

**CLASS SIZE**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent/Principal or designee.

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

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

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

The Superintendent/Principal or designee shall regularly submit reports that will enable the Board to evaluate the effectiveness of the class size reduction program and its impact on student achievement and on the attainment of the district's goals. These reports shall also include an analysis of the impact of class size reduction on staffing and school facilities needs.

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

*(cf. 0500 - Accountability)*

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

*(cf. 7111 - Evaluating Existing Buildings)*

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

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

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

*(cf. 6159 - Individualized Education Program)*

In accordance with law, the Superintendent/Principal or designee shall ensure that the teachers of classes in the class size reduction program receive training designed to help them to maximize the educational advantages of class size reduction.

*(cf. 4131 - Staff Development)*

**CLASS SIZE** (continued)

If it becomes necessary to consider reducing or eliminating certain grade levels from participation in the class size reduction program, the Superintendent/Principal or designee shall prepare a report analyzing the potential impact of the program's elimination, including the effects on the district's budget, transportation, facilities, staffing and collective bargaining agreement, as well as the potential impact on student achievement and learning. He/she shall present recommendations to the Board in accordance with the priorities specified in law.

*Legal Reference:*

EDUCATION CODE

17042 Rules for determining area of adequate school construction; exceptions

17042.7 Formula for calculation

33050 Nonwaivable provisions

35160 Authority of the board

41375 Legislative intent encouraging reduction in class size

41376 Minimum class size standards

41378 Apportionments and allowances, kindergarten classes

42280 Necessary small schools

46205 Computation for early-late programs

51225.3 Graduation requirements

52080-52090 Morgan-Hart Class Size Reduction Act

52120-52128.5 Class Size Reduction program

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

15103 Definitions

15130-15133 Class size reduction program K-3

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Frequently Asked Questions, K-3 Class Size Reduction Program, revised July 2005

WEB SITES

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

California Department of Education, class size reduction: <http://www.cde.ca.gov/ls/cs/>

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

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

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

In order to maximize the educational advantages of smaller classes, training shall be provided to teachers providing direct instructional services in classes participating in the district's class size reduction program. This training shall include, but not be limited to, methods for providing each of the following: (Education Code 52127)

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

*(cf. 4131 - Staff Development)*

**CLASS ASSIGNMENT**

The Board of Trustees believes students should be assigned to classes and/or grouped in a manner that provides the most effective learning environment for all students.

When assigning students to specific classes, the Superintendent/Principal or designee may consider the following criteria:

1. Staff recommendation, including, but not limited to, the recommendations of teachers and counselors
2. Skills and classroom management style of individual teachers
3. Student skill level as indicated by achievement and testing data

*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 6162.51 - Standardized Testing and Reporting Program)*

4. Balance of high, medium, and low academic achievers
5. Student interests, readiness, behavior, and motivation
6. Student/teacher ratios and, if relevant, class size reduction considerations

*(cf. 6151 - Class Size)*

The Superintendent/Principal or designee may accept from parents/guardians any information which would be helpful in making placement decisions. However, a parent/guardian who provides such information shall be informed that a request for a specific teacher shall be one of many factors which may be taken into account when determining his/her child's placement.

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

*Legal Reference: (see next page)*

**CLASS ASSIGNMENT** (continued)

*Legal Reference:*

EDUCATION CODE

35020 Duties of employees fixed by governing board

35160 Authority of the board

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Elementary Makes the Grade!*, 2000

WEB SITES

California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>

National Association for the Education of Young Children: <http://www.naeyc.org>

**SCHOOL-SPONSORED TRIPS**

The Board of Trustees recognizes that school-sponsored trips are an important component of a student's development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the district's course of study or school-related social, educational, cultural, athletic, school band activities, or other extracurricular or cocurricular activities. A field trip to a foreign country may be permitted to familiarize students with the language, history, geography, natural science, and other studies relative to the district's course of study.

*(cf. 6143 - Courses of Study)*

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

*(cf. 6145.2 - Athletic Competition)*

Requests for school-sponsored trips involving out-of-state, out-of-country, or overnight travel shall be submitted to the Superintendent/Principal or designee. The Superintendent/Principal or designee shall review the request and make a recommendation to the Board as to whether the request should be approved by the Board. All other school-sponsored trips shall be approved in advance by the Superintendent/Principal.

*(cf. 3312.2 - Educational Travel Program Contracts)*

The Superintendent/Principal shall establish a process for approving a staff member's request to conduct a school-sponsored trip. When planning trips, staff shall consider student safety, objectives of instruction, the most effective use of instructional time, the distance from school, district and student expense, and transportation and supervision requirements. The Superintendent/Principal may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.

*(cf. 3530 - Risk Management/Insurance)*

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

*(cf. 5142 - Safety)*

*(cf. 5143 - Insurance)*

*(cf. 5144 - Discipline)*

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

No field trip shall be authorized if any student would be excluded from participation because of a lack of sufficient funds. The Superintendent/Principal or designee shall coordinate with community groups to supply funds for students in need. (Education Code 35330)

*(cf. 1230 - School-Connected Organizations)*

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

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

District funds shall not be used to pay student expenses for out-of-state or out-of-country field trips or excursions. However, expenses of instructors, chaperones, and other personnel participating in such trips, as well as incidental expenses for the use of district equipment during the trip, may be paid from district funds. (Education Code 35330)

**SCHOOL-SPONSORED TRIPS** (continued)

*Legal Reference:*

EDUCATION CODE

8760 *Authorization of outdoor science and conservation programs*

32040-32044 *First aid equipment: field trips*

35330 *Excursions and field trips*

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

35332 *Transportation by chartered airline*

35350 *Transportation of students*

44808 *Liability when pupils not on school property*

48908 *Duties of pupils; authority of teachers*

BUSINESS AND PROFESSIONS CODE

17540 *Travel promoters*

17550-17550.9 *Sellers of travel*

17552-17556.5 *Educational travel organizations*

*Management Resources:*

WEB SITES

*American Red Cross: <http://www.redcross.org>*

*California Association of Directors of Activities: <http://www.cada1.org>*

*U.S. Department of Homeland Security: <http://www.dhs.gov>*

**SCHOOL-SPONSORED TRIPS**

**Supervision**

Students on school-sponsored trips are under the jurisdiction of the district and shall be subject to district and school rules and regulations.

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5144 - Discipline)*

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

The Superintendent/Principal or designee shall ensure that adequate supervision is provided on all school-sponsored trips and that there is an appropriate ratio of adults to students present on the trip. If the trip involves water activities, this ratio shall be revised as necessary.

**Parent/Guardian Permission**

Before a student can participate in a school-sponsored trip, the teacher shall obtain parent/guardian permission for the trip. Whenever a trip involves water activities, the parent/guardian shall provide specific permission for his/her child to participate in the water activities. The district shall provide an alternative educational experience for students whose parents/guardians do not wish them to participate in a trip.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents/guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims. (Education Code 35330)

**Safety Issues**

1. While conducting a trip, the teacher, employee, or agent of the school shall have the school's first aid kit in his/her possession or immediately available. (Education Code 32041)

Whenever trips are conducted in areas known to be infested with poisonous snakes, the first aid kit taken on the trip shall contain medically accepted snakebite remedies. In addition, a teacher, employee, or agent of the school who has completed a first aid course which is certified by the American Red Cross and which emphasizes the treatment of snakebites shall participate in the trip. (Education Code 32043)

2. The district shall provide or make available medical and/or hospital insurance for students injured while participating in any excursion or field trip. (Education Code 35331)



**SCHOOL-SPONSORED TRIPS** (continued)

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

3. If the Superintendent/Principal or designee receives threat level warnings from the Homeland Security Advisory System pertaining to the destination of a school-sponsored trip, he/she shall implement precautions necessary to protect the safety of students and staff.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

4. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.

*(cf. 3530 - Risk Management/Insurance)*  
*(cf. 5141.7 - Sun Safety)*

5. Before trips of more than one day, the Superintendent/Principal or designee may hold a meeting for staff, chaperones, parents/guardians, and students to discuss safety and the importance of safety-related rules for the trip.

*(cf. 5142 - Safety)*

**HOMEWORK/MAKEUP WORK**

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

*(cf. 6011 - Academic Standards)*

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

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4131 - Staff Development)*

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

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

*(cf. 6020 - Parent Involvement)*

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

*(cf. 1240 - Volunteer Assistance)*

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

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

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

*(cf. 6112 - School Day)*

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

**Makeup Work**

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

**HOMEWORK/MAKEUP WORK** (continued)

*(cf. 5113 - Absences and Excuses)*

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

*Legal Reference:*

EDUCATION CODE

*48205 Absences for personal reasons*

*48913 Completion of work missed by suspended student*

*48980 Parental notifications*

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

*Management Resources:*

SBE POLICIES

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

*Policy Statement on Homework, 1995*

**HOMEWORK/MAKEUP WORK**

**Homework Plan**

The Superintendent/Principal and staff shall develop and regularly review a homework plan which includes guidelines for the assignment of homework and describes the responsibilities of students, staff and parents/guardians. The plan shall identify all of the following:

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

**Makeup Work**

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

**HOMEWORK/MAKEUP WORK** (continued)

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

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

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

**INDEPENDENT STUDY**

The Board of Trustees authorizes independent study as an optional alternative instructional strategy for eligible students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan and enabling students to reach curriculum objectives and fulfill graduation requirements. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

*(cf. 0420.4 - Charter Schools)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

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

Parents/guardians of students who are interested in independent study shall contact the Superintendent/Principal or designee. The Superintendent/Principal or designee shall approve independent study for an individual student only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom.

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

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

The written agreement shall specify the length of time in which each independent study assignment must be completed. Because excessive leniency in the duration of independent study assignments may result in a student falling behind his/her peers and increase the risk of dropping out of school, independent study assignments shall be no more than one week for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent/Principal or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

When a participating student misses three assignments, an evaluation shall be conducted to determine whether it is in the student's best interest to remain in independent study. However, a student's written agreement may specify a lower or higher number of missed assignments that will trigger an evaluation when the Superintendent/Principal or designee determines it appropriate based on the nature of the assignments, the total number of assignments, and/or other unique circumstances.

## **INDEPENDENT STUDY** (continued)

Supervising teachers should establish an appropriate schedule for student-teacher conferences in order to help identify students falling behind in their work or in danger of failing or dropping out of school. Except in unusual circumstances, it is expected that the supervising teacher will meet, either in person or by electronic means, with each participating student at least once a week to discuss the student's progress.

*(cf. 5147 - Dropout Prevention)*

Missing appointments with the supervising teacher without valid reasons also may trigger an evaluation to determine whether the student should remain in independent study.

The Superintendent/Principal or designee shall annually report to the Board the number of students participating in independent study, the average daily attendance generated for apportionment purposes, the quality of these students' work as measured by standard indicators, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent/Principal shall determine areas for program improvement as needed.

*(cf. 0500 - Accountability)*

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

*(cf. 6162.5 - Student Assessment)*

### **Home-Based Independent Study**

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

*Legal Reference: (see next page)*

## INDEPENDENT STUDY (continued)

### Legal Reference:

#### EDUCATION CODE

17289 Exemption for facilities  
41976.2 Independent study programs; adult education funding  
42238 Revenue limits  
44865 Qualifications for home teachers and teachers in special classes and schools  
46300-46307.1 Methods of computing average daily attendance  
47612.5 Independent study in charter schools  
48204 Residency based on parent employment  
48206.3 Home or hospital instruction; students with temporary disabilities  
48220 Classes of children exempted  
48340 Improvement of pupil attendance  
48915 Expulsion; particular circumstances  
48916.1 Educational program requirements for expelled students  
48917 Suspension of expulsion order  
51225.3 Requirements for high school graduation  
51745-51749.3 Independent study programs  
52206 Gifted and talented education; use of independent study to augment program  
52522 Adult education alternative instructional delivery  
52523 Adult education as supplement to high school curriculum; criteria  
56026 Individuals with exceptional needs  
58500-58512 Alternative schools and programs of choice

#### FAMILY CODE

6550 Authorization affidavits

#### CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study  
19819 State audit compliance

#### COURT DECISIONS

Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365

#### EDUCATION AUDIT APPEALS PANEL DECISIONS

Lucerne Valley Unified School District, Case No. 03-02 (2005)

### Management Resources:

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Independent Study Operations Manual, 2000 Edition

Elements of Exemplary Independent Study

Approaches to Satisfying No Child Left Behind Act of 2001 Teacher Requirements for Independent Study in Secondary Schools, January 28, 2010

#### WEB SITES

California Consortium for Independent Study: <http://www.ccis.org>

California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6158(a)



## **INDEPENDENT STUDY**

### **Educational Opportunities**

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction

*(cf. 6143 - Courses of Study)*

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel

*(cf. 5112.3 - Student Leave of Absence)*

5. Volunteer community service activities that support and strengthen student achievement

*(cf. 0420.4 - Charter Schools)*

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

*(cf. 6181 - Alternative Schools/Programs of Choice)*

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

*(cf. 5113 - Absences and Excuses)*

### **Equivalency**

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

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

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

AR 6158(b)

## **INDEPENDENT STUDY** (continued)

### **Eligibility for Independent Study**

Provided that experienced certificated staff are available to effectively supervise students in independent study, the Superintendent/Principal or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently. A student whose academic performance is not at grade level may participate in independent study only if the school is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent/Principal or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

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

For a student with disabilities, as defined in Education Code 56026, participation in independent study shall be approved only if his/her individualized education program specifically provides for such participation. (Education Code 51745)

*(cf. 6159 - Individualized Education Program)*

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

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

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant and parenting students who are primary caregivers for one or more of their children, shall be eligible for apportionment credit for independent study. (Education Code 51745)

### **Written Agreements**

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

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

## **INDEPENDENT STUDY** (continued)

The independent study agreement for each participating student also shall include, but not be limited to, all of the following: (Education Code 51747; 5 CCR 11700)

1. The manner, time, frequency, and place for submitting the student's assignments and for reporting his/her progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources, including materials and personnel, that will be made available to the student
4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one semester or one-half year if the school is on a year-round calendar
6. A statement of the number of course credits or, for an elementary student, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement that independent study is an optional educational alternative in which no student may be required to participate
8. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

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

Before the student begins the independent study, the written agreement shall be signed and dated by the student, the parent/guardian or caregiver of the student if the student is under age 18, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. (Education Code 51747; 5 CCR 11702)

## **INDEPENDENT STUDY (continued)**

### **Monitoring Student Progress**

Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant.

However, the independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

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

When the student has missed the number of assignments specified in the written agreement as precipitating an evaluation, the Superintendent/Principal or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to a regular school program.

### **Responsibilities of Independent Study Administrator**

The responsibilities of the independent study administrator shall be to:

1. Ensure that the district's independent study option is operated in accordance with law, Board policy, and administrative regulation and is substantially equal in quality and quantity to the classroom instruction
2. Obtain and maintain current information and skills required for the operation of an independent study program that meets established standards for the district's educational programs
3. Develop and manage the budget for independent study
4. Authorize the selection of certificated staff to be assigned as independent study teachers
5. Supervise any staff assigned to independent study functions who are not regularly supervised by another administrator

## **INDEPENDENT STUDY** (continued)

6. Approve or deny the participation of students requesting independent study
7. Facilitate the completion of written independent study agreements
8. Assure a smooth transition for students into and out of the independent study mode of instruction
9. Approve all credits earned through independent study and forward the information to the appropriate staff so that the information becomes part of the student's record
10. Complete or coordinate the preparation of all records and reports required by law, Board policy, or administrative regulation

### **Assignment and Responsibilities of Independent Study Teachers**

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

*(cf. 4112.2 - Certification)*

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind)*

The independent study administrator may recommend and the Superintendent/Principal shall approve the assignment of teachers to directly supervise independent study and/or work with students on specific subject matter. The Superintendent/Principal or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

*(cf. 4131 - Staff Development)*

The ratio of student average daily attendance to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district. (Education Code 51745.6)

The responsibilities of the supervising teacher shall be to:

1. Complete designated portions of the written independent study agreement and add additional information to the written agreement when appropriate
2. Supervise and approve coursework
3. Design lesson plans and make assignments

## **INDEPENDENT STUDY** (continued)

4. Maintain records of student assignments showing the date the assignment is given and the date the assignment is due
5. Provide direct instruction and counsel as necessary for individual student success
6. Regularly meet with the student to discuss the student's progress
7. Judge the time value of assigned work or work products completed and submitted by the student
8. Assess student work and determine and assign grades or other approved measures of achievement
9. Select and save representative samples of the student's completed and evaluated assignments for each subject, signed or initialed and dated in accordance with item #3 in the section on "Records" below
10. Maintain a daily or hourly attendance register in accordance with item #4 in the section on "Records" below
11. Maintain any other required records and files on a current basis

### **Records**

The Superintendent/Principal or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study.
2. A separate listing of the students, by grade level and program, who have participated in independent study. This listing shall identify units of the curriculum attempted and units of the curriculum completed by students in grades K-8.
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's signed or initialed and dated notations indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher.

**INDEPENDENT STUDY** (continued)

4. A daily or hourly attendance register, as appropriate to the program in which the students are participating, separate from classroom attendance records, and maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons.

*(cf. 3580 - District Records)*

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

The Superintendent/Principal or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

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

*(cf. 5125 - Student Records)*

## **INDIVIDUALIZED EDUCATION PROGRAM**

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 4112.23 - Special Education Staff)*

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

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

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

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

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

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

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

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

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

*Legal Reference: (see next page)*



## INDIVIDUALIZED EDUCATION PROGRAM (continued)

### Legal Reference:

#### EDUCATION CODE

51225.3 Requirements for high school graduation and diploma  
56055 Rights of foster parents pertaining to foster child's education  
56136 Guidelines for low incidence disabilities areas  
56195.8 Adoption of policies  
56321 Development or revision of IEP  
56321.5 Notice to include right to electronically record  
56340.1-56347 Instructional planning and individualized education program  
56350-56352 IEP for visually impaired students  
56380 IEP reviews; notice of right to request  
56390-56392 Certificate of completion, special education  
56500-56509 Procedural safeguards  
60640-60649 Standardized Testing and Reporting Program  
60850 High school exit examination, students with disabilities  
60852.3 High school exit examination, exemption for the class of 2006

#### FAMILY CODE

6500-6502 Age of majority

#### GOVERNMENT CODE

7572.5 Seriously emotionally disturbed child, expanded IEP team

#### WELFARE AND INSTITUTIONS CODE

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

#### CODE OF REGULATIONS, TITLE 5

853-853.5 Standardized Testing and Reporting Program, accommodations  
1215.5-1218 High School Exit Examination, accommodations for students with disabilities  
3021-3029 Identification, referral and assessment  
3040-3043 Instructional planning and the individualized education program

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974  
1400-1482 Individuals with Disabilities Education Act

#### CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act

#### COURT DECISIONS

*Schaffer v. Weast* (2005) 125 S. Ct. 528  
*Shapiro v. Paradise Valley Unified School District, No. 69* (9<sup>th</sup> Circuit, 2003) 317 F.3d 1072  
*Sacramento City School District v. Rachel H.* (9<sup>th</sup> Cir. 1994) 14 F.3d 1398

#### ATTORNEY GENERAL OPINIONS

85 *Ops. Cal. Atty. Gen.* 157 (2002)

### Management Resources:

#### FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

#### WEB SITES

California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education, Office of Special Education and Rehabilitative Services:  
<http://www.ed.gov/about/offices/list/osers/osep>

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6159(a)

## **INDIVIDUALIZED EDUCATION PROGRAM**

### **Members of the Individualized Education Program Team**

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

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

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

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

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

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #2-4 above or in item #6 below.

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

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

7. Whenever appropriate, the student with a disability

## INDIVIDUALIZED EDUCATION PROGRAM (continued)

8. For transition service consideration:
  - a. The student, regardless of his/her age, if the purpose of the meeting is the consideration of the student's postsecondary goals and the transition services needed to assist him/her in reaching those goals pursuant to 34 CFR 300.320(b)

If the student does not attend the IEP team meeting, the district shall take other steps to ensure that his/her preferences and interests are considered.
  - b. To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for transition services
9. For students suspected of having a specific learning disability in accordance with 34 CFR 300.308 and 34 CFR 300.310, at least one individual who is qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist, or remedial reading teacher

In accordance with 34 CFR 300.310, at least one team member other than the student's regular education teacher shall observe the student's academic performance and behavior in the areas of difficulty in his/her learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.
10. For students who have been placed in a group home by the juvenile court, a representative of the group home

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

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

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

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

### **Parent/Guardian Participation and Other Rights**

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

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

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
  - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341(b)(6)
  - b. The provision of Education Code 56341(i) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age, or younger than 16 if deemed appropriate by the IEP team, the Superintendent/Principal or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

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

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414(d)(1)(A)(i)(VIII), and 34 CFR 300.320(b)
2. An indication that the student is invited to the IEP team meeting
3. Identification of any other agency that will be invited to send a representative

*(cf. 5145.6 - Parental Notifications)*

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

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

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

*(cf. 5125 - Student Records)*

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

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

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

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

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

1. Inspect and review the audio recordings
2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

The district shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The district shall give the parents/guardians of a student with disabilities a copy of his/her child's IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

### **Parent/Guardian Consent**

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

If the district determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with a free appropriate public education (FAPE), a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the district agree otherwise. (Education Code 56346)

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

If at any time subsequent to the initial provision of services, the student's parent/guardian revokes consent, in writing, for the continued provision of special education services, the Superintendent/Principal or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The district shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

Prior to the discontinuation of services, the Superintendent/Principal or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. In addition, the Superintendent/Principal or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

### **Contents of the IEP**

The IEP shall be a written statement developed, reviewed, and revised in a meeting of the IEP team. It shall include, but is not limited to, all of the following: (Education Code 56043, 56345, 56345.1; 20 USC 1414(d)(1)(A); 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
  - a. The manner in which the student's disability affects his/her involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
  - b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities
  - c. For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
2. A statement of measurable annual goals, including academic and functional goals, designed to:
  - a. Meet the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general education curriculum

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

- b. Meet each of the student's other educational needs that result from his/her disability
3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
  - a. Advance appropriately toward attaining the annual goals
  - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
  - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the statement, pursuant to Education Code 56345(a)

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

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the statement mentioned in item #4 above
6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP also shall include a statement of the reason that he/she cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate for him/her.

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

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*



## INDIVIDUALIZED EDUCATION PROGRAM (continued)

7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications
8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
  - a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
  - b. The transition services, including courses of study, needed to assist the student in reaching those goals
9. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, that will transfer to him/her upon reaching age 18, pursuant to Education Code 56041.5

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

1. For students in grades 7-8, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.11 - Alternative Credits Toward Graduation)*

2. Linguistically appropriate goals, objectives, programs, and services for students whose native language is not English

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

3. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE

*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6177 - Summer School)*

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

The IEP shall include descriptions of activities intended to:

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

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

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

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

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

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

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial assessment or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. In the case of a student whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, his/her future needs for instruction in Braille or the use of Braille, and other appropriate reading and writing media.

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

8. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.

9. Whether the student requires assistive technology devices and services

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

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

1. Reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and the appropriateness of placement
2. Revises the IEP, as appropriate, to address:
  - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate
  - b. The results of any reassessment conducted pursuant to Education Code 56381
  - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 305(a)(2) and Education Code 56381(b)
  - d. The student's anticipated needs
  - e. Other matters
3. Considers the special factors listed in items #5-9 above when reviewing the IEP of a student with a disability who has additional behavior or communication needs

The IEP team shall also meet: (Education Code 56343)

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

1. Whenever the student has received an initial formal assessment and, when desired, when the student receives any subsequent formal assessment
2. Upon request by the student's parent/guardian or teacher to develop, review, or revise the IEP

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414(d); 34 CFR 300.324)

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

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

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

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

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

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

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

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

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

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*  
*(cf. 6173.1 - Education for Foster Youth)*

When an IEP calls for a residential placement as a result of a review by an expanded IEP team, the IEP shall include a provision for a review, at least every six months, by the full IEP team of all of the following: (Education Code 56043)

1. The case progress
2. The continuing need for out-of-home placement
3. The extent of compliance with the IEP
4. Progress toward alleviating the need for out-of-home care

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

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

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

An IEP required as a result of an assessment of the student shall be developed within 60 days (not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days) from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56344)

However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for a student for whom a referral has been made 30 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56344)

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

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

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

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

### **Transfer Students**

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

If the student transfers into the district from another school district within the same SELPA during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless his/her parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

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

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

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

The Board of Trustees desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

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

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159 - Individualized Education Program)*

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

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

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

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

The Superintendent/Principal or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

The Superintendent/Principal or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

*Legal Reference: (see next page)*



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

*Legal Reference:*

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

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

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education

4600-4671 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

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

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

*Management Resources:*

FEDERAL REGISTER

Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

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

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6159.1(a)

## PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

### Prior Written Notice

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

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

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

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

*(cf. 6159 - Individualized Education Program)*

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

*(cf. 5145.6 - Parental Notifications)*

AR 6159.1(b)

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

**Procedural Safeguards Notice**

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and: (20 USC 1415(d)(1); 34 CFR 300.504; Education Code 56301)

1. Upon initial referral or parent/guardian request for assessment
2. Upon receipt of the first state compliance complaint in a school year  
*(cf. 1312.3 - Uniform Complaint Procedures)*
3. Upon receipt of the first due process hearing request in a school year
4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when a decision is made to remove a student because of a violation of a code of conduct constituting a change of placement

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

5. Upon request by a parent/guardian

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

1. Independent educational evaluation  
*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*
2. Prior written notice
3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to his/her child's continued receipt of special education and related services
4. Access to educational records

*(cf. 5125 - Student Records)*

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

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures
6. The availability of mediation
7. The student's placement during the pendency of any due process complaint
8. Procedures for students who are subject to placement in an interim alternative educational setting
9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense
10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations
11. State-level appeals
12. Civil actions, including the time period in which to file those actions
13. Attorney's fees

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341; and information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind. (Education Code 56321, 56321.5, 56321.6)

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

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

**Format of Parent/Guardian Notices**

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

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

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

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

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)

**Due Process Complaints**

A parent/guardian and/or the district may initiate due process hearing procedures whenever: (20 USC 1415(b); Education Code 56501)

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

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

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

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

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

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

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

**District's Response to Due Process Complaints**

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415(c)(1); 34 CFR 300.508)

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415(c)(1); 34 CFR 300.508):

1. An explanation of why the district proposed or refused to take the action raised in the complaint
2. A description of other options that the IEP team considered and the reasons that those options were rejected
3. A description of each evaluation procedure, assessment, record, or report the district used as the basis for the proposed or refused action

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

4. A description of the factors that are relevant to the district's proposal or refusal

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the district shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

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

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

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

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

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

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 4112.23 - Special Education Staff)*

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

*(cf. 6159 - Individualized Education Program)*

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

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

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

*Legal Reference: (see next page)*



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

*Legal References:*

EDUCATION CODE

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

GOVERNMENT CODE

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

FAMILY CODE

7911-7912 *Interstate compact on placement of children*

WELFARE AND INSTITUTIONS CODE

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

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 *Children with disabilities in private schools*

COURT DECISIONS

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

*Management Resources:*

CDE LEGAL ADVISORIES

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

FEDERAL REGISTER

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

WEB SITES

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

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

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

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

### **Placement and Services**

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

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

*(cf. 6159 - Individualized Education Program)*

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

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

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

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

The Superintendent/Principal or designee shall notify a high school district of all students placed in nonpublic school or agency programs prior to the annual review of the IEP for each student who may transfer to the high school district. (5 CCR 3068)

When a special education student meets the district requirements for completion of prescribed course of study and adopted differential proficiency standards as designated in the student's IEP, the district which developed the IEP shall award the diploma. (5 CCR 3069)

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

AR 6159.2(b)

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

**Out-of-State Placements**

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

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

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

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

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3515.6 - Criminal Background Checks for Contractors)*

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

*(cf. 4112.23 - Special Education Staff)*

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

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

*(cf. 6159 - Individualized Education Program)*

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

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

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

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

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

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

56028 Parent

56050 Surrogate parents

56055 Rights of foster parents

GOVERNMENT CODE

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

7579.5 Surrogate parent; appointment; qualifications; liability

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

361 Limitations on parental control

601 Minors habitually disobedient or truant

602 Minors violating laws

726 Limitations on parental control

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

1415 Procedural safeguards

UNITED STATES CODE, TITLE 42

11434a Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

300.30 Definition parent

300.519 Surrogate parents

*Management Resources:*

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers/index.html>

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

### **Conditions Necessitating a Surrogate**

The Superintendent/Principal or designee shall appoint a surrogate parent to represent a student with disabilities under one or more of the following circumstances: (Government Code 7579.5; 20 USC 1415(b)(2); 34 CFR 300.519)

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

*(cf. 6159 - Individualized Education Program)*

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

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

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

### **Appointment of Surrogate Parents**

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

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

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

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

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

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

### **Duties of Surrogate Parent**

The surrogate parent shall have all the rights relative to the student's education that a parent has under the Individuals with Disabilities Education Act pursuant to 20 USC 1400-1482 and 34 CFR 300.1-300.818. The surrogate parent may represent the student in all matters relating to identification, assessment, instructional planning and development, educational placement, review and revision of the IEP, and in other matters relating to the provision of a free and appropriate public education. (Education Code 56050; Government Code 7579.5)

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

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

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

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

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

*(cf. 3350 - Travel Expenses)*

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

*(cf. 5125 - Student Records)*

### **Termination of Appointment**

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

1. When the student is no longer in need of special education (Government Code 7579.5)
2. When the student reaches 18 years of age, unless he/she chooses not to make education decisions for himself/herself or is deemed by a court to be incompetent (Government Code 7579.5)
3. Another responsible adult is appointed to make educational decisions for the student (Government Code 7579.5)
4. The right of the parent/guardian to make educational decisions for the student is fully restored (Government Code 7579.5)
5. When the surrogate parent no longer satisfies the requirements for appointment as a surrogate parent, as specified above

Regulation  
approved:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6159.4(a)



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

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

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

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

### **Definitions**

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

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

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

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

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

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

(continued)

### **Functional Analysis Assessment**

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

*(cf. 6159 - Individualized Education Program)*

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

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

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

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

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

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

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

(continued)

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

### **Behavioral Intervention Plan**

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

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

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

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

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

(continued)

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

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

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

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

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

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

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

(continued)

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

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

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

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

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

### **Emergency Interventions**

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

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

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

AR 6159.4(f)

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

(continued)

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

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

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

### **Prohibited Interventions**

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

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

## BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

(continued)

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

### *Legal Reference:*

#### EDUCATION CODE

49001 *Prohibition of corporal punishment*

56321 *Notice of parental rights; consent of parents*

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

56520-56524 *Behavioral Interventions*

#### CODE OF REGULATIONS, TITLE 5

3001 *Definitions*

3052 *Designated positive behavioral interventions*

#### UNITED STATES CODE, TITLE 20

1412 *State eligibility*

1415 *Procedural safeguards*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Assistance to states for the education of students with disabilities*

### *Management Resources:*

#### FEDERAL REGISTER

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

Regulation  
approved:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**

Chualar, California

BP 6161

## **EQUIPMENT, BOOKS AND MATERIALS**

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

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

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

### *Legal Reference:*

#### EDUCATION CODE

60010 Definitions

60040-60047 Instructional requirements and materials

60119 Public hearing on sufficiency of materials

60200-60206 Elementary school materials

60240-60252 State Instructional Materials Fund

60400-60411 High school textbooks

60420-60424 Instructional Materials Funding Realignment Program

#### CODE OF REGULATIONS, TITLE 5

9505-9532 Instructional materials, especially:

9531-9532 Instructional Materials Funding Realignment Program

### *Management Resources:*

#### WEB SITES

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

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 6161.1(a)



## SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent/Principal or designee.

The Board of Trustees desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect society's diversity, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with state and district content standards and the district's curriculum in order to ensure that they effectively support the district's adopted courses of study.

*(cf. 0440 - District Technology Plan)*

*(cf. 6000 - Concepts and Roles)*

*(cf. 6011 - Academic Standards)*

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

*(cf. 6143 - Courses of Study)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6161 - Equipment, Books and Materials)*

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6163.1 - Library Media Centers)*

*(cf. 9000 - Role of the Board)*

The Superintendent/Principal or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board.

This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members. (Education Code 60002)

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

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

Individuals who participate in the selection or evaluation of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

*(cf. 9270 - Conflict of Interest)*

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

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

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

The Board's priority in the selection of instructional materials is to ensure that all students in grades K-8 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history-social science. Students in grades K-8 shall be provided with instructional materials adopted by the State Board of Education.

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

### **Public Hearing on Sufficiency of Textbooks or Instructional Materials**

The Board shall annually conduct one or more public hearings on the sufficiency of the district's textbooks or instructional materials. (Education Code 60119; 5 CCR 9531)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

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

*(cf. 9322 - Agenda/Meeting Materials)*

At the hearing(s), the Board shall determine, through a resolution, whether each student in the school, including each English learner, has sufficient textbooks or instructional materials in each of the following subjects which are aligned to the state content standards adopted pursuant to Education Code 60605 and consistent with the content and cycles of the state's curriculum frameworks: (Education Code 60119)

1. Mathematics
2. Science
3. History-social science

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

4. English language arts, including the English language development component of an adopted program

The Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks.

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

For the 2008-09 through 2012-13 fiscal years, the Board shall also make a determination that all students within the district who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, 60119, and 60422. (Education Code 1240.3, 42605)

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

*Legal Reference: (see next page)*

## SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

### *Legal Reference:*

#### EDUCATION CODE

1240 County superintendent, general duties  
1240.3 Definition of sufficiency for categorical flexibility  
33050-33053 General waiver authority  
33126 School accountability report card  
35272 Education and athletic materials  
42605 Tier 3 categorical flexibility  
44805 Enforcement of course of studies; use of textbooks, rules and regulations  
49415 Maximum textbook weight  
51501 Subject matter reflecting on race, color, etc.  
60000-60005 Instructional materials, legislative intent  
60010 Definitions  
60040-60052 Instructional requirements and materials  
60060-60062 Requirements for publishers and manufacturers  
60070-60076 Prohibited acts (re instructional materials)  
60110-60115 Instructional materials on alcohol and drug education  
60119 Public hearing on sufficiency of materials  
60200-60206 Elementary school materials  
60226 Requirements for publishers and manufacturers  
60240-60252 State Instructional Materials Fund  
60350-60352 Core reading program instructional materials  
60400-60411 High school textbooks  
60420-60424 Instructional Materials Funding Realignment Program  
60510-60511 Donation for sale of obsolete instructional materials  
60605 State content standards  
CODE OF REGULATIONS, TITLE 5  
9505-9535 Instructional materials, especially:  
9531-9532 Instructional Materials Funding Realignment Program

### *Management Resources:*

#### CSBA PUBLICATIONS

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

#### CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

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

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluation of Instructional Materials with Respect to Social Content, rev. 2000

#### STATE BOARD OF EDUCATION POLICIES

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

#### WEB SITES

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

Association of American Publishers: <http://www.publishers.org>

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

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6161.1(a)

## **SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent/Principal or designee.

### **Instructional Materials Funding Realignment Program**

The district shall use state funds received under the Instructional Materials Funding Realignment Program to ensure that each student is provided with standards-aligned textbooks or instructional materials, in an electronic or hard-bound format, in the core curriculum areas of reading/language arts, mathematics, science, and history-social science. (Education Code 60422, 60422.1)

Instructional materials for grades K-8 shall be selected from the list of standards-aligned materials adopted by the State Board of Education (SBE).

*(cf. 6011 - Academic Standards)*

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

### **Criteria for Selection and Adoption of Instructional Materials**

Instructional materials adopted by the Board shall:

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

*(cf. 1431 - Waivers)*

2. Not reflect adversely upon persons because of their race, color, creed, national origin, ancestry, sex, disability, or occupation, or contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 60044)
3. To the satisfaction of the Board, be accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels (Education Code 60045)
4. With the exception of literature and trade books, use proper grammar and spelling (Education Code 60045)

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

5. Not provide any exposure to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60048, 60200)
  - a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by the SBE.
  - b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.

*(cf. 1325 - Advertising and Promotion)*

6. If the materials are technology-based materials, be both available and comparable to other, equivalent instructional materials (Education Code 60052)
7. Meet the requirements of Education Code 60040-60043 for specific subject content
8. Support the district's adopted courses of study and curricular goals

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

*(cf. 6143 - Courses of Study)*

9. Contribute to a comprehensive, balanced curriculum
10. Demonstrate reliable quality of scholarship as evidenced by:
  - a. Accurate, up-to-date, and well-documented information
  - b. Objective presentation of diverse viewpoints
  - c. Clear, concise writing and appropriate vocabulary
  - d. Thorough treatment of subject
11. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels
12. Include materials that stimulate discussion of contemporary issues and improve students' thinking and decision-making skills
13. Contribute to the proper articulation of instruction through grade levels

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

14. As appropriate, have corresponding versions available in languages other than English
15. Include high-quality teacher's guides
16. Meet high standards in terms of the quality, durability, and appearance of paper, binding, text, and graphics
17. When available from the publishers, include options for lighter weight materials in order to help minimize any injury to students by the combined weight of instructional materials

### **Instructional Materials Evaluation Committee**

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

*(cf. 1220 - Citizen Advisory Committees)*

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

### **Conflict of Interest**

To ensure integrity and impartiality in the evaluation and selection of instructional materials, any district employee who is participating in the evaluation of instructional materials and not otherwise designated in the district's conflict of interest code shall not:

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

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

*(cf. 9270 - Conflict of Interest)*

2. Be employed by or receive compensation from any person, firm, organization, or any of its subsidiaries or controlling entities submitting instructional materials to the district

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

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



## **SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS**

### **Resolution on Sufficiency of Textbooks or Instructional Materials**

Whereas, the Board of Trustees of the Chualar Union Elementary School District, in order to comply with the requirements of Education Code 60119, held a public hearing on (*date*), at (*time*) o'clock, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

Whereas, the Board provided at least 10 days notice of the public hearing by posting it in at least three public places within the district stating the time, place, and purpose of the hearing, and;

Whereas, the Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

Whereas, information provided at the public hearing detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the Chualar Union Elementary School District, and;

Whereas, the definition of "sufficient textbooks or instructional materials" means that each student, including each English learner, has a standards-aligned textbook and/or instructional materials to use in class and to take home, which may include materials in a digital format but shall not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage, and;

Whereas between the 2008-09 through the 2012-13 fiscal years, the definition of "sufficient textbooks or instructional materials" also means that all students who are enrolled in the same course within the Chualar Union Elementary School District, have standards-aligned textbooks or instructional materials from the same adoption cycle, and;

### **Finding of Sufficient Textbooks or Instructional Materials**

Whereas, sufficient textbooks or instructional materials were provided to each student, including each English learner, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

- Mathematics: (*List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.*)

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

- Science: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

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- History-social science: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

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- English/language arts, including the English language development component of an adopted program: *(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)*

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Whereas, sufficient textbooks or instructional materials were provided to each student enrolled in foreign language or health classes, and;

Therefore, it is resolved that for the \_\_\_\_\_ school year, the Chualar Union Elementary School District, has provided each student with sufficient textbooks or instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

**Finding of Insufficient Textbooks or Instructional Materials**

Whereas, information provided at the public hearing and to the Board at the public meeting detailed that insufficient textbooks or instructional materials were provided to students in the following subjects and grade levels: *(For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in mathematics, science, history-social science, English/language arts, foreign language, and health.)*

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

Whereas, sufficient textbooks or instructional materials were not provided at each school listed above due to the following reasons: *(For each school at which there is an insufficiency, list the reasons why each student does not have sufficient instructional materials in each subject and grade level listed above.)*

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Therefore, it is resolved, that for the \_\_\_\_\_ school year, the Chualar Union Elementary School District has not provided each student with sufficient textbooks or instructional materials consistent with the cycles and content of the curriculum framework, and;

Be it further resolved, that the following actions will be taken to ensure that all students have sufficient textbooks or instructional materials in all subjects that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which this determination is made. *(List actions to be taken to resolve insufficiency. See Education Code 60119(a)(2)(B) for other funds that may be used to ensure sufficient instructional materials.)*

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PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a meeting, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President

## **SUPPLEMENTARY INSTRUCTIONAL MATERIALS**

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

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

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

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

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

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

All materials must be used within legal copyright limits.

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

### **Films**

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

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

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

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

*(cf. 6144 - Controversial Issues)*

*Legal Reference: (see next page)*

BP 6161.11(b)

**SUPPLEMENTARY INSTRUCTIONAL MATERIALS** (continued)

*Legal Reference:*

EDUCATION CODE

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

18111 *Exclusion of books by governing board*

51510 *Prohibited study or supplemental materials*

51511 *Religious matters properly included*

51933 *Sex education materials*

60010 *Definitions*

COURT DECISIONS

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

## DAMAGED OR LOST INSTRUCTIONAL MATERIALS

The Board of Trustees recognizes that instructional materials are an expensive resource and that each student is entitled to sufficient instructional materials in accordance with law. Instructional materials provided for use by students remain the property of the district. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 3260 - Fees and Charges)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

When materials are lost or so damaged that they are no longer usable, the student shall be immediately issued a replacement material. However, students or parents/guardians shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent/Principal or designee shall determine an appropriate charge.

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

If reparation is not excused and not paid by the student or parent/guardian, the district may withhold the student's grades, diploma and transcripts in accordance with law, Board policy, and administrative regulation.

*(cf. 3515.4 - Recovery for Property Loss or Damage)*  
*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*  
*(cf. 5131.5 - Vandalism and Graffiti)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

### *Legal Reference:*

#### EDUCATION CODE

48904 Willful misconduct; limit of liability of parent or guardian

48904.3 Withholding grades, diplomas or transcripts of students causing property damage or injury

60119 Public hearing on sufficiency of materials

60411 Purchase and use; property of district

#### CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

#### CODE OF REGULATIONS, TITLE 5

305 Student responsible for care of property

### *Management Resources:*

#### WEB SITES

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

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 6161.3

## **TOXIC ART SUPPLIES**

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

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

The Superintendent/Principal or designee shall ensure that arts and crafts material purchased for use by students in grades K-6 will not contain toxic substances or cause chronic illness as determined by the State Department of Health Services.

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

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

### *Legal Reference:*

#### EDUCATION CODE

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

#### HEALTH AND SAFETY CODE

108500-108515 *Labeling of arts and crafts materials*

#### PENAL CODE

594.1 *Aerosol containers of paint*

### *Management Resources:*

#### CDE PROGRAM ADVISORIES:

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

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 6162.5(a)

## **STUDENT ASSESSMENT**

The Board of Trustees recognizes that student assessments are an important instructional and accountability tool. Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, program effectiveness and staff evaluations shall, as appropriate, be based in part on indicators of student achievement.

*(cf. 0500 - Accountability)*  
*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6190 - Evaluation of the Instructional Program)*

To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments. As appropriate, assessment results shall be disaggregated by student subgroup, classroom, or grade level to allow for critical analysis of student needs.

*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6162.51 - Standardized Testing and Reporting Program)*

In selecting or developing a district assessment, the Superintendent/Principal or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it corresponds to the material that is being taught.

The Superintendent/Principal or designee shall ensure that assessments are administered in accordance with law and the test publisher's directions and that test administration procedures are fair and equitable for all students.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 6162.54 - Test Integrity/Test Preparation)*

The Superintendent/Principal or designee shall provide professional development to assist teachers and paraprofessionals in interpreting and using assessment data to improve student performance and the instructional program.

*(cf. 4131 - Staff Development)*  
*(cf. 4222 - Teacher Aides/Paraprofessionals)*

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



## **STUDENT ASSESSMENT** (continued)

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

### **Individual Record of Accomplishment**

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

1. The results of the achievement test administered under the Standardized Testing and Reporting Program pursuant to Education Code 60640-60649
2. The results of any end-of-course examinations taken
3. The results of any vocational education certification examinations taken

*(cf. 6178 - Career Technical Education)*

No individual record of accomplishment shall be released to any person, other than the student's parent/guardian or a teacher, counselor, or administrator directly involved with the student, without the written consent of the student's parent/guardian, or the student if he/she is an adult or emancipated minor. The student or his/her parent/guardian may authorize the release of the record of accomplishment to a postsecondary educational institution for the purposes of credit, placement, or admission. (Education Code 60607)

*(cf. 5125 - Student Records)*

*Legal Reference: (see next page)*

## STUDENT ASSESSMENT (continued)

### *Legal Reference:*

#### EDUCATION CODE

313 *Assessment of English language development*

10600-10610 *California Education Information System*

44660-44665 *Evaluation and assessment of performance of certificated employees (Stull Act)*

51041 *Evaluation of educational program*

51450-51455 *Golden State Seal Merit Diploma*

60600-60649 *Assessment of academic achievement, especially:*

60640-60649 *Standardized Testing and Reporting Program*

60800 *Physical fitness testing*

60810-60812 *Assessment of English language development*

60850-60859 *High school exit examination*

60900 *California Longitudinal Pupil Achievement Data System*

#### CODE OF REGULATIONS, TITLE 5

850-870 *Standardized Testing and Reporting program*

1200-1225 *High School Exit Examination*

#### UNITED STATES CODE, TITLE 20

9622 *National Assessment of Educational Progress*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Key Elements of Testing, 2004*

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Teachers' Use of Student Data Systems to Improve Instruction, 2007*

#### WEB SITES

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

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

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

## **STANDARDIZED TESTING AND REPORTING PROGRAM**

The Board of Trustees desires to use the results of the achievement tests to evaluate the performance of district students in achieving state academic standards and in comparison to the performance of students across the state. The Superintendent/Principal or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting (STAR) Program as required by law and in accordance with Board policy and administrative regulation.

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

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

*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*  
*(cf. 6011 - Academic Standards)*

The Board shall annually examine STAR results by grade level and student subgroup in the Board's discussion of the school's ranking on the statewide Academic Performance Index. If the STAR performance level of the school is below the Board's established expectations, the Board may conduct an assessment of the reasons for the performance results and may adopt a performance improvement plan in accordance with Education Code 52056.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

## STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

### *Legal Reference:*

#### EDUCATION CODE

51041 Evaluation of educational program

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

56345 Individualized education program, contents

60600-60630 Assessment of academic achievement

60640-60649 Standardized Testing and Reporting Program

60660-60663 Electronic learning assessment resources

60810 Assessment of language development

99300-99301 Early Assessment Program

#### CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting Program

#### UNITED STATES CODE, TITLE 20

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

6311 Adequate yearly progress

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.1 Standards and assessment

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

#### CALIFORNIA STATE UNIVERSITY PUBLICATIONS

*The Early Assessment Program: Handbook for School Site Leaders, 2008*

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

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

#### WEB SITES

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

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

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

California State University, Early Assessment Program: <http://www.calstate.edu/eap>

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

## STANDARDIZED TESTING AND REPORTING PROGRAM

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

1. The California Standards Tests (CSTs) in English language arts, mathematics, science, and history-social science to students in grades 2-8 (Education Code 60640)
2. The Standards-Based Test in Spanish (STS) to Spanish-speaking English language learners in grades 2-8 who either: (Education Code 60640)
  - a. Receive instruction in Spanish, regardless of how long they have been in the United States
  - b. Have been enrolled in a California public school for less than 12 months

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

This test shall be required in addition to the CST administered in English. (Education Code 60640)

Following the first year of enrollment in a California public school, Spanish-speaking English language learners in grades 2-8 shall continue to take the STS in addition to the CST in English, if the Superintendent/Principal or designee determines that such test results would provide useful information about students' performance.

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

Any special education student who is an English learner may be tested with the STS in accordance with item #2 above, unless the IEP specifically exempts him/her from such testing. (Education Code 56345)

*(cf. 6159 - Individualized Education Program)*

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

### Testing Period

The STAR tests, with the exception of the writing assessment, shall be administered to students during a testing window of 21 instructional days that includes 10 instructional days before and after completion of 85 percent of the instructional days of the school, track, or program. (Education Code 60640; 5 CCR 855)

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

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

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

### **Exemptions**

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

### **Testing Variations**

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

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

1. Simplified or clarified test directions
2. Write-in test booklets (e.g., underlining, working math problems), provided that in grades 2-3 any marks other than those in response circles must be erased to ensure that the tests can be scored
3. As much time as needed within a single sitting to complete a test or test part

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

1. Special adaptive furniture
2. Special lighting, special acoustics, or visual magnifying or audio amplification equipment
3. An individual carrel or study enclosure

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

4. Individual testing in a separate testing room provided that a district employee who has signed the STAR Test Security Affidavit directly supervises the student
5. Colored overlay, masks, or other means to maintain visual attention to the test or test questions
6. Manually Coded English or American Sign Language to communicate directions for test administration

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

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

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

### **District and Test Site Coordinators**

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

AR 6162.51(d)

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

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

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

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

### **Report of Test Results**

Within 20 working days of receiving the student report from the test contractor, the Superintendent/Principal or designee shall forward the student report to the student's parents/guardians. If these reports are received from the contractor after the last day of instruction in the school year, each student's results shall be mailed to his/her parents/guardians. (Education Code 60641; 5 CCR 863)

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

*(cf. 5145.6 - Parental Notifications)*

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

*(cf. 5125 - Student Records)*

The Superintendent/Principal or designee shall present school and grade-level results to the Board of Trustees at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 60641)

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

Individual test results shall not be released without the written consent of the adult student or the minor student's parents/guardians to any person other than the following: (Education Code 60607, 60641)

1. The student's parent/guardian



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

2. A teacher, counselor, or administrator directly involved with the student
3. A postsecondary educational institution for the purposes of credit, placement, or admission

## **TEST INTEGRITY/TEST PREPARATION**

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

*(cf. 0500 - Accountability)*

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

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

*(cf. 5131 - Conduct)*

*(cf. 5131.9 - Academic Honesty)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

### **Test Integrity**

In the administration of standardized tests, staff shall not:

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

### **Preparation for State Tests**

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

*(cf. 6011 - Academic Standards)*

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

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

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

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

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

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

*(cf. 5144 - Discipline)*

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

*(cf. 4117.4 - Dismissal)*

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

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

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

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

*Legal Reference: (see next page)*

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

### *Legal Reference:*

#### EDUCATION CODE

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

60611 *Inappropriate test preparation*

60850-60859 *California High School Exit Examination*

#### GOVERNMENT CODE

54957 *Complaints against employees, closed session*

#### CODE OF REGULATIONS, TITLE 5

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

854 *Advance preparation for STAR test*

880-901 *Designated primary language test*

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

1215 *Cheating on the high school exit examination*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

#### WEB SITES:

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

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

## USE OF COPYRIGHTED MATERIALS

The Board of Trustees recognizes the importance of ensuring that the district complies with federal law regarding copyrights. District staff and students are expected to maintain the highest ethical standards in using copyrighted materials.

*(cf. 1113 - District and School Web Sites)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 6163.1 - Library Media Centers)*

When selecting appropriate supplementary instructional materials, it is each staff member's responsibility to adhere to the provisions of federal copyright law, Board policy, and administrative regulation. The district shall not be responsible for any violation of copyright laws by its staff or students. If a staff member is uncertain as to whether reproducing or using copyrighted material complies with the law, he/she shall contact the Superintendent/Principal or designee for clarification and assistance. At no time shall it be necessary for a district employee to violate copyright laws in order to perform his/her duties.

*(cf. 4040 - Employee Use of Technology)*  
*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*  
*(cf. 6161 - Equipment, Books and Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*

The Superintendent/Principal or designee shall ensure that the district observes all publisher licensing agreements between vendors and the district, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single program, the district shall not make multiple copies of a computer program or software. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

*(cf. 0440 - District Technology Plan)*  
*(cf. 3300 - Expenditures and Purchases)*  
*(cf. 3312 - Contracts)*  
*(cf. 6163.4 - Student Use of Technology)*

The Superintendent/Principal or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

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

*Legal Reference: (see next page)*

## USE OF COPYRIGHTED MATERIALS (continued)

### *Legal Reference:*

#### EDUCATION CODE

35182 *Computer software*

#### UNITED STATES CODE, TITLE 17

101-122 *Subject matter and scope of copyright, especially:*

102 *Definitions*

107 *Fair use*

110 *Limitations on exclusive rights: Exemption of certain performances and displays*

#### COURT DECISIONS

*Marcus v. Rowley*, (9th Cir., 1982) 695 F.2d 1171

### *Management Resources:*

#### U.S. COPYRIGHT OFFICE PUBLICATIONS

*Circular 21: Reproduction of Copyrighted Works by Educators and Librarians*, 1995

#### WEB SITES

*Copyright Clearance Center:* <http://www.copyright.com>

*Copyright Society of the USA:* <http://www.csusa.org>

*U.S. Copyright Office:* <http://www.copyright.gov>

## **USE OF COPYRIGHTED MATERIALS**

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

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

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

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

### **Printed Materials**

#### **Permitted Uses:**

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

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

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

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

### **Prohibited Uses:**

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

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



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

### **Sheet and Recorded Music**

#### **Permitted Uses:**

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

#### **Prohibited Uses:**

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

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

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

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

#### **Permitted Uses:**

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

#### **Prohibited Uses:**

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

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

### **Radio - Off-Air Taping**

#### **Permitted Uses:**

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

#### **Prohibited Uses:**

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

### **Television - Off-Air Taping**

#### **Permitted Uses:**

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

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

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

### **Prohibited Uses:**

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

### **Software Copyright**

#### **Permitted Uses:**

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

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

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

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

### **Prohibited Uses:**

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

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

Regulation  
approved:

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California

**RESEARCH**

The Board of Trustees recognizes the value of academic research to improve educational programs and practices. Researchers shall respect the privacy rights of students, including their right to refrain from participation in research projects in accordance with law, Board policy and administrative regulation.

The Superintendent/Principal or designee may authorize research projects within the district by outside groups or persons when such research is aligned with district goals and objectives and is likely to benefit the district without disrupting the school program.

*(cf. 0000 - Vision)*  
*(cf. 0100 - Philosophy)*  
*(cf. 0200 - Goals for the School District)*

The Superintendent/Principal or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 5125 - Student Records)*  
*(cf. 5145.6 - Parental Notifications)*

*Legal Reference:*

EDUCATION CODE  
*51513 Personal beliefs*  
UNITED STATES CODE, TITLE 20  
*1232h Protection of pupil rights*

*Management Resources:*

WEB SITES  
*CSBA: <http://www.csba.org>*  
*CDE: <http://www.cde.ca.gov>*  
*USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/>*

**RESEARCH**

Persons or groups wishing to use district staff, students or property in connection with an academic research project shall submit to the Superintendent/Principal or designee a written proposal which includes:

1. Name of researcher(s) and academic credentials
2. Purpose and scope of the project
3. Method of study or investigation to be used
4. Extent of participation expected of students and staff
5. Use to which project results will be put
6. Benefits to the school or the district

The Superintendent/Principal or designee shall evaluate the extent to which the proposal:

1. Shows potential for improving instructional programs and strategies
2. Addresses a relevant educational problem, concern or issue
3. Is designed to minimize interruptions and demands upon the time of students and staff

The Superintendent/Principal or designee may approve the proposed project for a period of one school year or less. To extend any project into a second school year, the researcher(s) must obtain approval from the Superintendent/Principal or designee.

Researchers shall certify that they will not use the school's name in the publication of findings without the approval of the Superintendent/Principal or designee.

**LIBRARY MEDIA CENTERS**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent/Principal or designee.

The Board of Trustees recognizes that school library media centers support the educational program by providing access to a variety of informational resources. The Board desires to provide the school library with up-to-date books, reference materials, and electronic information resources necessary to promote literacy, support students in achieving academic standards, and prepare students to become lifelong learners.

*(cf. 0440 - District Technology Plan)*

*(cf. 6011 - Academic Standards)*

*(cf. 6161 - Equipment, Books and Materials)*

*(cf. 6163.4 - Student Use of Technology)*

*(cf. 7110 - Facilities Master Plan)*

The school library shall be open for use by students and teachers during the school day. (Education Code 18103)

With the approval of the Board, the school library may be open at other hours outside the school day, including evenings and weekends. Whenever the school library opens to serve students during evening and Saturday hours, it shall be under the supervision of a certificated employee who consents to the assignment. (Education Code 18103)

**Staffing**

To staff the school library, the Board may appoint one or more teacher librarians who possess an appropriate credential issued by the Commission on Teacher Credentialing. (Education Code 18120, 44868)

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

Any teacher librarian employed by the district shall be authorized to perform the following duties:

1. Instruct students in the choice and use of library materials and technology
2. Plan and coordinate school library programs with the district's instructional programs
3. Select materials for the school and library



**LIBRARY MEDIA CENTERS** (continued)

4. Coordinate or supervise the school's library programs
5. Plan and conduct a course of instruction for students who assist in the operation of the school library
6. Supervise classified personnel assigned school library duties
7. Develop procedures for and management of the district library

The Board also may appoint classified paraprofessionals to serve as library aides or library technicians. Volunteers may assist with school library services in accordance with law, Board policy, and administrative regulation.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4222 - Teachers Aides/Paraprofessionals)*

**Library Plan**

Whenever the school receives state funding for school and library improvement pursuant to Education Code 41570-41573, the school site council shall develop a single plan for student achievement which incorporates a plan for the school library. (Education Code 41572)

*(cf. 0420 - School Plans/Site Councils)*

In developing the plan, the Superintendent/Principal or designee is encouraged to consult with teacher librarians, classroom teachers, administrators, parents/guardians, and students as appropriate.

The library plan shall describe the district's vision and goals for the school library and how funds will be provided to support the library. As appropriate, the plan may also address staffing, facilities, selection and evaluation of materials, prioritization of needs, and other related matters.

*(cf. 0000 - Vision)*

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

**Classroom Libraries for Grades K-4**

When state funding is available for classroom library materials in grades K-4, the Superintendent/Principal or designee shall develop, for certification by the Board, a classroom library plan for grades K-4. The plan shall include a means of preventing loss, damage, or destruction of the materials. (Education Code 60242, 60422)

*(cf. 6161.2 - Damaged or Lost Instructional Materials)*

## **LIBRARY MEDIA CENTERS** (continued)

The library plan developed pursuant to Education Code 41572 may fulfill this requirement provided the plan meets the criteria of Education Code 60242.

The Superintendent/Principal or designee is encouraged to consult with primary grade teachers and teacher librarians employed by the district and/or county office of education in the development of the K-4 classroom library plan and to consider selections from the list of books recommended by the State Librarian pursuant to Education Code 19336.

### **Selection and Evaluation of School Library Materials**

Library materials shall include print and electronic resources that align with the curriculum and are accessible to students with varying cognitive or language needs.

Teacher librarians shall evaluate and select materials in accordance with law, Board policy, and administrative regulation and shall use professional selection aids and standards. The selection process shall invite recommendations from administrators, teachers, other staff, parents/guardians, and students as appropriate.

*(cf. 6144 - Controversial Issues)*

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

Library materials should be continually evaluated in relation to evolving curricula, new formats of materials, new instructional methods, and the needs of students and teachers. Materials that contain outdated subject matter or are no longer appropriate shall be removed, and lost or worn materials may be replaced.

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

All gifts and donations of school library materials shall be subject to the same criteria as materials selected for purchase by the district.

*(cf. 3290 - Gifts, Grants and Bequests)*

Complaints regarding the appropriateness of library materials shall be addressed using the district's procedures for complaints regarding instructional materials.

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

### **Fees**

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. (5 CCR 16042)

## **LIBRARY MEDIA CENTERS** (continued)

*(cf. 3260 - Fees and Charges)*

charge shall be assessed for the late return of materials.

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

### **Library Instruction**

Teacher librarians and/or classroom teachers shall provide library instruction to develop students' information literacy skills. Such instruction shall be aligned with state academic standards for library instruction and shall prepare students to:

1. Access information by applying knowledge of the organization of libraries, print materials, digital media, and other sources
2. Evaluate and analyze information to determine appropriateness in addressing the scope of inquiry
3. Organize, synthesize, create, and communicate information
4. Integrate information literacy skills into all areas of learning and pursue information independently to become life-long learners

Teacher librarians also may provide support to teachers, administrators, and other staff by identifying instructional materials that will aid in the development of curriculum and instructional activities and by providing information about effective and ethical uses of school library services and equipment.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

### **Reports**

The district shall, on or before August 31 each year, report to the California Department of Education on the condition of its school library for the preceding year ending June 30. (Education Code 18122)

*Legal Reference: (see next page)*

## LIBRARY MEDIA CENTERS (continued)

### *Legal Reference:*

#### EDUCATION CODE

1703 *Coordination of district library services by county superintendent*

1770-1775 *Provision of library services by county superintendent*

18100-18203 *School libraries*

18300-18571 *Union high school district/unified school district library district*

19335-19336 *Reading Initiative Program; recommended books*

41570-41573 *School and Library Improvement Block Grant*

42605 *Tier 3 categorical flexibility*

44868-44869 *Qualifications and employment of library media teachers*

45340-45349 *Instructional aides*

60119 *Sufficiency of textbooks and instructional materials; public hearing*

60240-60251.5 *State Instructional Materials Fund, purchase of classroom library materials*

60420-60424 *Instructional Materials Funding Realignment Program*

#### REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

18181 *Districtwide library plan*

52012 *Establishment of school site council*

52014-52015 *School plans*

#### CODE OF REGULATIONS, TITLE 5

16040-16043 *School libraries*

80053 *Library media service teaching credential*

#### UNITED STATES CODE, TITLE 20

6383 *Improving Literacy Through School Libraries grant program*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Library Program Standards, September 2010*

*School Library Standards for Students, September 2010*

*Check It Out! Assessing School Library Media Programs, 1998*

*Recommended Literature: Kindergarten Through Grade Twelve*

#### CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS

*Standards and Guidelines for Strong School Libraries, 2004*

#### WEB SITES

American Library Association: <http://www.ala.org>

California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/cr/lb>

California Library Association: <http://www.cla-net.org>

California School Library Association: <http://www.csla.net>

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 6163.2(a)

**ANIMALS AT SCHOOL**

The Board of Trustees recognizes that animals can contribute to the district's instructional program by being effective teaching aids to students and by assisting individuals with disabilities to access district programs and activities. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

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

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

*(cf. 6159 - Individualized Education Program)*

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

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

The Superintendent/Principal or designee shall develop rules and procedures to ensure that when animals are brought to school, the health, safety, and welfare of students, staff, and the animals are protected. However, the district assumes no liability for the safety of animals allowed on district property.

*(cf. 3320 - Claims and Actions Against the District)*

*(cf. 3530 - Risk Management/Insurance)*

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.23 - Asthma Management)*

*Legal Reference: (see next page)*

## ANIMALS AT SCHOOL (continued)

### *Legal Reference:*

#### EDUCATION CODE

233.5 *Instruction in kindness to pets and humane treatment of living creatures*

39839 *Transportation of guide dogs, signal dogs, service dogs*

51202 *Instruction in personal and public health and safety*

51540 *Safe and humane treatment of animals at school*

#### CIVIL CODE

54.1 *Access to public places*

54.2 *Guide, signal, or service dogs, right to accompany*

#### GOVERNMENT CODE

810-996.6 *California Tort Claims Act, especially:*

815 *Liability for injuries generally; immunity of public entity*

835 *Conditions of liability*

#### VEHICLE CODE

21113 *Public grounds*

#### CODE OF REGULATIONS, TITLE 13

1216 *Transportation of property*

#### UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

#### UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 *Definitions*

35.136 *Service animals*

#### COURT DECISIONS

*Sullivan v. Vallejo City USD, (1990) 731 F.Supp. 947*

### *Management Resources:*

#### FEDERAL REGISTER

*Rules and Regulations, September 15, 2010, Vol. 75, Number 178, pages 56164-56236*

#### CSBA PUBLICATIONS

*Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008*

*Asthma Management in the Schools, Policy Brief, March 2008*

#### WEB SITES:

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

American Society for the Prevention of Cruelty to Animals: <http://www.asPCA.org>

Humane Society of the United States: <http://www.hsus.org>

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

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6163.2(a)

**ANIMALS AT SCHOOL**

## **Use of Animals for Instructional Purposes**

Before any student or employee brings an animal to school for an instructional purpose, he/she shall receive written permission from the Superintendent/Principal or designee. The Superintendent/Principal or designee shall give such permission only after he/she has provided written notification to all parents/guardians of students in the affected class, asking them to verify whether their child has any known allergies, asthma, or other health condition that may be aggravated by the animal's presence. When a parent/guardian has provided notification that his/her child has an allergy, asthma, or other health condition that may be aggravated by the animal, the Superintendent/Principal shall take appropriate measures to protect the student from exposure to the animal.

*(cf. 3514 - Environmental Safety)*

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.23 - Asthma Management)*

All animals brought to school must be in good physical condition and must be appropriately immunized. The teacher shall ensure that the species of animal is appropriate for the instructional purpose and age and maturity of the students.

All animals brought to school shall be adequately fed, effectively controlled, humanely treated, and properly housed in cages or containers suitable for the species. The teacher shall ensure that cages and containers are cleaned regularly and that waste materials are removed and disposed of in an appropriate manner.

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

*(cf. 5142 - Safety)*

The teacher shall ensure that students receive instructions regarding the proper handling of and personal hygiene around animals.

*(cf. 5141.22 - Infectious Diseases)*

Except for service animals, as defined below, all animals are prohibited on school transportation services. (Education Code 39839; 13 CCR 1216)

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

*(cf. 5131.1 - Bus Conduct)*

## ANIMALS AT SCHOOL (continued)

### Use of Service Animals by Individuals with Disabilities

For an individual with a disability, *service animal* means any dog that is individually trained to do work or perform tasks related to the individual's disability and for his/her benefit. For example, for an individual who is blind or has low vision, a service animal would mean a dog that helps him/her with vision, navigation, and other tasks; for an individual who is deaf or hard of hearing, a service animal would mean a dog that alerts him/her to the presence of people or sounds; and for an individual with psychiatric or neurological disabilities, a service animal would mean a dog that assists him/her by preventing or interrupting impulsive or destructive behaviors. (28 CFR 35.104)

Individuals with disabilities may be accompanied on school premises and on school transportation by service animals, including specially trained guide dogs, signal dogs, or service dogs. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

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

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

*(cf. 6159 - Individualized Education Program)*

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

The Superintendent/Principal or designee may permit the use of a miniature horse as a service animal when the horse has been individually trained to do work or perform tasks for the benefit of an individual with a disability, provided that: (28 CFR 35.136)

1. The district's facility can accommodate the type, size, and weight of the horse.
2. The individual has sufficient control of the horse.
3. The horse is housebroken.
4. The horse's presence in the specific facility does not compromise legitimate safety requirements of the facility.

The Superintendent/Principal or designee may ask any individual with a disability to remove his/her service animal from school premises or transportation if the animal is out of control and the individual does not take effective action to control it or the animal is not housebroken. When an individual's service animal is excluded, he/she shall be given an opportunity to participate in the service, program, or activity without having the service animal present. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

Regulation  
approved:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 6163.4(a)

## STUDENT USE OF TECHNOLOGY



The Board of Trustees intends that technological resources provided by the district be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

*(cf. 0440 - District Technology Plan)*  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 5131 - Conduct)*  
*(cf. 6163.1 - Library Media Centers)*

The Superintendent/Principal or designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement.

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*  
*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 5145.12 - Search and Seizure)*

Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs incurred.

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

The Superintendent/Principal or designee, with input from students and appropriate staff, shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances.

### **Use of District Computers for Online Services/Internet Access**

The Superintendent/Principal or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

## **STUDENT USE OF TECHNOLOGY (continued)**

To reinforce these measures, the Superintendent/Principal or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The Superintendent/Principal or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Superintendent/Principal or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Student use of district computers to access social networking sites is prohibited. To the extent possible, the Superintendent/Principal or designee shall block access to such sites on district computers with Internet access.

*Legal Reference: (see next page)*

## STUDENT USE OF TECHNOLOGY (continued)

### *Legal Reference:*

#### EDUCATION CODE

51006 *Computer education and resources*  
51007 *Programs to strengthen technological skills*  
51870-51874 *Education technology*  
60044 *Prohibited instructional materials*

#### PENAL CODE

313 *Harmful matter*  
502 *Computer crimes, remedies*  
632 *Eavesdropping on or recording confidential communications*  
653.2 *Electronic communication devices, threats to safety*

#### UNITED STATES CODE, TITLE 15

6501-6506 *Children's Online Privacy Protection Act*

#### UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology Act, Title II, Part D, especially:*

6777 *Internet safety*

#### UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

#### CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 *Children's Online Privacy Protection Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 *Internet safety policy and technology protection measures, E-rate discounts*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

#### FEDERAL TRADE COMMISSION PUBLICATIONS

*How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000*

#### MY SPACE.COM PUBLICATIONS

*The Official School Administrator's Guide to Understanding MySpace and Resolving Social*

#### Networking Issues

#### WEB SITES

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

American Library Association: <http://www.ala.org>

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://csriu.org>

Federal Communications Commission: <http://www.fcc.gov>

Federal Trade Commission, Children's Online Privacy Protection:

<http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

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

Web Wise Kids: <http://www.webwisekids.org>

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6163.4(a)

**STUDENT USE OF TECHNOLOGY**

The Superintendent/Principal or designee shall oversee the maintenance of the school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the district's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

*(cf. 0440 - District Technology Plan)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

*(cf. 6163.1 - Library Media Centers)*

### **Online/Internet Services: User Obligations and Responsibilities**

Students are authorized to use district equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below, and the district's Acceptable Use Agreement.

1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.
2. Students shall use the district's system safely, responsibly, and primarily for educational purposes.
3. Students shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

*(cf. 5131 - Conduct)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*

## STUDENT USE OF TECHNOLOGY (continued)

*Harmful matter* includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using email, chat rooms, or other forms of direct electronic communication. Students also shall be cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.

*Personal information* includes the student's name, address, telephone number, Social Security number, or other personally identifiable information.

5. Students shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131.6 - Alcohol and Other Drugs)

6. Students shall not use the system to engage in commercial or other for-profit activities.
7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.
8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.

(cf. 5131.9 - Academic Honesty)

(cf. 6162.6 - Use of Copyrighted Materials)

9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."

(cf. 5131.5 - Vandalism and Graffiti)

10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or use another individual's identity.

## **STUDENT USE OF TECHNOLOGY (continued)**

11. Students shall report any security problem or misuse of the services to the teacher or Superintendent/Principal.

The district reserves the right to monitor use of the district's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications, including email, are not private and may be accessed by the district for the purpose of ensuring proper use.

*(cf. 5145.12 - Search and Seizure)*

Whenever a student is found to have violated Board policy, administrative regulation, or the district's Acceptable Use Agreement, the Superintendent/Principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

*(cf. 5144 - Discipline)*

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

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

Regulation  
approved:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
E(1) 6163.4(a)

# Chualar School

## *Computer and Internet Acceptable Use Policy*

*Please read the following information carefully before signing this document.*

*Chualar Students and staff (users) have the use of computers and access to the Internet from both the classroom, the Chualar School Library, Staff Room and the Computer Lab. This is a privilege and it brings both responsibilities and risks.*

**THE INTERNET:** The internet is an “electronic highway” linking computers and computer Users all over the world. Students and faculty will be able to access resources, communicate with people having similar interests from around the globe, and to advance their education through accessing current educational research worldwide. These guidelines are intended to assist in maintaining and improving the use of this valuable resource.

**THE BASIC IDEA BEHIND THIS DOCUMENT:** We expect the User of Chualar’s Internet connection to have consideration for the personal and material rights of others. In other words, bullying others, destroying property, and stealing from others are totally unacceptable behaviors. When using the Internet through Chualar’s connection, you are a representative of Chualar School. In that role, you must comport yourself in a way that is not hurtful to others or their property. It is not permissible to post harassing messages on public spaces nor in private E-mail. It is not permissible to send messages under the name of another or anonymously.

**NET ETIQUETTE:** The User is expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:

- a. Be polite. Do not get abusive in your messages to others.
- b. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language. Illegal activities are strictly forbidden. This also includes not using inappropriate pictures or graphics.
- c. Do not reveal the personal address or phone numbers of students or colleagues.
- d. Do not use the network in such a way that you would disrupt the use of the network by other users.
- e. All communications and information accessible via the network should be assumed to be private property.

**ELECTRONIC MAIL:** Electronic mail, “E-Mail”, is any written electronic message sent by or to a User in correspondence with another individual having Internet or Local Area Network (Intranet) mail access. One needs to remember that information is a form or property, and E-Mail is a form of speech. In this light, it should be clear that electronic mail cannot be used to harass others. *It is also important to not consider electronic communications to be either private or secure.*

We expect the User to be honest with others in what the User does and says. It is worth remembering that honesty in our dealings with each other is one of the most important rules of conduct. Writing an E-Mail message masquerading as another is a most offensive form of dishonesty.

**GENERAL E-MAIL (Intranet or Firstclass® Postings):** Public E-Mail messages (e.g., those sent via First Class®) may not include personal attacks, and should follow ordinary rules of appropriate public language. Any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material will not be tolerated. Since such messages are, by their nature, public, they should not contain any language or content which the author would not be willing to share from the podium at a school assembly.

**PERSONAL FILES STORED ON A COMPUTER HARD DRIVE:** The contents of a student’s files on a hard drive or other media will be considered private. Students are to work on their own files and no one else’s without explicit permission from that individual or other appropriate school personnel.

**PASSWORDS:** No one needs to know your password or other personal information. Taking advantage of a staff member who inadvertently leaves a computer on without logging off is no different from entering an unlocked room and stealing, reading a personal letter, or destroying their property. It should also be obvious that obtaining a password or rights to another’s E-Mail on the network is a form of theft just as real as using a stolen key to enter someone’s room or locker. We strongly suggest that all Internet Users not give out personal information to other users on bulletin boards, chat boards, or other systems, just as no one would give their address to a stranger on the street.

**COMPUTER USAGE:** **No student should make any change to the set-up organization of any school computer.** This includes not changing the desktop, the fonts or any other setting for the computer. Again, doing so may result in the loss of all computer privileges. Any willful damage or neglect to computers or other hardware may result in loss of all privileges, as well as, a financial obligation to repair or replace damaged or broken items.

**SOFTWARE:** Only software, for which the Chualar Union Elementary School District has a legal license, may be used on any of the computers of the district. *No other software brought from home, or downloaded from the Internet, may be installed on any of the computers owned by the Chualar Union Elementary School District.*



**CONSEQUENCES:** The violation of Chualar School's *Computer and Acceptable Internet Use Policy* rules concerning the use of the computers, the Local Area Network (LAN) and the Internet will result in various consequences, *including the loss of computer privileges for a fixed period of time and/or the balance of the school year.* **It may also include other discipline, including Suspension, as per established rules of student behavior and conduct.**

**USE CAUTION:** Because Chualar School provides, through its connection to the Monterey County Office of Education (M.C.O.E.), access to other computer systems around the world via the Internet, the User (student), and the parents/guardians of the User, should specifically understand that the school administrators do not have control of the content of information residing on these other systems. *M.C.O.E. does employ a filter that limits access to many inappropriate websites.* However, Users and parents of Users are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material. Chualar School, its teachers, and school administrators do not condone the use of such materials nor do not permit usage of such materials in the school environment. Students are strictly prohibited from bringing such materials from home into the school environment and from accessing such materials at school on any Chualar School computer. Parents/guardians of minors should be aware of the existence of such materials and discuss the appropriate uses of the Internet with their child..

**LIABILITY:** *As the parent/guardian of this student I have read the terms and conditions of this Acceptable Use Policy. I understand that access to computers, educational software and the Internet is designed for educational purposes and that Chualar School and the Chualar Union Elementary School District have taken available precautions to eliminate controversial material. However, I also recognize it is impossible for Chualar School and the Chualar Union Elementary School District to restrict access to all controversial materials on the Internet or to monitor all material being placed on a computer system by its users. I will not hold Chualar School, the school district, or its employees responsible for materials acquired or the consequences of such use or acquisition, on the Internet or within the local area network. Further, I accept full financial responsibility for damages to computers, other hardware or software caused by willful neglect by my child.*

*I hereby give permission for my child to utilize the computers and have Internet access at Chualar School.*

\_\_\_\_\_  
Please Print Parent/Guardian(s) Name

\_\_\_\_\_  
Parent/Guardian(s) Signature

\_\_\_\_\_, 2000  
Date

**STUDENT AGREEMENT:** In order to make sure that all members of the Chualar community understand and agree to these rules of conduct, we ask that you sign the following statement:

*I, \_\_\_\_\_, have read and understand the school rules as they apply to the use of the Chualar School computers and Internet usage. I will abide by them in letter and spirit, and understand that violating them will result in disciplinary action by the school, including the loss of use of Chualar computer privileges and other possible consequences as indicated above.*

\_\_\_\_\_  
Student Signature

\_\_\_\_\_, 2000  
Date

\_\_\_\_\_  
School Employee Signature

\_\_\_\_\_, 2000  
Date

Exhibit  
version:

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
E(2) 6163.4

**Chualar School**

**Computer and Internet Acceptable Use Policy  
(Spanish Language Version)**

**Please See District Material**

Exhibit  
version:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 6164.2(a)

**GUIDANCE/COUNSELING SERVICES**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent/Principal or designee.

The Board of Trustees recognizes that a comprehensive counseling program can help promote academic achievement and serve the diverse needs of all district students. Counseling staff shall be available to meet with students to discuss academic, social, or personal difficulties, as well as other issues that may impact student learning.

### **Academic and Career Counseling**

The district's academic counseling program shall help students establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit examination, and complete the required curriculum in accordance with their individual needs, abilities, and interests. Insofar as possible, parents/guardians shall be included when making educational plans.

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

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6011 - Academic Standards)*

*(cf. 6020 - Parent Involvement)*

Counseling staff shall help all students plan for the future and become aware of their career potential. Academic planning for higher education shall include information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships.

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6143 - Courses of Study)*

### **Supplemental School Counseling Program for Students in Grades 7-8**

The Board-adopted supplemental school counseling program for students in grades 7-8 shall be delivered by personnel who hold a valid pupil personnel services credential. The district's program shall provide for: (Education Code 52378)

1. An individualized review of academic and department records
2. An individualized review of the career goals of students, and the available academic and career technical education opportunities and community and workplace experiences available to students to support their goals

BP 6164.2(b)

## **GUIDANCE/COUNSELING SERVICES (continued)**

3. An opportunity for a counselor to meet with students and, if practicable the parent/guardian, to discuss available educational and career technical options
4. Specialized counseling services for students identified as at risk

*(cf. 6162.52 - High School Exit Examination)*

*(cf. 6179 - Supplemental Instruction)*

### **Personal Counseling**

Counseling staff shall identify and work with students whose personal problems may prevent them from reaching their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.

*(cf. 1020 - Youth Services)*

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5141.6 - School Health Services)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 5149 - At-Risk Students)*

*(cf. 6164.5 - Student Success Teams)*

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

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

Counselors shall respect student confidentiality as appropriate and shall consult with the Superintendent/Principal or designee or with the district's legal counsel whenever unsure of how to respond to a student's personal problem. Parent/guardian consultation and consent shall be obtained as appropriate.

*(cf. 5125 - Student Records)*

*(cf. 5022 - Student and Family Privacy Rights)*

### **Crisis Counseling**

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students before and after a crisis.

## **GUIDANCE/COUNSELING SERVICES (continued)**

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

In addition, the Superintendent/Principal or designee shall identify crisis counseling resources to train district staff in appropriate response techniques and/or to directly help students cope with such crises if they occur.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5141.52 - Suicide Prevention)*

### **Teacher-Based Advisory Program**

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice and security. The Board desires to establish a teacher-based advisory program in which teachers, with supervision and support from a credentialed school counselor, advise students in such areas as character development, conflict resolution, and self-esteem. The Board expects this program to enhance student-teacher relationships and give students positive, adult role models. The Superintendent/Principal or designee and a credentialed school counselor shall design this program and submit it to the Board for adoption.

*Legal Reference: (see next page)*

## GUIDANCE/COUNSELING SERVICES (continued)

### *Legal Reference:*

#### EDUCATION CODE

221.5 Prohibited sex discrimination

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

41505-41508 Pupil Retention Block Grant

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250 School age military dependents

51513 Personal beliefs

52378-52380 Supplemental School Counseling Program

#### REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

48431.6 Tenth grade counseling program

#### PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

#### CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

#### UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family educational rights and privacy

### *Management Resources:*

#### WEB SITES

American School Counseling Association: <http://www.schoolcounselor.org>

California Association of School Counselors: <http://www.schoolcounselor-ca.org>

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

U.S. Department of Education, access to military recruiters:

<http://www.ed.gov/policy/gen/guid/fpc/hottopics/ht10-09-02.html>

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6164.2(a)

**GUIDANCE/COUNSELING SERVICES**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

### **Supplemental School Counseling Program for Students in Grades 7-8**

A counselor shall review the academic and department record of each student in grades 7-8. The counselor shall also provide for an individualized review of each student's career goals and the available academic and career technical education opportunities and community and workplace experiences available that may support the pursuit of those goals. In addition, the counselor shall meet with each student and, if practicable, his/her parent/guardian to explain the records. At the meeting, the counselor shall also explain: (Education Code 52378)

1. The student's educational options

If such services are available to district students, the educational options discussed shall include college preparatory and career technical programs, including regional occupational centers and programs and any other available alternatives.

2. The coursework and academic progress needed for satisfactory completion of middle school or high school and passage of the high school exit examination

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

*(cf. 6179 - Supplemental Instruction)*

3. The availability of career technical education

The Superintendent/Principal or designee shall identify students in grades 7-8 who: (Education Code 52378)

1. Are at risk of not graduating with the rest of their class
2. Are not earning credits at a rate that will enable them to pass the high school exit exam
3. Do not have sufficient training to allow them to fully engage in their chosen career

For these identified students, the district shall provide the following additional services:



## **GUIDANCE/COUNSELING SERVICES** (continued)

1. **List of Coursework and Experience:** For students in grade 7 who are deemed to be at the far below basic level in English language arts or mathematics pursuant to the California Standards Test administered in grade 6, the district shall provide a list of coursework and experience necessary to assist them to successfully transition to high school and to meet all graduation requirements, including passing the high school exit exam. (Education Code 52378)

For students in grade 7, the district shall provide a list of coursework and experience necessary to assist each student to begin to satisfy the curricular requirements for admission to UC and CSU. (Education Code 52378)

A copy of the list of coursework and experience shall be provided to the student and his/her parent/guardian. The list shall also be included in the student's cumulative record. (Education Code 52378)

2. **Individual Conference:** For students in grade 7 who are deemed to be at the far below basic level in English language arts or mathematics, as detailed in item #1 above, the district shall offer and schedule an individual conference with each student, his/her parent/guardian, and a school counselor. During the conference, the counselor shall apprise the student and his/parent guardian of the following: (Education Code 52378)
  - a. Consequences of not passing the high school exit exam
  - b. Available programs, courses, and career technical education options needed for satisfactory completion of middle or high school
  - c. The student's cumulative records and transcripts
  - d. The student's performance on standardized and diagnostic assessments
  - e. Available remediation strategies, high school courses, and alternative education options, including, but not limited to, informing students of the option to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until passage of both parts of the exit exam, whichever comes first
  - f. Information about postsecondary education and training
  - g. As applicable, the student's score on the English language arts or mathematics portion of the California Standards Test administered in grade 6

## **GUIDANCE/COUNSELING SERVICES (continued)**

- h. Eligibility requirements, including coursework and test requirements, and the progress of the student toward satisfaction of those requirements for admission to four-year institutions of postsecondary education, including at least UC and CSU
- i. The availability of financial aid for postsecondary education

The individual conference shall be scheduled, to the extent feasible, within the following timelines: (Education Code 52378)

For students in grade 7, the conference shall occur before January of the year in which the student is in grade 7.

The Superintendent/Principal or designee shall annually submit a report to the California Department of Education describing the number and percentage of students receiving various program services and an assurance that the district has complied with the requirements for individual conferences pursuant to Education Code 52378(e). (Education Code 52380)

### **Notifications**

Beginning in grade 7, parents/guardians shall be notified at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

*(cf. 5145.6 - Parental Notifications)*

### **Nondiscrimination**

No counselor shall unlawfully discriminate against any student. In addition, when exploring the possibility of careers and courses leading to such careers, counseling staff shall not differentiate career, vocational, or higher education opportunities on the basis of the sex of the student. (Education Code 221.5; 5 CCR 4930)

For appraising or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

Regulation  
approved:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 6164.4(a)

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

The Board of Trustees recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

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

*(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School)*

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

The Superintendent/Principal or designee shall establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)

The district's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

The Superintendent/Principal or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning their child. In addition, the Superintendent/Principal or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 4112.23 - Special Education Staff)*

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

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159 - Individualized Education Program)*

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

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

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

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

*Legal Reference: (see next page)*

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)**

### *Legal Reference:*

#### EDUCATION CODE

44265.5 *Professional preparation for teachers of impaired students*

56000-56885 *Special education programs, especially:*

56195.8 *Adoption of policies*

56300-56304 *Identification of individuals with disabilities*

56320-56331 *Assessment*

56333-56338 *Eligibility criteria for specific learning disabilities*

56340-56347 *Instructional planning and individualized education program*

56381 *Reassessment of students*

56425-56432 *Early education for individuals with disabilities*

56441.11 *Eligibility criteria, children ages 3-5*

56445 *Transition to grade school; reassessment*

56500-56509 *Procedural safeguards*

#### GOVERNMENT CODE

95000-95029.5 *California Early Intervention Services Act*

#### CODE OF REGULATIONS, TITLE 5

3021-3029 *Identification, referral and assessment*

3030-3031 *Eligibility criteria*

#### UNITED STATES CODE, TITLE 20

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

1412 *State eligibility*

1415 *Procedural safeguards*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

300.1-300.818 *Individuals with Disabilities Education Act, especially:*

300.301-300.306 *Evaluations and reevaluations*

#### COURT DECISIONS

Hood v. Encinitas Union School District, (2007) 486 F.3d 1099

### *Management Resources:*

#### FEDERAL REGISTER

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

#### WEB SITES

*California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>*

*U.S. Department of Education, Office of Special Education Programs:*

*<http://www.ed.gov/about/offices/list/osers/osep>*

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6164.4(a)

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

### **Referrals for Special Education Services**

A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Education Code 56303)

All referrals from school staff for special education and related services shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student and their effect. (5 CCR 3021)

### **Initial Evaluation for Special Education Services**

Before the initial provision of special education and related services to a student with a disability, the district shall conduct a full and individual initial evaluation of the student. (Education Code 56320; 34 CFR 300.301)

Upon receipt of a referral of any student for special education and related services, a proposed evaluation plan shall be developed within 15 days, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days, unless the parent/guardian agrees, in writing, to an extension. If the referral is made within 10 days or less prior to the end of the student's regular school year or term, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year or term. (Education Code 56043, 56321)

The proposed evaluation plan shall meet all of the following requirements: (Education Code 56321)

1. Be in a language easily understood by the general public
2. Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible
3. Explain the types of evaluation to be conducted
4. State that no individualized education program (IEP) will result from the evaluation without parent/guardian consent

*(cf. 6159 - Individualized Education Program)*

Before conducting an initial evaluation, the district shall provide the parent/guardian with prior written notice in accordance with 34 CFR 300.503. In addition, as part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information: (Education Code 56329; 34 CFR 300.304, 300.504)

AR 6164.4(b)

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

1. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities, as defined in Education Code 56026, and shall discuss the evaluation, the educational recommendations, and the reasons for the recommendations.
2. When making a determination of eligibility for special education, the district shall not determine that the student is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368, lack of appropriate instruction in mathematics, or limited English proficiency.
3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian.
4. If the parent/guardian disagrees with an evaluation obtained by the district, he/she has the right to obtain, at public expense, an independent educational evaluation (IEE) of the student from qualified specialists, in accordance with 34 CFR 300.502. The parent/guardian is entitled to only one such evaluation at public expense each time the district conducts an assessment with which the parent/guardian disagrees.

If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of the student, an equivalent opportunity shall apply to the IEE. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the district's proposed placement and setting, if any, regardless of whether the IEE is initiated before or after the filing of a due process hearing proceeding.

5. The district may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its evaluation is appropriate. If the final decision resulting from the due process hearing is that the evaluation is appropriate, the parent/guardian maintains the right for an IEE, but not at public expense.

If the parent/guardian obtains an IEE at private expense, the results of the IEE shall be considered by the district with respect to the provision of a free appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student. If the district observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to an IEE of the student in the student's current educational placement and setting and in any educational placement and setting proposed by the district, regardless of whether the IEE is initiated before or after the filing of a due process hearing.

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

6. If the parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by his/her parent/guardian, the student in that proposed placement. Any such observation shall only be of the student who is the subject of the observation and shall not include the observation or evaluation of any other student in the proposed placement unless that other student's parent/guardian consents to the observation or evaluation. The results of any observation or evaluation of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding FAPE of that other student.

*(cf. 5145.6 - Parental Notifications)*

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

*(cf. 6164.41 - Children with Disabilities Enrolled by their Parents in Private School)*

### **Parent/Guardian Consent for Evaluations**

Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial evaluation. The district shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.300)

*Informed parental consent* means that the parent/guardian: (Education Code 56021.1; 34 CFR 300.9)

1. Has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought
2. Understands and agrees, in writing, to the carrying out of the activity for which his/her consent is sought and the consent describes that activity and lists the records (if any) that will be released and to whom
3. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time
4. Understands that if he/she revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked)

The district shall make reasonable efforts to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. The district shall maintain a record of its attempts to obtain consent, including: (Education Code 56321, 56341.5; 34 CFR 300.300, 300.322)

AR 6164.4(d)

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

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

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the district may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including the mediation and due process procedures pursuant to 20 USC 1415 and 34 CFR 300.506-300.516. (Education Code 56321; 34 CFR 300.300)

For a student who is a ward of the state and not residing with his/her parent/guardian, the district may conduct an initial evaluation without obtaining informed consent if any of the following situations exists: (Education Code 56321.1; 20 USC 1414; 34 CFR 300.300)

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent/guardian of the student.
2. The rights of the parent/guardian of the student have been terminated in accordance with California law.
3. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

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

The district need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students, unless consent is required from the parents/guardians of all students. (Education Code 56321; 34 CFR 300.300)

### **Conduct of the Evaluation**

The district shall complete the determination as to whether the student is a student with a disability, conduct the initial evaluation to determine his/her educational needs, and develop an IEP within 60 days of receiving informed parent/guardian consent for the evaluation. (Education Code 56344; 34 CFR 300.300, 300.301)

The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by the district. (Education Code 56320, 56322)

AR 6164.4(e)



## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (34 CFR 300.302)

In conducting the evaluation, the district shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The district shall also use any information provided by the parent/guardian that may assist the district in making the determination as to whether the student is a student with a disability and, if so, the necessary components of his/her IEP when the IEP is developed, including information related to enabling the student to be involved in and to progress in the general education curriculum. (34 CFR 300.304)

The district's evaluation shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining the appropriate educational program for the student. The assessment shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors. (34 CFR 300.304)

The district shall also ensure that assessments and other evaluation materials provide relevant information that assists in determining the student's educational needs and are: (Education Code 56320; 34 CFR 300.304)

1. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual basis
2. Provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer
3. Used for the purposes for which the assessments or measures are valid and reliable
4. Administered by trained and knowledgeable personnel
5. Administered in accordance with any instructions provided by the producer of the assessments
6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

7. If administered to a student with impaired sensory, manual, or speaking skills, selected and administered to best ensure that the results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure

Students shall be assessed in all areas related to the suspected disability, including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. When appropriate, a developmental history shall be obtained. The district shall ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified. (Education Code 56320; 34 CFR 300.304)

As part of the initial evaluation and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the student, including evaluations and information provided by the parents/guardians, current classroom-based local or state assessments and classroom-based observations, and observations by teachers and related services providers. On the basis of that review and input from the student's parent/guardian, the team shall identify what additional data, if any, are needed to determine: (Education Code 56381; 34 CFR 300.305)

1. Whether the student is a student with a disability, or in the case of a reevaluation, whether the student continues to have a disability, and the educational needs of the student
2. The present levels of academic achievement and related developmental needs of the student
3. Whether the student needs, or continues to need, special education and related services
4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum

If a student has transferred from another district in the same school year or leaves this district, the district shall coordinate with the student's prior or subsequent district as necessary and as expeditiously as possible to ensure prompt completion of full evaluations. (34 CFR 300.304)

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

### **Eligibility Determination**

Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall determine whether the student is a student with a disability and, if so, his/her educational needs. In interpreting the data, the group shall draw information from a variety of sources, including aptitude and achievement tests, parent/guardian input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered. (34 CFR 300.306)

The personnel who evaluate the student shall prepare a written report of the results of each evaluation. The report shall include, but not be limited to, the following: (Education Code 56327)

1. Whether the student may need special education and related services
2. The basis for making the determination
3. The relevant behavior noted during the observation of the student in an appropriate setting
4. The relationship of that behavior to the student's academic and social functioning
5. The educationally relevant health, developmental, and medical findings, if any
6. For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services
7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate
8. The need for specialized services, materials, and equipment for students with low incidence disabilities, consistent with Education Code 56136

When making a determination of eligibility for special education and related services, the district shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368, lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria. (Education Code 56329; 34 CFR 300.306)

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

If a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed within a total time not to exceed 60 days, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days, from the date of the receipt of the parent/guardian's consent for evaluation, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56043; 34 CFR 300.306)

### **Independent Educational Evaluation**

The parents/guardians of a student with a disability have the right to obtain an IEE at public expense under the same criteria that the district uses for a district-initiated evaluation. An *independent educational evaluation* is an evaluation conducted by a qualified examiner who is not employed by the district. *Public expense* means the district either pays for the full cost of the IEE or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. (Education Code 56329; 34 CFR 300.502)

The parent/guardian is entitled to only one IEE at public expense each time the district conducts an evaluation with which the parent/guardian disagrees. (Education Code 56329; 34 CFR 300.502)

If a parent/guardian has requested an IEE, the district may ask for the reason that he/she objects to the district's evaluation. However, the parent/guardian is not required to provide the reason to the district. (34 CFR 300.502)

Upon receiving the request for an IEE, the district shall, without unnecessary delay, either: (34 CFR 300.502)

1. File a due process complaint to request a hearing to show that its evaluation is appropriate
2. Ensure that an IEE is provided at public expense, unless the district can later demonstrate at a hearing that the evaluation obtained by the parent/guardian did not satisfy the district's criteria

If a due process hearing decision determines that the district's evaluation is appropriate, then the parent/guardian may obtain an IEE but not at public expense. (34 CFR 300.502)

In any decision made with respect to providing FAPE to a student with a disability, the result of any IEE obtained by the student's parent/guardian shall be considered by the district if it meets district criteria. Any such result also may be presented as evidence at a hearing on a due process complaint. (34 CFR 300.502)

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

**Reevaluation**

A reevaluation shall be conducted when the district determines that the educational or related service needs of the student, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent/guardian or teacher requests reevaluation. Such reevaluations shall occur every three years, unless the parent/guardian and district agree in writing that a reevaluation is unnecessary. A reevaluation may not occur more than once a year, unless the parent/guardian and the district agree otherwise. (Education Code 56043, 56381; 34 CFR 300.303)

The district shall ensure that any reevaluations of the student are conducted in accordance with the evaluation procedures pursuant to 34 CFR 300.304-300.311. (34 CFR 300.303)

Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reevaluated to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these children. (Education Code 56445)

*(cf. 5148.3 - Preschool/Early Childhood Education)*

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**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 6164.41(a)

## **CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL**

The Board of Trustees recognizes its obligations under federal and state law to identify and provide equitable services to children voluntarily enrolled by their parents/guardians in private schools located within the district.

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

The Superintendent/Principal or designee shall ensure that activities to locate, identify, and evaluate children with disabilities enrolled by their parents/guardians in private schools within the district are comparable to activities undertaken for individuals with disabilities aged three to 22 in public schools within the district. (34 CFR 300.131; Education Code 56171)

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

The Superintendent/Principal or designee shall develop a budget for the provision of services to children with disabilities enrolled by their parents in private school based on the proportionate share of federal funds received and the number of eligible children, including the possibility of mid-year enrollees, and the types of services to be provided.

*Legal Reference: (see next page)*

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN  
PRIVATE SCHOOL (continued)**

*Legal Reference:*

EDUCATION CODE

56000 *Education for individuals with exceptional needs*

56020-56035 *Definitions*

56170-56177 *Children in private schools*

56195.8 *Adoption of policies for programs and services*

56300-56385 *Identification and referral, assessment*

56500-56509 *Procedural safeguards, including due process rights*

56600-56606 *Evaluation, audits and information*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Assistance to states for the education of students with disabilities, especially:*

300.130-300.140 *Children with disabilities enrolled by their parents in private schools*

COURT DECISIONS

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

*Management Resources:*

UNITED STATES DEPARTMENT OF EDUCATION PUBLICATIONS

Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools, March 2006

FEDERAL REGISTER

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

WEB SITES

*California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>*

*U.S. Department of Education, Office of Special Education Programs:*

*<http://www.ed.gov/about/offices/list/osers/osep>*

## **CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL**

### **Definitions**

*Parentally placed private school children with disabilities* means children with disabilities who are voluntarily enrolled by their parents/guardians in a private school or facility within district boundaries, including children who are attending a private school or facility within district boundaries but who reside in another district or state. (34 CFR 300.131)

*Private school or facility* means a private full-time day school, including a religious school, located within district boundaries, that has filed an affidavit with the California Department of Education pursuant to Education Code 33190 and is registered in the California Private School Directory.

### **Consultation with Private School Representatives**

The Superintendent/Principal or designee shall consult with all private school representatives and representatives of parents/guardians of parentally placed private school children with disabilities during the design and development of equitable services for the children. In order to ensure a meaningful and timely consultation, the consultation shall include: (20 USC 1412(a)(3); 34 CFR 300.134; Education Code 56301)

1. The child find process and how parentally placed private school children suspected of having a disability can participate equitably
2. How parents/guardians, teachers, and private school officials will be informed of the child find process
3. The determination of the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this share is calculated
4. How the consultation process will operate throughout the school year to ensure that identified children can meaningfully participate in equitable services
5. How, where, and by whom equitable services will be provided including a discussion about the types of services, alternate service delivery mechanisms, how services will be apportioned if funds are insufficient to serve all of the identified children, and how and when those decisions will be made
6. In the event that the district and private school disagree on the provision of or the types of services, how the district will provide the private school officials with a written explanation of the reasons that the district chose to not provide the services



## **CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL (continued)**

When meaningful and timely consultation has occurred, the district shall obtain a written affirmation signed by the representatives of participating private schools. If the private school representatives do not provide the affirmation within a reasonable period of time, the district shall forward documentation of the consultation process to the California Department of Education. (34 CFR 300.135; Education Code 56172)

After the consultation has occurred, the district shall ensure an annual count of the number of parentally placed children with disabilities attending private schools located within the district. This count shall be conducted between October 1 and December 1 each year and shall be used to determine the amount the district must spend on providing equitable services to the children in the subsequent fiscal year. (34 CFR 300.133)

### **Provision of Services**

A child with a disability parentally placed in a private school has no individual right to receive some or all of the special education and related services that he/she would receive if enrolled in public school. Such a child may receive a different amount of services than students with disabilities in public schools. (34 CFR 300.137, 300.138)

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

The district shall evaluate all identified parentally placed private school children with disabilities for purposes of considering them for equitable services. This evaluation shall be conducted in accordance with the timelines and procedures for evaluating public school students with disabilities pursuant to 34 CFR 300.300-300.311, including providing the parent/guardian with a copy of the procedural safeguards notice. (34 CFR 300.131, 300.504)

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

In order to ensure that each child entitled to special education and related services from the district receives an offer of a free appropriate public education (FAPE), the district where the child resides shall develop an individualized education program (IEP) for each identified child who attends a private school located in the district and who resides in the district.

However, the district shall not develop an IEP if the parent/guardian makes clear his/her intention to keep the child enrolled in private school. In such situations, the district shall obtain written certification confirming the parent/guardian's intention to keep his/her child enrolled in private school, including the fact that he/she is not interested in the development of an IEP or the district's offer of FAPE. If the parent/guardian does not provide confirmation in writing, the district shall obtain oral confirmation of the parent/guardian's intention and confirm the conversation in writing.

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL** (continued)

If the child resides in a different district, then this district and the district of residence shall work together to ensure that the parent/guardian receives an offer of FAPE in accordance with law.

The district shall develop and implement an individual services plan (ISP) for each identified private school child with a disability that describes the equitable services that the district will provide, as agreed to by the district and private school representatives during the consultation process. (34 CFR 300.138)

The ISP shall be developed, reviewed, and revised consistent with 34 CFR 300.121-300.324. A representative of the private school shall be invited to attend each ISP team meeting. If the representative cannot attend the meeting, the district shall use other methods to ensure the representative's participation, including individual or conference calls. (34 CFR 300.137, 300.138)

*(cf. 6159 - Individualized Education Program)*

The district may provide services on the private school premises, including a religious school, to the extent consistent with law. The services shall be provided by personnel meeting the same standards as personnel providing services in the public school, except private school teachers providing the services do not need to meet the requirements of the No Child Left Behind Act for "highly qualified special education teacher" pursuant to 34 CFR 300.18. The personnel shall either be district employees or contractors of the district. (34 CFR 300.138, 300.139)

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

The district shall offer transportation to the child if services are provided on a site other than the child's school and the ISP team determines that transportation is necessary for the child to benefit from or participate in the services provided in the ISP. Depending on the timing of the services, the district shall provide transportation from the child's school or home to the service site and from the service site to the child's school or home. (34 CFR 300.139)

The district may place equipment and supplies in a private school for the period of time necessary to provide the services pursuant to the ISP. All such equipment shall remain the property of the district and must be able to be removed without causing damage to the private school. The district shall remove the equipment when no longer required by the child, when the child no longer attends the private school, or when removal is necessary to prevent unauthorized use. (34 CFR 300.144)

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BP 6164.5(a)

## **STUDENT SUCCESS TEAMS**

The Board of Trustees encourages the collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance or behavioral difficulties and in identifying strategies and programs that may assist the students. The Superintendent/Principal or designee shall establish student success teams as needed to address individual students' needs.

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 5149 - At-Risk Students)*

The Superintendent/Principal or designee shall establish a process for initiating referrals of students to the student success team.

Each student success team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

*(cf. 1020 - Youth Services)*

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

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.6 - School Health Services)*

*(cf. 5144 - Discipline)*

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

*(cf. 6020 - Parent Involvement)*

*(cf. 6158 - Independent Study)*

*(cf. 6159 - Individualized Education Program)*

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

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6171 - Title I Programs)*

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

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

*(cf. 6175 - Migrant Education Program)*

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6177 - Summer School)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work Experience Education)*

*(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)*

The student success team shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, and develop additional interventions as needed.

*Legal Reference: (see next page)*

## STUDENT SUCCESS TEAMS (continued)

### *Legal Reference:*

#### EDUCATION CODE

8800-8807 *Healthy Start support services for children*

41505-41508 *Pupil Retention Block Grant*

48260-48273 *Truancy*

48400-48454 *Continuation education*

49600-49604 *Educational counseling*

51745-51749.3 *Independent study programs*

52200-52212 *Gifted and talented student programs*

54400-54425 *Programs for disadvantageded children*

54440-54445 *Migrant children*

#### WELFARE AND INSTITUTIONS CODE

4343-4352.5 *Primary interventions program, mental health*

18986.40-18986.46 *Interagency children's services*

### *Management Resources:*

#### CDE PUBLICATIONS

*SB 65 School-Based Pupil Motivation and Maintenance Program Guidelines (2000-01 Edition), 2000*

*Student Success Teams: Supporting Teachers in General Education, 1997*

#### CALIFORNIA DROPOUT PREVENTION NETWORK PUBLICATIONS

*SST: Student Success Teams, 2000*

#### WEB SITES

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

*California Dropout Prevention Network: <http://www.edualliance.org/cdpn>*

*National Dropout Prevention Center: <http://www.dropoutprevention.org>*

## **STUDENT SUCCESS TEAMS**

### **Team Membership**

Members of individual student success teams may include:

1. The Superintendent/Principal or designee
2. One or more of the student's classroom teachers or former teachers
3. The student's parents/guardians
4. The student if appropriate
5. Resource personnel or specialists, such as a school counselor, psychologist, nurse, outreach consultant, special education resource person, categorically funded staff person, department chairperson, speech and language specialist, reading specialist, social worker, probation officer, community resource representative, mental health worker or other person relevant to the student's situation

### **Team Responsibilities**

The Superintendent/Principal or designee shall:

1. Schedule meetings and establish meeting procedures
2. Contact parents/guardians and other team members regarding team meetings
3. Consult with appropriate school or district resource personnel
4. Arrange for observation of the student in the problem situation as needed
5. Collect any additional background information necessary to inform team members about the student's strengths and needs
6. Help the student and parents/guardians prepare for the meeting
7. Facilitate the team meetings
8. Ensure that the student's progress is monitored and that follow-up meetings are regularly scheduled

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**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 6164.6(a)

## **IDENTIFICATION AND EDUCATION UNDER SECTION 504**

The Board of Trustees recognizes the need to identify and evaluate children with disabilities in order to provide them with the services required by law.

The district shall provide a free appropriate public education to students who reside within the district and who are classified as disabled under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

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

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

*(cf. 5141.24 - Administering Medication and Monitoring Health Conditions)*

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

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

*Legal Reference: (see next page)*

## IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

### *Legal Reference:*

#### EDUCATION CODE

49423.5 *Specialized physical health care services*

#### CODE OF REGULATIONS, TITLE 5

3051.12 *Health and Nursing Services*

#### UNITED STATES CODE, TITLE 20

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

1400-1482 *Individuals with Disabilities Education Act*

#### UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 *Nondiscrimination on the basis of handicap, especially:*

104.1 *Purpose to effectuate Section 504 of the Rehabilitation Act of 1973*

104.3 *Definitions*

104.33 *Free appropriate public education*

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

#### COURT DECISIONS

*Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, November 2007*

#### CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

*Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007*

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

*Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007*

#### 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://www.ed.gov/about/offices/list/ocr/index.html?src=mr>

Policy  
adopted:  
**Instruction**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 6164.6(a)

**IDENTIFICATION AND EDUCATION UNDER SECTION 504**

## **Definitions**

*Free appropriate public education* (FAPE) under Section 504 of the Rehabilitation Act of 1973 means the provision of either regular or special education and related aids and services, designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

*Eligibility* to receive FAPE under Section 504 means a student has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.33)

*Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (34 CFR 104.3)

*Physical or mental impairment* means any of the following: (34 CFR 104.3)

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

## **Referral, Identification, and Evaluation**

1. Any student may be referred by a parent/guardian, teacher, other school employee, student success team, or community agency for consideration of eligibility as a disabled student under Section 504. This referral may be made to the Superintendent/Principal or 504 Coordinator.

*(cf. 6164.5 - Student Success Teams)*

2. Upon receipt of a referral for eligibility, the Superintendent/Principal or 504 Coordinator shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the Superintendent/Principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards, as described in the "Procedural Safeguards" section below.



## **IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

3. If it is determined that a student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to initial placement and before any significant change in placement. (34 CFR 104.35)

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

The district's evaluation procedures shall ensure that tests and other evaluation materials: (34 CFR 104.35)

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not based solely on a single IQ score
- c. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual, or speaking skills unless the test is designed to measure these particular deficits

### **Section 504 Services Plan and Placement**

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

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## **IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)
5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame.
6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

*(cf. 5125 - Student Records)*

### **Review and Reevaluation**

1. The 504 team shall monitor the progress of the student and the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. The team shall review the student's plan annually. In addition, the student's eligibility under Section 504 shall be reevaluated at least once every three years.
2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

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

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

### **Procedural Safeguards**

Parents/guardians shall be notified in writing of all district decisions regarding the identification, evaluation, or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their right to: (34 CFR 104.36)\

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## **IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)**

1. Examine relevant records
2. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
3. Have a review procedure

Notifications shall also detail the parent/guardian's right to file a grievance with the district over an alleged violation of Section 504; have an evaluation that draws on information from a variety of sources; be informed of any proposed actions related to eligibility and plan for services; receive all information in the parent/guardian's native language and primary mode of communication; periodic reevaluations and an evaluation before any significant change in program/service modifications; an impartial hearing if there is a disagreement with the district's proposed action; be represented by counsel in the impartial hearing process; and appeal the impartial hearing officer's decision.

If a parent/guardian disagrees with decisions regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing in accordance with the following procedures:

1. Within 30 days after receipt of the district's decision with which the parent/guardian disagrees, the parent/guardian may request an administrative review of the decision. The 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue. This review shall be held within 14 days of receiving the parent/guardian's request.
2. If the parent/guardian chooses not to request an administrative review or if the review does not resolve the issue, the parent/guardian may request in writing a Section 504 due process hearing. The parent/guardian's request for a hearing shall be made within 30 days of receiving the district's decision or within 14 days of completion of the administrative review. The request shall include:
  - a. The specific nature of the decision with which the parent/guardian disagrees
  - b. The specific relief the parent/guardian seeks
  - c. Any other information the parent/guardian believes pertinent

Within 30 days of receiving the parent/guardian's request, the Superintendent/Principal or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.

## **IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

The 504 Coordinator shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.

Any party to the hearing shall be afforded the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504
2. Present written and oral evidence
3. Question and cross-examine witnesses
4. Receive written findings by the hearing officer

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

### **Notifications**

The Superintendent/Principal or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

*(cf. 5145.6 - Parental Notifications)*