

CLASS SIZE

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

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

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

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

Primary Class Size Reduction

The Board believes that small class size is beneficial to students in the elementary grades, as they acquire the basic skills that serve as the foundation for their subsequent learning. When the district participates in elementary class size reduction, ~~the~~ Superintendent or designee shall ensure that classes in designated elementary grades are reduced to the student-teacher ratio required for CSR funding.

Fully included special education students shall be included in determining class size for purposes of the class size reduction program.

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

Legal Reference: (see next page)

CLASS SIZE (continued)

Legal Reference:

EDUCATION CODE

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

17042.7 *Formula for calculation*

33050 *Non-waivable 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/>

CLASS SIZE

Class Size Reduction in Grades K-3

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

1. If only one grade level is reduced at a school, the grade level shall be grade 1.
2. If only two grade levels are reduced at a school, the grade levels shall be grades 1 and 2.
3. If three grade levels are reduced at a school, then those grade levels shall be kindergarten and grades 1 and 2, or grades 1 through 3. Priority shall be given to the reduction of class sizes in grades 1 and 2 before class sizes of kindergarten or grade 3 are reduced.
4. If four grade levels are reduced at a school, then those grade levels shall be kindergarten through grade 3. First priority shall be given to the reduction of class sizes in grades 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 Size Reduction in Grades 9-12

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

CLASS SIZE (continued)

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

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

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

~~Class size reduction in grades 10, 11, and/or 12 shall be maintained at the same grade levels and in the same courses as in the 1997-98 school year.~~

CLASS ASSIGNMENT

The Governing Board 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 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 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 principal or designee may make any adjustments in class placement which he/she considers beneficial to the student or the educational program.

Legal Reference:

EDUCATION CODE
35020 Duties of employees fixed by governing board
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>

Policy
adopted:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

SCHOOL-SPONSORED TRIPS

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

All trips involving out-of-state or overnight travel in excess of three (3) days shall require the prior approval of the Board. Other trips may be approved by the Superintendent.

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

The 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. Principals 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 required field trip shall be authorized if any student would be excluded from participation because of a lack of sufficient funds. The Superintendent 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)

Legal Reference: (see next page)

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

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

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

Types of Student Trips

Required Field Trips

All required field trips, those related to the fulfillment of the course objectives and for which credit is earned, shall be at no cost to the student. Expenditures will be a charge within the school/department budget allocation. Such trips shall be made during the regular school day, whenever possible. Required field trips are aligned with curriculum content appropriate to the grade level/subject area.

Optional “Enrichment” Field Trips

Optional “enrichment” field trips, during or after school hours, are not necessarily taken to fulfill a specific course objective and should contain an instructional component. ~~For such trip, no credit is earned.~~

1. Transportation and admission charges may be made to the student for no more than the actual expenditure, per student, to be levied.
2. All students must be afforded the opportunity to participate in the scheduled field trip, regardless of the ability to pay.
3. Students who do not wish to participate in the scheduled field trip must be offered an alternative assignment.

Extracurricular Field Trips (Recreational)

Extracurricular field trips taken after school hours and considered recreational may be charged to the student; however, the charge may not be more than the actual costs, per student.

All students identified with an organized school group must be afforded the opportunity to participate in the scheduled field trip, regardless of the ability to pay.

SCHOOL-SPONSORED TRIPS (continued)

Extended Student Trips

1. Definition

An extended student trip is defined as a trip taken by a group of students of three (3) or more days duration or out of state.

2. Trip Approval

Plans for the extended student trip, including any fund raising project, shall be submitted by the principal to the Superintendent at least two (2) months prior to the intended trip for submission to the Governing Board for approval.

Should the intended student trip not include a fund-raising project, plans shall be submitted to the Superintendent at least one (1) month prior to the trip for submission to the Board for approval.

Teams participating in end of season play-off games shall submit plans for extended field trips to the superintendent, but are exempt from the one (1) month timeline.

3. Criteria

In order to be approved by the Board, the following criteria must be met:

Objectives: The extended student trip shall be primarily educational in nature. The statement shall include the itinerary, plan, or organization, and the estimated cost.

4. Trip Funding

Costs incurred by an extended student trip will be paid with other than district funds; i.e., fundraising projects.

5. Chaperones

Adequate chaperones shall be provided in addition to the certificated supervisor. There shall be a minimum of one (1) adult for each ten (10) students.

6. Liability

The sponsor of the extended student trip shall provide a suitable surety bond for financial obligations incurred.

When district equipment is used, the district shall assure liability insurance, and if travel is to and from a foreign country, such liability insurance shall be secured from a carrier licensed to transact insurance business in such foreign country.

SCHOOL-SPONSORED TRIPS (continued)

Parents/guardians shall assure the district of adequate health and accident coverage.

7. Credit for Attendance

Students on an extended student trip shall be credited with the amount of attendance which would have accrued had the students not been engaged in the field trip, but shall not exceed ten (10) days.

Overnight Student Trips

1. Definition

An overnight student trip is defined as one taken by a group of students, usually within a few hours journey from the district. The duration of the stay does not exceed two (2) nights.

2. Trip Approval

Overnight trips will be subject to the approval of the Superintendent. Sponsors of such trips shall submit to the Superintendent a detailed plan, including safety considerations and relation to academic standards, four (4) weeks prior to the student trip date.

Walking Student Trips

Walking trips are encouraged if there are no unusual traffic hazards involved in crossing main streets, and if the distance is within limits of the student endurance and interest span.

1. All students participating in a walking trip must have a parental permission form on file in the school office.
2. First aid kits shall be immediately available.
3. Responsible adults, at least one of whom must be a certificated employee of the district, will be furnished by the school to act as chaperones for each walking trip.

Transportation

Scheduling of School Vehicles

It is recommended that school vehicles be used on student trips in preference to private vehicles.

SCHOOL-SPONSORED TRIPS (continued)

Transportation requirements for district vehicles must be coordinated through the Transportation department.

A Trip Request form shall be completed, signed by the principal of the school, and forwarded to the Transportation Department at least twenty (20) school days prior to the date of the proposed trip. The Transportation Department will approve the availability of transportation. Upon approval, the Transportation Department will return the Trip Request form confirmation to the school.

Commercial Vehicles

Commercial vehicles may be used. The same requirements exist for planning the approval. The Transportation Director will arrange for commercial transportation.

Private Transportation K-12

School personnel transporting students are covered by insurance, provided that the trip has prior written approval and has completed the required district forms. Private transportation is discouraged because of insurance and liability concerns. Should private, non-employee transportation be used, the driver shall verify, for each and every field trip, current license and insurance coverage on the vehicle by completing the appropriate form. All forms shall be retained in the school office until the end of the school year.

Adult Education Pre-School – Private Transportation

Adult Education Pre-School parents may transport their own children on field trips. Adult Education Pre-School parents may transport other parents' Adult Education Pre-School children when the following provisions have been fulfilled:

1. Verification of Driver's License and Insurance Coverage

The teacher and the administrator shall verify, for each and every field trip, the number of required restraining devices; licensing of the driver; and insurance coverage on the vehicle by the completion of the appropriate district form. The completed form shall remain on file in the school office for the remainder of the school year.

2. Completion of Liability "Waiver" Form

The teacher and the administrator shall assure that the transporting Pre-School parent/guardian has completed the appropriate district forms. The completed forms shall remain on file in the Pre-School Office for the remainder of the school year.

SCHOOL-SPONSORED TRIPS (continued)

Prohibited Transportation

No student shall be authorized by school personnel to provide transportation for a school activity, including bicycles.

Student Trip Cancellation

If a student trip is cancelled, the Transportation Department shall be notified by the principal as soon as possible.

Equipment Breakdown

In the event of equipment breakdown, the principal shall be notified as soon as possible, and the trip shall be cancelled. In the event non-scheduled days are available, the lost trip may be scheduled at a later date.

Student Trip Transportation Charges

All student trips are subject to charges, as determined by the Transportation Department.

Safety and First Aid

1. While conducting a trip, the teacher, employee, or agent of the school shall have a cell phone and the school's first aid kit in his/her possession or immediately available. (Education Code 32040, 32041)
2. Whenever trips are conducted in areas known to be infested with poisonous snakes:
 - a. The first aid kit taken on the trip shall contain medically accepted snakebite remedies. (Education Code 32043)
 - b. Students on a trip shall be accompanied by a teacher, employee, or agent of the school who has completed a first aid course which is certified by the American Red Cross and which emphasizes the treatment of snakebites. (Education Code 32043)
3. Before trips of more than one (1) day, the principal or designee shall hold a meeting for staff, parents/guardians, and students to discuss safety and the importance of safety-related rules for the trip. For non-certificated adults who will assist in supervising students on the trip, the principal or designee may also hold a meeting to explain how to keep appropriate groups together and what to do if an emergency occurs.

SCHOOL-SPONSORED TRIPS (continued)

Supervision

1. Students on approved trips are under the jurisdiction of the Board and subject to school rules and regulations.
2. Teachers or other certificated personnel shall accompany students on all trips and shall assume responsibility for their proper conduct.
3. Before the trip, teachers shall provide any adult chaperones who may accompany the students with clear information regarding their responsibilities.
4. Chaperones shall be twenty-one (21) years of age or older and approved by the principal or designee.
5. Chaperones shall be assigned a prescribed group of no more than ten (10) students and shall be responsible for the continuous monitoring of these students' activities.
6. Teachers and chaperones shall not consume alcoholic beverages or use tobacco or controlled substances while accompanying and supervising students on a trip.
7. When a trip is made to a place of business or industry, the teacher shall arrange for an employee of the host company to serve as conductor.
8. Chaperones for trips of more than one (1) day shall meet requirements for volunteers, including fingerprinting and background check.
9. A minimum of two (2) chaperones shall accompany students on school-sponsored trips.

Funding

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

Trip Approval

1. Teachers planning a trip shall make a request in writing to the principal at least ten (10) days prior to the date desired. Whenever practical, an alternate date should also be listed. The purpose of the trip and its relation to the academic standards shall be stated in the request.
2. The principal shall approve or disapprove the request and notify the teacher. If the trip is disapproved, the principal should state the reasons.
3. Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.

SCHOOL-SPONSORED TRIPS (continued)

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

Trips Which Include Swimming or Wading

1. No swimming or wading shall be allowed on trips, unless planned and approved in advance.
2. When wading in the ocean, bay, river, or other body of water as part of a planned, supervised outdoor education activity, teachers shall provide for a number of chaperones to exceed the normal 1-to-10 ratio and shall instruct both chaperones and students of the real and potential risks inherent in such activities and the precautions necessary for their safety.
3. **Swimming Activities**
 - a. Parent/guardian must provide written permission for the student to swim and must indicate the student's swimming ability.
 - b. Swimming facilities, including backyard pools, must be inspected by the principal and teacher before the trip is scheduled.
 - c. Owners of private pools must provide a certificate of insurance, designating the district as an additional insured, for not less than ~~\$500,000~~ \$1,000,00 in liability coverage.
 - d. Lifeguards must be designated for all swimming activities. If lifeguards are not provided by the pool owner or operator, the principal shall ensure their presence. Lifeguards must be Red Cross certified, or equivalent, and must be at least twenty-one (21) years old.
 - e. The ratio of adult chaperones to students shall be at least 1-to-10. In grades 4-6, this ratio shall be 1-to-8. In grades K-3, this ratio shall be 1-to-4.
 - f. Specific supervisory responsibilities shall be determined in advance to accommodate the varying swimming abilities of students. These responsibilities shall be clarified in writing and reviewed verbally before the trip.
 - g. Emergency procedures shall be included with written instructions to adult chaperones and staff.

SCHOOL-SPONSORED TRIPS (continued)

- h. Staff and chaperones assigned to supervise students must wear swim suits and know how to swim.
- i. The principal may require students to wear flotation devices, depending upon their age and swimming ability.
- j. A buddy-system or other means of surveillance shall be arranged in advance and strictly enforced during swimming activities.

Regulation
approved:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

HOMEWORK/MAKEUP WORK

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

(cf. 6011 - Academic Standards)

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

(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)

The Board ~~encourages~~expects suspended students to make up work missed during their absences. Suspended students shall receive full credit for work that is turned in according to a reasonable make-up schedule.

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

(cf. 1240 - Volunteer Assistance)
(cf. 1700 - Relations between Private Industry and the Schools)
(cf. 3541 - Transportation Routes and Services)
(cf. 5148 - Child Care and Development)
(cf. 6112 - School Day)
(cf. 6142.4 - Service Learning/Community Service Classes)

HOMEWORK/MAKEUP WORK (continued)

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)

(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

School-Site Homework Plan

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

1. For each grade level, the amount of time that students shall be expected to spend on homework
2. For each grade level, the extent to which homework assignments shall systematically involve participation by parent/guardian
3. The means by which parent/guardian 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.

HOMEWORK/MAKEUP WORK (continued)

Makeup Work

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

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

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

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

CHALLENGING COURSES BY EXAMINATION

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

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

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

Legal Reference:

EDUCATION CODE

51225.3 Requirements for graduation

64001 Single plan for student achievement

CHALLENGING COURSES BY EXAMINATION

Petition to Challenge Course

All students interested in challenging an academic course shall file a petition form with their counselor prior to or within the first two (2) weeks of a semester or term.

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

1. Grades in courses of the subject area of the challenge
2. Student's rationale or reasons for challenging a specific course

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

1. During their enrollment in high school, students may challenge no more than four (4) courses which meet graduation requirements. While successful challenge will exempt a student from those specific courses required for graduation, the student is still responsible for the total units required for graduation.

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

2. A student may challenge a particular course only once.
3. A student may challenge only one (1) course per semester. This may be a course in which the student is enrolled or any other approved course offering.
4. A student may not attempt credit for a course below his/her ability or grade placement.

Test Content and Administration

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

CHALLENGING COURSES BY EXAMINATION (continued)

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

The student must earn an A or B (80 percent) to receive credit for challenging a course by examination. The transcript shall reflect that the grade was earned by challenge.

Regulation
approved: January 18, 2001
revised: January 22, 2008
reviewed:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

INDEPENDENT STUDY

The Governing Board 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. 6146.1 - High School Graduation Requirements)

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

(cf. 6200 - Adult Education)

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 or designee. The Superintendent 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 (5) consecutive school days.

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

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

INDEPENDENT STUDY (continued)

When a participating student misses three (3) 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 or designee determines it appropriate based on the nature of the assignments, the total number of assignments, and/or other unique circumstances.

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 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 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 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:

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

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)

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

(cf. 6146.1 - High School Graduation Requirements)

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)

INDEPENDENT STUDY (continued)

(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)

Eligibility for Independent Study

Provided that experienced certificated staff are available to effectively supervise students in independent study, the Superintendent 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 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 his/her 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)

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)

(cf. 6200 - Adult Education)

INDEPENDENT STUDY (continued)

No more than ten (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)

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

(cf. 6184 - Continuation Education)

Written Agreements

A written agreement shall be developed and implemented for each student participating in independent study for five (5) 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.

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 (1) semester or one-half (1/2) 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

INDEPENDENT STUDY (continued)

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)

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 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.

INDEPENDENT STUDY (continued)

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
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)

INDEPENDENT STUDY (continued)

The principal and independent study administrator may recommend, and the Superintendent shall approve, the assignment of teachers to directly supervise independent study and/or work with students on specific subject matter. The Superintendent 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
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

INDEPENDENT STUDY (continued)

11. Maintain any other required records and files on a current basis

Records

The Superintendent 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, program, and school, 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 and identify course credits attempted by and awarded to students in grades 9-12 and in adult education, as specified in their written agreements.
3. A file of all agreements, with representative samples of each student's 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.
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 (3) years, excluding the current fiscal year.

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

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

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 (3) years from the date of the evaluation. (Education Code 51747)

(cf. 5125 - Student Records)

Regulation
approved:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

INDIVIDUALIZED EDUCATION PROGRAM

The Governing Board 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 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 (9th Circuit, 2003) 317 F.3d 1072
Sacramento City School District v. Rachel H. (9th 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:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

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 general education program, at least one general education teacher

If more than one general 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.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

7. Whenever appropriate, the student with a disability
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 general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in his/her learning environment, including in the general classroom setting. If the child is younger than five (5) 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 mental health provider in the IEP team meeting prior to referring the student 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

INDIVIDUALIZED EDUCATION PROGRAM (continued)

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)

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 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 parent/guardian of the meeting early enough to ensure that he/she 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 or designee shall send parent/guardian 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)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

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 or designee's notice to the student's parent/guardian shall include the following: (Education Code 56341.5)

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, (Requires parent permission to invite outside agencies.)

(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 (5) business days. (Education Code 56043)

(cf. 5125 - Student Records)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (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

INDIVIDUALIZED EDUCATION PROGRAM (continued)

3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

Parent/guardian 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. Parent/guardian also has the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings
2. Request that an audio recording be amended if he/she believes 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 parent/guardian believes 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 parent/guardian understands the proceedings of the meeting, including arranging for an interpreter for parent/guardian with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The district shall give the parent/guardian 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 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 or designee may offer to meet with the parent/guardian 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 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

INDIVIDUALIZED EDUCATION PROGRAM (continued)

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
 - b. Meet each of the student's other educational needs that result from his/her disability
1. 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 general 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

INDIVIDUALIZED EDUCATION PROGRAM (continued)

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)

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 (1) 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 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation

(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)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

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

The IEP shall include descriptions of activities intended to:

- a. Integrate the student into the general 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 general 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 parent/guardian for enhancing the education of his/her 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

INDIVIDUALIZED EDUCATION PROGRAM (continued)

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.

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 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

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- c. Information about the student provided to or by the parent/guardian 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)

- 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 general 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

INDIVIDUALIZED EDUCATION PROGRAM (continued)

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

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

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

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

(cf. 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)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

The district shall ensure that a meeting to develop an initial IEP is conducted within thirty (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 sixty (60) days (not counting days between the student's regular school sessions or terms or days of school vacation in excess of five (5) 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 thirty (30) days after the commencement of the subsequent regular school year for a student for whom a referral has been made thirty (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)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within thirty (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 (5) 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 general 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 or designee. The Superintendent or designee shall consider the request within twenty (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 or designee shall convene an IEP team meeting, which shall be held within thirty (30) days of the Superintendent 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 general 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)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

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)

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 thirty (30) days, the district shall, in consultation with the student's parent/guardian, 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 Governing Board 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 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.

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

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference: (see next page)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Legal Reference:

EDUCATION CODE

56000 Education for individuals with 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

WEBSITES

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>

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Prior Written Notice

The Superintendent or designee shall send to the parent/guardian 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

A description of each assessment procedure, test, record, or report the District used as a basis for the proposed or refused action

A statement that the parent/guardian of the student has 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 parent/guardian 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

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

(cf. 6159 – Individualized Education Program)

A description of any other factors relevant to the district’s proposal or refusal
(cf. 5145.6 - Parental Notifications)

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parent/guardian 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)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

2. Prior written notice
3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to his/her child's continued receipt of special education and related services
4. Access to educational records

(cf. 5125 – Student Records)

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures
6. The availability of mediation
7. The student's placement during the pendency of any due process complaint
8. Procedures for students who are subject to placement in an interim alternative educational setting
9. Requirements for unilateral placement by parent/guardian 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; and the right of the parent/guardian and/or the district to

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

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)

Format of Parent/Guardian Notices

The parent/guardian of a student with a disability shall be provided written notice of his/her rights in a language easily understood by the general public and in his/her 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 shall place a copy of the procedural safeguards notice on the district's website. (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

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

3. The parent/guardian refuses to consent to an assessment of his/her child
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148

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

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

(cf. 6173 - Education for Homeless Children)

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

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

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 ten (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 ten (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

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

2. A description of other options that the IEP team considered and the reasons that those options were rejected

(cf. 6159 - Individualized Education Program)

3. A description of each evaluation procedure, assessment, record, or report the district used as the basis for the proposed or refused action
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 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, or education and placement, or provision of FAPE for a student with disabilities. The Superintendent or designee shall have the authority to resolve the issue(s). In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. (Education Code 56502)

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)

Regulation
approved:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Governing Board 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

WEBSITES

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 (1) year. Changes in educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

(cf. 6159 - Individualized Education Program)

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

(cf. 3541.2 - Transportation for Students with Disabilities)

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

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

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)

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

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

Out-of-State Placements

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

Within fifteen (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)

Regulation
approved:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a 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:

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*

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

WEBSITES

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 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/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 or designee shall make reasonable efforts to ensure that the surrogate is appointed within thirty (30) days. (20 USC 1412(b)(2)(B))

APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS (continued)

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

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 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.

(cf. 3350 - Travel Expenses)

APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS (continued)

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 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

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 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, parent/guardian 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 ten (10) business days after removing a student for more than ten (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 parent/guardian 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. Parent/guardian shall be informed of his/her right to question any modification to the plan through the IEP procedures. (5 CCR 3052)

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

Emergency Interventions

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

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

Parent/guardian shall be notified within one (1) school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include: (5 CCR 3052)

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 or designee shall, within two (2) 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:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

EQUIPMENT, BOOKS AND MATERIALS

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

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

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

Legal Reference:

EDUCATION CODE

- 60010 Definitions*
 - 60040-60047 Instructional requirements and materials*
 - 60119 Public hearing on sufficiency of materials*
 - 60200-60206 Elementary school materials*
 - 60240-60252 State Instructional Materials Fund*
 - 60400-60411 High school textbooks*
 - 60420-60424 Instructional Materials Funding Realignment Program*
- 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>*

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect the diversity of our society, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are aligned with the state content standards, meet other criteria specified in law, and are an effective learning resource to help students achieve grade-level competency.

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

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

(cf. 0440 - District Technology Plan)
(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)

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

All recommended instructional materials shall be available for public inspection at ~~the district office~~ a central district location.

(cf. 5020 - Parent Rights and Responsibilities)

Individuals who participate in selecting and evaluating instructional materials shall not have a conflict of interest in the materials being reviewed, as defined in administrative regulation.

(cf. 9270 - Conflict of Interest)

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)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

In accordance with the Instructional Materials Funding from the state, the Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history/social science. Students in grades K-8 shall be provided with instructional materials adopted by the State Board of Education.

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

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

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 Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials. At the hearing(s), the Board shall determine, through a resolution, whether each student in each school has sufficient textbooks and/or instructional materials that are aligned to the state content standards adopted pursuant to Education Code 60605 in each of the following subjects: (Education Code 60119)

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

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

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

The hearing shall take place 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. The Superintendent or designee shall post, ten (10) days prior to the hearing and in three (3) public places within the district, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public, setting forth for each school in which an insufficiency exists, 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 (2) 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*
33050-33053 *General waiver authority*
33126 *School accountability report card*
35272 *Education and athletic materials*
44805 *Enforcement of course of studies; use of textbooks, rules, and regulations*
49415 *Maximum textbook weight*
51501 *Subject matter reflecting on race, color, etc.*
60000-60005 *Instructional materials, legislative intent*
60010 *Definitions*
60040-60048 *Instructional requirements and materials*
60060-60062 *Requirements for publishers and manufacturers*
60070-60076 *Prohibited acts (re instructional materials)*
60110-60115 *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 of 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:

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

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, 1986 edition, revised 2000

STATE BOARD OF EDUCATION POLICY

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

CSBA PUBLICATIONS

Maximizing School Board Leadership: Student Learning and Achievement, 1996

WEB SITES

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

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

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

California State Board of Education: <http://www.cde.ca.gov/be>

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

The district shall use state funds received for the purpose of instructional materials to ensure that each student is provided with standards-aligned textbooks or instructional materials, as adopted by the State Board of Education (SBE) for grades K-8, in the core curriculum areas of reading/language arts, mathematics, science, and history/social science. (Education Code 60422)

As added and amended by SBX3 4 and ABX4 2, Education Code 42605 grants districts flexibility in Tier 3 categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of this policy that reflects those requirements.

Instructional materials for grades K-8 shall be selected from the list of standards-aligned materials adopted by the SBE. Instructional materials for grades 9-12 shall be adopted by the Governing Board. Standards-aligned materials in each core curriculum area shall be provided to each student at the beginning of the first school term that commences no later than twenty-four (24) months after those materials are adopted by the SBE or the Board, as applicable. (Education Code 60422)

(cf. 6011 - Academic Standards)

For grades 9-12, the Superintendent or designee shall review instructional materials in history/social science, mathematics, reading/language arts, and science, using a standards map in order to determine the extent to which the materials are aligned to the content standards adopted by the SBE.

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)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

2. For instructional materials in high schools, be provided by publishers who comply with the requirements of Education Code 60040-60048, 60060-60062, and 60226 (Education Code 60400)
3. Not reflect adversely upon persons because of their race, color, creed, national origin, ancestry, sex, disability, or occupation, or contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 60044)
4. To the satisfaction of the Board, be accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels (Education Code 60045)
5. With the exception of literature and trade books, use proper grammar and spelling (Education Code 60045)
6. Not provide any exposure to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate, based on one of the following: (Education Code 60200, 60048)
 - a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose, as defined in guidelines or frameworks adopted by the SBE.
 - b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.
7. Meet the requirements of Education Code 60040-60043 for specific subject content
8. Support the district's adopted courses of study and curricular goals

(cf. 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

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

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

(cf. 1220 - Citizen Advisory Committees)

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

Conflict of Interest

To ensure integrity and impartiality in the evaluation and selection of instructional materials, any district employee participating in the evaluation of instructional materials shall not:

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

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

(cf. 9270 - Conflict of Interest)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

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

SUPPLEMENTARY INSTRUCTIONAL MATERIALS

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

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

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

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

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

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

All materials must be used within legal copyright limits.

(cf. 6162.6 - Use of Copyrighted Materials)

Films

When a teacher desires to show a film/video that has not been approved by the district or county for use in the grade level taught, the teacher shall preview the film/video to determine whether in his/her professional judgment it is consistent with district criteria for the selection of instructional materials. All films/videos 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/video, he/she shall confer with the principal or designee before showing the film/video.

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

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

(cf. 6144 - Controversial Issues)

Legal Reference: (see next page)

SUPPLEMENTARY INSTRUCTIONAL MATERIALS (continued)

Legal Reference:

EDUCATION CODE

233.5 Duty re instruction in morals, manners, and citizenship

18111 Exclusion of books by governing board

51510 Prohibited study or supplemental materials

51511 Religious matters properly included

51933 Sex education materials

60010 Definitions

COURT DECISIONS

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

SUPPLEMENTARY INSTRUCTIONAL MATERIALS

Films and Videos

1. Films, YouTubes, and other media rated PG and PG-13 may be shown to age appropriate students.
2. Each site will be responsible for establishing a screening committee to preview films and videos that are not on the county or district approved list.
3. The principal shall maintain a site approved list.
4. Teachers are to show films and videos as excerpts, as aligned with curriculum content standards. If the teacher has any questions or concerns with the length of the excerpt, he/she shall confer with the principal or designee before showing the film or video.
5. Films and videos shown in Driver's Education, Film as Literature, and other high school classes may contain graphic and violent images.
6. High school subject credentialed teachers (i.e. English and History) may show excerpts of up to 20 minutes of an approved R-rated film or video if the segment is related to the content standards and does not show images that are sexually explicit and/or contain profanity.
7. Parents/guardians have the right to request an alternative assignment for their child, prior to the showing of a PG-13 film or video excerpt.

DAMAGED OR LOST INSTRUCTIONAL MATERIALS

The Governing Board 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 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 or designee shall determine an appropriate charge.

If it can be demonstrated to the Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the Superintendent or designee may excuse the student 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, Theft, 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:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

TOXIC ART SUPPLIES

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

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

The Superintendent or designee shall ensure that arts and crafts materials purchased for use by students in grades K-5 will not contain toxic substances or cause chronic illness, as determined by the State Department of Health Services.

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

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

Legal Reference:

EDUCATION CODE

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

HEALTH AND SAFETY CODE

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

PENAL CODE

- 594.1 *Aerosol containers of paint*

Management Resources:

CDE PROGRAM ADVISORIES:

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

STUDENT ASSESSMENT

The Governing Board 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, grade level, or school site 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)
(cf. 6162.52 - High School Exit Examination)

In selecting or developing a district assessment, the Superintendent 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 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 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)

STUDENT ASSESSMENT (continued)

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

(cf. 0510 - School Accountability Report Card)

Individual Record of Accomplishment

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

1. The results of the achievement test administered under the Standardized Testing and Reporting Program pursuant to Education Code 60640-60649
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 Governing Board 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 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 or designee shall notify students and parent/guardian 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 school, grade level, and student subgroup in the Board's discussion of each 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 and/or Superintendent 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

WEBSITES

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/about/offices/list/ocr/index.html>

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 2-11 (Education Code 60640)

In addition, students in grade 11 may voluntarily take an augmented CST as part of the Early Assessment Program to determine their readiness for college-level work in English and/or mathematics. (Education Code 60641, 99300-99301)

2. The Standards-Based Test in Spanish (STS) to Spanish-speaking English language learners in grades 2-11 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 2-11 shall continue to take the STS in addition to the CST in English, if the Superintendent 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)

STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

(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 twenty-five (25) instructional days that includes twelve (12) 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)

The Superintendent or designee shall arrange for at least two (2) make-up days for the testing of students who were absent during the testing period. All make-up testing shall occur within five (5) instructional days of the last date that the district administered the tests, but not later than the twenty-five (25) 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 parent/guardian and may inform him/her 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

STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

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
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

STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

primary language). The translation glossaries/word lists are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries/word lists shall not include definitions or formulas.

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

District and Test Site Coordinators

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

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 twenty (20) working days of receiving the student report from the test contractor, the Superintendent or designee shall forward the student report to the student's parent/guardian. 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 parent/guardian. (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)

STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

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

(cf. 5125 - Student Records)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual student's 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 parent/guardian to any person other than the following: (Education Code 60607, 60641)

1. The student's parent/guardian
2. A teacher, counselor, or administrator directly involved with the student
3. A postsecondary educational institution for the purposes of credit, placement, or admission

HIGH SCHOOL EXIT EXAMINATION

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

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.5 - Student Assessment)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

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

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

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

Legal Reference: (see next page)

HIGH SCHOOL EXIT EXAMINATION (continued)

Legal Reference:

EDUCATION CODE

35146 *Closed sessions*

35186 *Williams Uniform Complaint Procedures*

37252-37254.1 *Supplemental instruction*

51041 *Evaluation of educational program*

52378 *Supplemental school counseling program*

56026 *Individuals with exceptional needs*

56101 *Waiver of code or regulation*

60810 *Assessment of language development*

60850-60859 *Exit examination*

CODE OF REGULATIONS, TITLE 5

1200-1225 *High school exit examination*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.503 *Prior notice*

COURT DECISIONS

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

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

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

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

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

WEBSITES

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

California Department of Education, California High School Exit Examination:

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

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

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

HIGH SCHOOL EXIT EXAMINATION

Definitions

Variation means a change in the manner in which a test is presented or administered, or in how a student is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code 60850. (5 CCR 1200)

Accommodation means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. (Education Code 60850)

Modification means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores. (Education Code 60850)

District and Test Site Coordinators

On or before July 1 of each school year, the Superintendent shall designate a high school exit examination coordinator from among district employees and shall notify the test contractor of the identity and contact information of the coordinator. The district coordinator or Superintendent or designee shall be available throughout the year; shall serve as the liaison between the district and the test contractor and between the district and the California Department of Education (CDE) for all matters related to the exit examination; and shall perform additional duties specified in 5 CCR 1209-1211.5. (5 CCR 1209)

Annually, the district coordinator or Superintendent or designee shall designate a test site coordinator for each test site to fulfill the responsibilities specified in 5 CCR 1210-1211.5. (5 CCR 1210)

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

Access to exam materials shall be limited to students taking the exam and individuals who have signed the test security affidavit/agreement, including employees directly responsible for test administration. All district and test site coordinators shall be responsible for inventory control. (5 CCR 1211)

Administration

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

HIGH SCHOOL EXIT EXAMINATION (continued)

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

1. Students shall take each section of the exit exam once per school year while in grade 10 either during the grade 10 census administration or the District-designated grade 10 make-up administration.
2. Students in grade 11 who have not yet passed one or both sections of the exit exam shall have up to two opportunities per year to take the section(s) of the exam not yet passed and may elect to take the exam during these opportunities. These students may be tested in successive administrations within a school year. Students should be offered appropriate remediation or supplemental instruction before being retested.
3. Students in grade 12 shall have at least three (3) opportunities to take the section(s) of the exit exam not yet passed. Students in grade 12 may elect to take the exam up to five (5) times during the school year and may take the exam in successive administrations. Students should be offered appropriate remediation or supplemental instruction before being retested.

(cf. 6179 - Supplemental Instruction)

4. Adult students shall have up to three (3) opportunities per year to take the section(s) of the exit exam not yet passed and may elect to take the exam during these opportunities. Students should be offered appropriate remediation or supplemental instruction before being retested.

(cf. 6200 - Adult Education)

If a student does not possess sufficient English language skills to be assessed on the exit exam, the Superintendent or designee may defer the exam requirement for a period of up to twenty-four (24) calendar months of enrollment in the California public school system until the student has completed six (6) months of instruction in reading, writing, and comprehension in the English language. (Education Code 60852)

(cf. 6174 - Education for English Learners)

HIGH SCHOOL EXIT EXAMINATION (continued)

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

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

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

Testing Variations for All Students

The Superintendent or designee may provide any student taking the exit exam with extra time within a testing day, simplified or clarified test directions, and/or student marks (other than responses) including highlighting in test booklets. (5 CCR 1215)

A student may also be provided with other approved testing variations, as listed in the Testing Variations, Accommodations, and Modifications Matrix, posted on the CDE website, if they are regularly used in the classroom. (5 CCR 1215)

At least thirty (30) working days before the proposed administration of the exit exam, the Superintendent or designee shall submit a request to the CDE for a case-by-case review of a proposed variation that is not specified in law. The request shall include a description of the requested variation(s) and, if applicable, a certification that the student's individualized education program (IEP) or Section 504 plan specifies that the requested variation is appropriate and necessary to access the exam due to the student's identified disability(ies) and that such variation is currently listed in his/her IEP or Section 504 plan. (5 CCR 1218)

Testing Variations for English Language Learners

Approved testing variations may be allowed as listed in the Testing Variations, Accommodations, and Modifications Matrix, posted on the CDE website, if they are regularly used in the classroom or for assessments. (5 CCR 1217)

HIGH SCHOOL EXIT EXAMINATION (continued)**Accommodations/Modifications for Students with Disabilities**

A student with disabilities shall be permitted to take the exit exam with accommodations or modifications when the student's individualized education program (IEP) or his/her Section 504 plan specifies their use on the exit exam, for standardized testing, or during classroom instruction and assessments. (Education Code 60850; 5 CCR 1215.5, 1216)

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

(cf. 6159 - Individualized Education Program)

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

The use of accommodations shall not invalidate a student's test score(s). Approved accommodations are listed in the Testing Variations, Accommodations, and Modifications Matrix, posted on the CDE website. (5 CCR 1215.5)

For purposes of receiving a high school diploma, the use of modifications shall invalidate a student's test score for the section of the exam for which the modification(s) were used. If the score is equivalent to a passing score, the student may be eligible for a waiver as detailed below. Approved modifications are listed in the Testing Variations, Accommodations, and Modifications Matrix, posted on the CDE website. (5 CCR 1216)

Note: Students with disabilities in the classes of 2006 and 2007 were granted an exemption from the requirement to pass the exit exam as a condition of receiving a diploma, but the exemption expired for the classes of 2008 and 2009. ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009) added Education Code 60852.3 to again exempt, beginning with the 2009-10 school year, students with disabilities who meet the criteria specified below from the requirement to pass the exit exam as a condition of receiving a diploma. Pursuant to Education Code 60852.3, a district may not adopt an IEP or 504 plan for a student for the sole purpose of exempting him/her from the requirement to pass the exam. However, Education Code 60852.3 provides that students with disabilities must still take the exam in grade 10 as part of the census administration for compliance with NCLB (see "Administration" section above).

Note: This latest exemption lasts until the State Board of Education either implements an alternative means for students with disabilities to demonstrate achievement in the standards measured by the exam or determines that an alternative means assessment to the exam is not feasible. Students with disabilities may also receive a waiver from the requirement to pass the exam, as described in the section below. Also see BP 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities.

HIGH SCHOOL EXIT EXAMINATION (continued)

The District shall grant a diploma to a student with a disability who has not passed the exit exam if all of the following criteria are satisfied: (Education Code 60852.3)

1. The student has an IEP or Section 504 plan
2. The IEP or 504 plan states that the student is scheduled to receive a high school diploma.
3. The student has satisfied or will satisfy all other state and District requirements for the receipt of a high school diploma on or after July 1, 2009.

Waiver for Students with Disabilities

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

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

The principal or designee shall notify parent/guardian of students with disabilities about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

Each year, the Superintendent or designee shall provide the CDE with data regarding students with disabilities and the District's waiver process as specified in 5 CCR 1207.1.

HIGH SCHOOL EXIT EXAMINATION (continued)**Records**

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

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

In addition, the Superintendent or designee shall provide the test contractor with the student demographic information specified in 5 CCR 1207.

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

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

(cf. 5125 - Student Records)

Notifications

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

(cf. 5145.6 - Parental Notifications)

(cf. 6146.1 - High School Graduation Requirements)

HIGH SCHOOL EXIT EXAMINATION (continued)

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

Regulation
approved:

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
Folsom, California

TEST INTEGRITY/TEST PREPARATION

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

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

Test Integrity

In the administration of standardized tests, staff shall not:

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

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.

TEST INTEGRITY/TEST PREPARATION (continued)

(cf. 6011 - Academic Standards)

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

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

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

Investigation and Consequences of Testing Irregularities

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

(cf. 5144 - Discipline)

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

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

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

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

Legal Reference: (see next page)

TEST INTEGRITY/TEST PREPARATION (continued)

Legal Reference:

EDUCATION CODE

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

60611 *Inappropriate test preparation*

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

WEBSITES:

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

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

USE OF COPYRIGHTED MATERIALS

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

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

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

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

Legal Reference:

EDUCATION CODE

35182 Computer Software

UNITED STATES CODE, TITLE 17

USE OF COPYRIGHTED MATERIALS

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

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

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

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

Printed Materials**Permitted Uses:**

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

USE OF COPYRIGHTED MATERIALS (continued)

2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one (1) copy per student in a course:
 - a. A complete poem, if less than 250 words and if printed on not more than two (2) 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 ten (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 (1) work or two (2) excerpts from a single author during one class term
2. Copying more than three (3) 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 ten (10) percent of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the district or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
6. A single copy of an excerpt that constitutes an entire performable unit (i.e., a movement or aria) may be made, provided it is either:
 - a. Confirmed by the copyright proprietor to be out of print, or
 - b. Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.
7. A single copy of a portion of a sound recording may be made by or for a student, i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

Prohibited Uses:

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

USE OF COPYRIGHTED MATERIALS (continued)

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

Videotapes, Films, Filmstrips, or Slide Programs

Permitted Uses:

1. A single copy of a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.
2. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.
3. Selected slides may be reproduced from a series if reproduction does not exceed (ten) 10 percent 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 ten (10) percent 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 ten (10) percent of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.

Prohibited Uses:

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

USE OF COPYRIGHTED MATERIALS (continued)

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

Radio - Off-Air Taping

Permitted Uses:

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

Prohibited Uses:

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

Television - Off-Air Taping

Permitted Uses:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed forty-five (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 ten (10) consecutive school days in the forty-five (45)-calendar-day retention period.

USE OF COPYRIGHTED MATERIALS (continued)

3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
5. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (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 non-evaluation 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 ten (10)-day use period.
3. Holding the recording for weeks or indefinitely because:
 - a. Units needing the program concepts are not taught within the 10-day use period.
 - b. An interruption or technical problems delayed its use.
 - c. Another teacher wishes to use it, or for any other supposedly "legitimate" educational reason.
4. On occasion a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.
5. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

USE OF COPYRIGHTED MATERIALS (continued)

Software Copyright

Permitted Uses:

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

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

Prohibited Uses:

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

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