santa Monica-Malibu Unified School District Board of Education, (1986) 179 Cal.App.3d 593

Management Resources:

CSBA PUBLICATIONS

Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE

Report Cards and Transcripts for Students with Disabilities, October 17, 2008

WEB SITES

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

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

California Student Aid Commission: <http://www.csac.ca.gov>

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

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

The Superintendent or designee shall inform teachers of the district's policy regarding grading, including expectations that grades shall be based on factors that directly measure students' knowledge and skills in the content area and shall not include nonacademic factors.

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

(cf. 6020 - Parent Involvement)

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

(cf. 5123 - Promotion/Acceleration/Retention)

Grades for Physical Education

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

(cf. 6142.7 - Physical Education and Activity)

Grade Point Average

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "Grades for Academic Performance" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed.

(cf. 5126 - Awards for Achievement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

PROMOTION/ACCELERATION/RETENTION

The Board of Trustees expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

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

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

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

(cf. 6162.52 - High School Exit Examination)

(cf. 6170.1 - Transitional Kindergarten)

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

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

Social-emotional maturity; formative and summative assessments; fine motor skills

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

PROMOTION/ACCELERATION/RETENTION (continued)

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

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

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

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

When any student in grades 2-9 is retained or recommended for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. The Superintendent or designee also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention. (Education Code 37252.2, 37252.8, 48070.5)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

Legal Reference: (see next page)

PROMOTION/ACCELERATION/RETENTION (continued)

Legal Reference:

EDUCATION CODE

37252-37254.1 *Supplemental instruction*

46300 *Method of computing average daily attendance*

48010 *Admittance to first grade*

48011 *Promotion/retention following one year of kindergarten*

48070-48070.5 *Promotion and retention*

56345 *Elements of individualized education plan*

60640-60649 *California Assessment of Student Performance and Progress*

60850-60859 *Exit examination*

CODE OF REGULATIONS, TITLE 5

200-202 *Admission and exclusion of students*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEB SITES

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

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

PROMOTION/ACCELERATION/RETENTION**Acceleration from Kindergarten to First Grade**

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code 48010, 48011)

(cf. 5111 - Admission)

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: (Education Code 48011; 5 CCR 200)

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

Continuation in Kindergarten

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300, 48011)

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.

Retention at Other Grade Levels

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student shall be retained in his/her current grade level unless the student's regular classroom teacher

PROMOTION/ACCELERATION/RETENTION (continued)

determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

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

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

The criteria and procedures for retention do not necessarily apply to children identified for special education programs and/or are English Language Learners. Students who are making progress towards their goals and objectives identified on their Individualized Education Plan (IEP) shall be promoted.

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

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

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.

Appeal Process

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. (Education Code 48070.5)

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

PROMOTION/ACCELERATION/RETENTION (continued)

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

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)