

**CONCEPTS AND ROLES**

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

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

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

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

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

*Legal Reference:*

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

**PARENT RIGHTS AND RESPONSIBILITIES**

The Lake County Board of Education recognizes that parents/guardians of Lake County Office of Education students have certain rights as well as responsibilities related to the education of their children.

The County Board believes that the education of LCOE's students is a shared responsibility. The Lake County Superintendent of Schools shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school. Probation may be considered the guardian in court and community school settings.

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

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

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

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

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

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

*(cf. 5145.6 - Parental Notifications)*

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

**PARENT RIGHTS AND RESPONSIBILITIES (continued)**

*Legal Reference:*

EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

*Management Resources:*

WEB SITES

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

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

**PARENT RIGHTS AND RESPONSIBILITIES**

**Parent/Guardian Rights**

The rights of parents/guardians of Lake County Office of Education (LCOE) students include, but are not limited to, the following:

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

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

*(cf. 6116 - Classroom Interruptions)*

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

*(cf. 5113 - Absences and Excuses)*

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

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

*(cf. 0500 - Accountability)*

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

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

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

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

**PARENT RIGHTS AND RESPONSIBILITIES** (continued)

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

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

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

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

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

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

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

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

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*

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

*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 6020 - Parent Involvement)*

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

**PARENT RIGHTS AND RESPONSIBILITIES** (continued)

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

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

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

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

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

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

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

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

*(cf. 6011 - Academic Standards)*

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

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

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

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

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 5132 - Dress and Grooming)*

*(cf. 5144 - Discipline)*

*(cf. 5145.6 - Parental Notifications)*

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

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

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

**PARENT RIGHTS AND RESPONSIBILITIES** (continued)

*(cf. 6164.2 - Guidance/Counseling Services)*

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

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

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

*(cf. 5022 - Student and Family Privacy Rights)*

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

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

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

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6171 - Title I Programs)*

*(cf. 6175 - Migrant Education Program)*

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

*(cf. 5125.3 - Challenging Student Records)*

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

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5141.3 - Health Examinations)*

**Parent Responsibilities**

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

**PARENT RIGHTS AND RESPONSIBILITIES** (continued)

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



**NONCUSTODIAL PARENTS**

The Lake County Board of Education recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the Lake County Office of Education's (LCOE's) need to ensure the safety of students while at school.

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

*(cf. 6020 - Parent Involvement)*

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

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

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

*(cf. 5111.1 - District Residency)*

*(cf. 5125 - Student Records)*

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

*(cf. 5142 - Safety)*

*(cf. 6159 - Individualized Education Program)*

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

*Legal Reference: (see next page)*

**NONCUSTODIAL PARENTS** (continued)

*Legal Reference:*

EDUCATION CODE

48204 Residency requirements

49061 Definitions

49069 Absolute right to access

49091.10-49091.19 Parental review of curriculum and instruction

49408 Emergency information

56028 Definition, parent for special education

51100-51102 Parent/guardian rights

FAMILY CODE

3002 Joint legal custody, definition

3006 Sole legal custody, definition

3025 Parental access to records

6550-6552 Caregivers

GOVERNMENT CODE

810-996.6 Government Claims Act

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

*Management Resources:*

WEB SITES

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

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

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

**STUDENT AND FAMILY PRIVACY RIGHTS**

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

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 5021 - Noncustodial Parents)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*  
*(cf. 6162.8 - Research)*

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

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

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

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committee)*  
*(cf. 1230 - School-Connected Organizations)*

*Legal Reference: (see next page)*

**STUDENT AND FAMILY PRIVACY RIGHTS (continued)**

*Legal Reference:*

EDUCATION CODE

49450-49458 *Physical examinations*

49602 *Confidentiality of personal information received during counseling*

51101 *Parents Rights Act of 2002*

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

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

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1232h *Protection of pupil rights*

*Management Resources:*

WEB SITES

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

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

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

**STUDENT AND FAMILY PRIVACY RIGHTS**

**Collection of Personal Information for Marketing or Sale**

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

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

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

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

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

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

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

6. Student recognition programs

*(cf. 5126 - Awards for Achievement)*

**Surveys Requesting Information about Beliefs and Practices**

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

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

**STUDENT AND FAMILY PRIVACY RIGHTS** (continued)

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

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

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

Notwithstanding the above requirements, LCOE may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

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

*(cf. 6162.8 - Research)*

**Parent/Guardian Access to Surveys and Instructional Materials**

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

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

## **STUDENT AND FAMILY PRIVACY RIGHTS (continued)**

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

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

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

### **Health Examinations**

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

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

*(cf. 5131.61 - Drug Testing)*

*(cf. 5141.3 - Health Examinations)*

### **Notifications**

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

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

**STUDENT AND FAMILY PRIVACY RIGHTS** (continued)

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, LCOE shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

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

*(cf. 5145.6 - Parental Notifications)*



**ADMISSION**

The Lake County Board of Education encourages the enrollment and appropriate placement of all school-aged children in school. The Lake County Superintendent of Schools shall inform parents/guardians of students entering a Lake County Office of Education school at any grade level about admission requirements and shall assist them with enrollment procedures.

The County Superintendent or designee shall verify the student's age, current grade level, residency, and any other admission criteria specified in law and in Board policies and administrative regulations.

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

*(cf. 5111.1 - County Office Residency)*

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

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5125 - Student Records)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.31 - Immunizations)*

*(cf. 5141.32 - Health Screening for School Entry)*

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

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

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

*Legal Reference: (see next page)*

**ADMISSION** (continued)

*Legal Reference:*

EDUCATION CODE

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

46600 *Agreements for admission of students desiring interdistrict attendance*

48000 *Minimum age of admission (kindergarten)*

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

48010 *Minimum age of admission (first grade)*

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

48050-48053 *Nonresidents*

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

48350-48361 *Open Enrollment Act*

48850-48859 *Educational placement of foster youth*

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

49408 *Information of use in emergencies*

49700-49704 *Education of children of military families*

HEALTH AND SAFETY CODE

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

121475-121520 *Tuberculosis tests for students*

CODE OF REGULATIONS, TITLE 5

200 *Promotion from kindergarten to first grade*

201 *Admission to high school*

CODE OF REGULATIONS, TITLE 17

6000-6075 *School attendance immunization requirements*

UNITED STATES CODE, TITLE 42

11431-11435 *McKinney Homeless Assistance Act*

*Management Resources:*

CSBA PUBLICATIONS

*Transitional Kindergarten, Issue Brief, July 2011*

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

*Dear Colleague Letter, May 6, 2011*

WEB SITES

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

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

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

**COUNTY OFFICE RESIDENCY**

**Criteria for Residency**

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

1. The student's parent/guardian resides within LCOE boundaries. (Education Code 48200)
2. The student is placed within LCOE boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
3. The student is an emancipated minor residing within LCOE boundaries. (Education Code 48204)
4. The student lives with a caregiving adult within LCOE boundaries. (Education Code 48204)
5. The student resides in a state hospital located within LCOE boundaries. (Education Code 48204)
6. The student is confined to a hospital or other residential health facility within LCOE boundaries for treatment of a temporary disability. (Education Code 48207)

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

In addition, LCOE residency status may be granted to a student if at least one parent/guardian is physically employed within LCOE boundaries. (Education Code 48204)

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

LCOE residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

*(cf. 6178.2 - Regional Occupational Center/Program)*

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

*(cf. 5145.6 - Parental Notifications)*

**COUNTY OFFICE RESIDENCY** (continued)

**Proof of Residency**

The County Superintendent or designee shall annually verify each student's LCOE residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)

*(cf. 5111 - Admission)*

*(cf. 5125 - Student Records)*

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

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

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

The County Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within LCOE's geographical boundaries, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in LCOE schools. (Education Code 48853.5; 42 USC 11432)

**COUNTY OFFICE RESIDENCY** (continued)

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

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

**Failure to Verify Residency**

When the County Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets LCOE residency requirements. (Education Code 48204.1)

If the County Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment. Before any such denial or revocation is final, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the County Superintendent or designee within 10 school days. The County Superintendent or designee shall review any new evidence and make a final decision within 10 school days.

**Safe at Home/Confidential Address Program**

When a student or parent/guardian participating in the Safe at Home program requests that LCOE use the substitute address designated by the Secretary of State, the County Superintendent or designee shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. The County Superintendent or designee may request the actual residence address for the purpose of establishing residency within LCOE boundaries. (Government Code 6206, 6207)

*(cf. 3580 - District Records)*

*Legal Reference: (see next page)*

**COUNTY OFFICE RESIDENCY (continued)**

*Legal Reference:*

EDUCATION CODE

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law

48356 Open Enrollment Act transfer, fulfillment of residency requirement

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

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

Dear Colleague Letter, May 6, 2011

WEB SITES

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

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

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

**RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT**

**Applications for Admission into County Office Schools**

For purposes of determining eligibility for enrollment in a Lake County Office of Education school, LCOE residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within LCOE boundaries for a minimum of 10 hours during the school week. (Education Code 48204)

*(cf. 5111 - Admission)*

*(cf. 5111.1 - County Office Residency)*

When applying for admission, the parent/guardian shall submit proof of the employment to the Lake County Superintendent of Schools. This evidence may include, but not be limited to, a paycheck stub or letter from his/her employer listing an actual address within LCOE boundaries. Documentation listing only a post office box as an address shall not be accepted.

Such evidence shall also indicate the number of hours per school week that the parent/guardian is employed at that location.

The County Superintendent or designee may deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (Education Code 48204)
2. Enrollment of the student would adversely affect LCOE's court-ordered or voluntary desegregation plan. (Education Code 48204)
3. The school facilities are overcrowded at the relevant grade level.
4. Other circumstances exist that are not arbitrary. (Education Code 48204)

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

Students enrolled in LCOE on the basis of parent/guardian employment shall not be required to reapply for enrollment in subsequent school years. Such students may continue to attend LCOE schools through the highest grade offered by LCOE, if the parent/guardian so chooses and if at least one of the student's parents/guardians continues to be physically employed within LCOE geographical boundaries, subject to the restrictions specified in items #1-4 above. (Education Code 48204)

The County Superintendent or designee shall annually request the student's parent/guardian to provide evidence of the employment in order to determine the student's continuing eligibility for enrollment.

*Legal Reference: (see next page)*

**RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT** (continued)

*Legal Reference:*

EDUCATION CODE

46601 *Failure to approve interdistrict attendance*

46607 *ADA calculation for residency based on parent employment*

48200-48284 *Compulsory education law, especially:*

48204 *Residency based on parent/guardian employment*

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

WEB SITES

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

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



**STUDENT LEAVE OF ABSENCE**

Upon request, the Lake County Superintendent of Schools may grant student leaves of absence in accordance with law for the purpose of supervised travel, study, training, or work not available to the student under another educational option. Such leave may be granted to a student 15 years of age or older in the regular program and to a student between the ages of 16 and 18 in the continuation program.

No more than one percent of the students enrolled and attending a school shall be granted a leave of absence during any school year. (Education Code 48232, 48416)

*(cf. 6158 - Independent Study)*

*(cf. 6184 - Continuation Education)*

*Legal Reference:*

EDUCATION CODE

48232 *Leave of absence for students aged 15 at time of commencement of leave*

48416 *Leave of absence for students aged 16 to 18 inclusive*

FAMILY CODE

7000-7002 *Emancipation of minors law*

7050 *Purposes for which emancipated minor considered an adult*

**STUDENT LEAVE OF ABSENCE**

The Lake County Superintendent of Schools may grant a leave of absence to a student on request, under the following conditions:

1. The student will be 15 years of age at the start of the leave of absence and the leave requested is for one semester.

Continuation students between the ages of 16 and 18 inclusive may request leave for up to two semesters.

2. A written agreement shall be made and signed by the student, the parent/guardian, the Program manager/administrator or designee of the school the student would otherwise attend, a classroom teacher familiar with the student's academic progress and chosen by the student, and the Lake County Office of Education supervisor of child welfare and attendance. This agreement shall provide for:

- a. The purpose of the leave
- b. The length of the leave
- c. A meeting or contact between the student and a designated school official at least once a month while the student is on the leave
- d. A statement explaining and justifying the purpose of the leave

The parent/guardian's signature and approval shall not be required for an emancipated minor.

3. The student shall be permitted to return to school at any time and shall not be prevented from completing his/her academic requirements within a time period equal to that of classmates who did not take leave, plus the length of time spent on leave. If the student reenrolls at a time other than the beginning of a semester, the school shall not be required to provide make-up sessions for classes missed.
4. The leave may be extended for an additional semester if approved by all parties to the agreement and the local school attendance review board.
5. No leave of absence may extend beyond the end of the school year in which the leave is taken.
6. If the student does not contact the designated school official as required by the agreement, the leave shall be nullified. Any party to the agreement may nullify the agreement for cause at any time.

**OPEN/CLOSED CAMPUS**

In order to keep students in a supervised, safe and orderly environment, the Lake County Board of Education and Lake County Superintendent of Schools establish a closed campus at all Lake County Office of Education schools.

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

*(cf. 5113 - Absences and Excuses)*

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

*(cf. 5144 - Discipline)*

*Legal Reference:*

EDUCATION CODE

35160 Authority of the Board

35160.1 Broad authority of school district

44808.5 Permission for pupils to leave school grounds; notice

**ABSENCES AND EXCUSES**

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

*(cf. 5112.1 - Exemptions from Attendance)*  
*(cf. 5112.2 - Exclusions from Attendance)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*

**Excused Absences**

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

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

At the beginning of each school year, the Lake County Superintendent of Schools shall send a notification to the parents/guardians of all students, and to all students in grades 7-12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

*(cf. 5145.6 - Parental Notifications)*

Students shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

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

**Effect of Absence on Grades/Credits**

If a student's absence is excused under Education Code 48205, he/she shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if he/she satisfactorily completes the assignment or test within a reasonable period of time. (Education Code 48205)

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

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

**ABSENCES AND EXCUSES** (continued)

(cf. 6154 - Homework/Makeup Work)

*Legal Reference:*

EDUCATION CODE

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

2550-2558.6 *Computation of revenue limits*

37201 *School month*

37223 *Weekend classes*

41601 *Reports of average daily attendance*

42238-42250.1 *Apportionments*

46000 *Records (attendance)*

46010-46014 *Absences*

46100-46119 *Attendance in kindergarten and elementary schools*

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

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

48210-48216 *Exclusions from attendance*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48292 *Filing complaint against parent*

48320-48324 *School attendance review boards*

48340-48341 *Improvement of student attendance*

49067 *Unexcused absences as cause of failing grade*

49701 *Provisions of the interstate compact on educational opportunities for military children*

ELECTIONS CODE

12302 *Student participation on precinct boards*

FAMILY CODE

6920-6929 *Consent by minor*

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

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

ATTORNEY GENERAL OPINIONS

87 *Ops.Cal.Atty.Gen. 168 (2004)*

66 *Ops.Cal.Atty.Gen. 244 (1983)*

COURT DECISIONS

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

*Management Resources:*

CSBA PUBLICATIONS

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

WEB SITES

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

**ABSENCES AND EXCUSES**

**Excused Absences**

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

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

*(cf. 5112.2 - Exclusions from Attendance)*

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

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

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

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

7. Upon advance written request by the parent/guardian and the approval of the Program manager/administrator or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
  - a. Appearance in court
  - b. Attendance at a funeral service
  - c. Observation of a holiday or ceremony of his/her religion
  - d. Attendance at religious retreats not to exceed four hours per semester
  - e. Attendance at an employment conference
  - f. Attendance at an educational conference offered by a nonprofit organization on the legislative or judicial process

**ABSENCES AND EXCUSES** (continued)

8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)

*(cf. 6142.3 - Civic Education)*

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

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

10. Participation in religious exercises or to receive moral and religious instruction in accordance with Board policy (Education Code 46014)
  - a. In such instances, the student shall attend at least the minimum school day.
  - b. The student shall be excused for this purpose on no more than four days per school month.

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

**Method of Verification**

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

The following methods may be used to verify student absences:

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

**ABSENCES AND EXCUSES** (continued)

- e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.
  4. Physician's verification.
    - a. When excusing students for confidential medical services or verifying such appointments, LCOE staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
    - b. When a student has had 10 absences in the school year for illness verified by methods listed in #1-3 above, any further absences for illness shall be verified by a physician.



**CHRONIC ABSENCE AND TRUANCY**

The Lake County Board of Education believes that excessive student absenteeism and tardiness, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the Lake County Office of Education.

*(cf. 5113 - Absences and Excuses)*

The Lake County Superintendent of Schools shall establish a system to accurately track and monitor student attendance, including methods to identify students classified as chronic absentees and truants, as defined in law and administrative regulation.

To encourage school attendance, the County Superintendent or designee shall develop strategies that focus on prevention and early intervention of attendance problems. Preventive strategies may include efforts to provide a safe and positive school environment, relevant and engaging learning experiences, and school activities that help develop students' feelings of connectedness with the schools. The County Superintendent or designee also may provide incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

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

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5126 - Awards for Achievement)*

*(cf. 5131 - Conduct)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The County Superintendent or designee shall work with students and parents/guardians to identify factors contributing to chronic absence and truancy. Based on this needs assessment, he/she shall collaborate with community agencies, including, but not limited to, child welfare services, law enforcement, courts, and/or public health care agencies, to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

*(cf. 1020 - Youth Services)*

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

*(cf. 5030 - Student Wellness)*

*(cf. 5145.6 - School Health Services)*

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

*(cf. 5147 - Dropout Prevention)*

*(cf. 5149 - At-Risk Students)*

*(cf. 6158 - Independent Study)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6164.5 - Student Success Teams)*

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

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

**CHRONIC ABSENCE AND TRUANCY** (continued)

*(cf. 6173.2 - Education of Children of Military Families)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 6179 - Supplemental Instruction)*  
*(cf. 6181 - Alternative Schools/Programs of Choice)*  
*(cf. 6183 - Home and Hospital Instruction)*  
*(cf. 6184 - Continuation Education)*  
*(cf. 6185 - Community Day School)*

As required by law, habitually truant students shall be referred to a school attendance review board (SARB), or probation officer, and/or a juvenile court.

The County Superintendent or designee shall regularly analyze data on student absence to identify patterns of absence by school, grade level, and student population. Such data shall be used to identify common barriers to attendance, prioritize resources for intervention, and monitor progress over time. As appropriate, the County Superintendent or designee also shall provide this information to key school staff and community agency partners to engage them in program evaluation and improvement.

**School Attendance Review Board**

The County SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the County Superintendent or designee.

*Legal Reference: (see next page)*

**CHRONIC ABSENCE AND TRUANCY (continued)**

*Legal Reference:*

EDUCATION CODE

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

37223 *Weekend classes*

41601 *Reports of average daily attendance*

46000 *Records (attendance)*

46010-46014 *Absences*

46110-46119 *Attendance in kindergarten and elementary schools*

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

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

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48290-48296 *Failure to comply; complaints against parents*

48320-48325 *School attendance review boards*

48340-48341 *Improvement of student attendance*

48400-48403 *Compulsory continuation education*

49067 *Unexcused absences as cause of failing grade*

60901 *Chronic absence*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

270.1 *Chronic truancy; parent/guardian misdemeanor*

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

830.1 *Peace officers*

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

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

*Management Resources:*

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Attendance Review Board Handbook, 2009*

*School Attendance Improvement Handbook, 2000*

WEB SITES

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

Attendance Counts: <http://www.attendancecounts.org>

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

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

**CHRONIC ABSENCE AND TRUANCY**

**Definitions**

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

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

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

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

**Attendance Supervisor(s)**

The Lake County Superintendent of Schools shall appoint or contract with supervisors of attendance/Directors of Alternative Education/Child Welfare and Attendance Officers as necessary to supervise the attendance of LCOE students. Such supervisors shall perform duties related to compulsory full-time education, truancy, compulsory continuation education, work permits, and any additional duties prescribed by the Superintendent. (Education Code 48240, 48243, 48244)

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.2 - Work Permits)*

**Addressing Chronic Absence**

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

*(cf. 6020 - Parent Involvement)*

## **CHRONIC ABSENCE AND TRUANCY** (continued)

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

*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.2 - Education of Children of Military Families)*  
*(cf. 6175 - Migrant Education Program)*

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

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

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

*(cf. 1020 - Youth Services)*  
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(cf. 5145.6 - School Health Services)*

### **Addressing Truancy**

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

**CHRONIC ABSENCE AND TRUANCY** (continued)

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

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

## 1. Initial truancy

- a. A student who is initially classified as truant shall be reported to the attendance supervisor. (Education Code 48260)
- b. The student's parent/guardian shall be notified by mail that: (Education Code 48260.5)
  - (1) The student is truant.
  - (2) The parent/guardian is obligated to compel the student to attend school. If the parent/guardian fails to meet this obligation, he/she may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
  - (3) Alternative educational programs are available in LCOE.
  - (4) The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy and a meeting will be scheduled.
  - (5) The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.
  - (6) The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.
  - (7) It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

*(cf. 5145.6 - Parental Notifications)*

- c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)

**CHRONIC ABSENCE AND TRUANCY** (continued)

- d. The student may be given a written warning by a peace officer. A record of this warning may be kept at school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

*(cf. 5125 - Student Records)*

- e. The attendance supervisor may notify probation officer of the name of each student who has been classified as a truant and the name and address of the student's parents/guardians. (Education Code 48260.6)

2. Second truancy

- a. Any student who has once been reported as a truant shall again be reported to the attendance supervisor as a truant if he/she is absent from school without valid excuse one or more days or is tardy on one or more days. (Education Code 48261)
- b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
- c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)
- d. An appropriate LCOE staff member shall make a conscientious effort to hold at least one conference with the student and parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)
- e. The attendance supervisor may notify probation officer whether the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)

3. Third truancy (habitual truancy)

- a. A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be

**CHRONIC ABSENCE AND TRUANCY** (continued)

referred to, and required to attend, a school attendance review board (SARB) program, the probation officer, or a comparable program deemed acceptable by LCOE's attendance supervisor. (Education Code 48263, 48264.5)

- b. Upon making a referral to the SARB or the probation department, the attendance supervisor shall provide the student and parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the LCOE staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)
  - c. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)
  - d. If the attendance supervisor determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or student's parents/guardians have failed to respond to the directives of LCOE or to services provided, the attendance supervisor may so notify the probation officer. (Education Code 48263)
4. Fourth truancy
- a. Upon his/her fourth truancy within the same school year, the student shall be within the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)
  - b. If a student has been adjudged by the county juvenile court to be a habitual truant, the attendance supervisor shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)
5. Absence for 10 percent of school days (chronic truancy)
- a. The attendance supervisor shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.



**CHRONIC ABSENCE AND TRUANCY** (continued)

- b. If a chronically truant student is at least age 6 years and is in any of grades K-8, the attendance supervisor shall notify the parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

**Records**

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

The County Superintendent or designee shall gather the number and type of referrals made to the SARB and requests for petitions made to the juvenile court. These data will be consolidated and transmitted to the California Department of Education as required.

**WORK PERMITS**

The Lake County Board of Education recognizes that part-time employment can provide students with income as well as job experience that can help them develop appropriate workplace skills and attitudes. Upon obtaining an offer of employment, Lake County Office of Education students who are minors shall obtain work permits from the Lake County Superintendent of Schools in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session.

*(cf. 6178 - Career Technical Education)*

In determining whether to grant or continue a work permit, the County Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. On a case-by-case basis, the County Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

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

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)

*(cf. 5112.1 - Exemptions from Attendance)*

Work permits shall be limited to part-time employment as defined by law, except when the County Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program. (Education Code 49130, 49131, 49135)

*(cf. 6178.1 - Work Experience Education)*

*(cf. 6184 - Continuation Education)*

*Legal Reference: (see next page)*

**WORK PERMITS (continued)**

*Legal Reference:*

EDUCATION CODE

48230 Exemption from full-time school attendance for students with work permits

48231 Exemption from compulsory attendance for students entering attendance area near end of term

49100-49101 Compulsory attendance

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49160-49165 Employment of minors; duties of employers

49180-49183 Violations

51760-51769.5 Work experience education

52300-52499.66 Career technical education

LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors

CODE OF REGULATIONS, TITLE 5

16023-16027 District records, retention and destruction

CODE OF REGULATIONS, TITLE 8

11701-11707 Prohibited and dangerous occupations for minors

11750-11763 Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29

570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

18 Ops.Cal.Atty.Gen. 114 (1951)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Work Permit Handbook for California Schools: Laws and Regulations Governing the Employment of Minors, 2007

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Child Labor Laws, 2000

WEB SITES

California Department of Education, Work Experience Education: <http://www.cde.ca.gov/ci/ct/we>

California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development: <http://www.cde.ca.gov/ci/ct/wd>

California Department of Industrial Relations: <http://www.dir.ca.gov>

**WORK PERMITS**

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including students who have not yet graduated from high school or have not received a certificate of proficiency, shall obtain a work permit.

*(cf. 5112.1 - Exemptions from Attendance)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*

The Lake County Office of Education may issue a permit authorizing employment while school is in session, including employment connected with a work experience education program pursuant to Education Code 51760-51769.5, to a minor student age 14-17. LCOE also may issue a permit to any minor age 12-17 to be employed during a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within 10 days before the end of the school term pursuant to Education Code 48231. (Education Code 49111, 49113, 49160)

*(cf. 6178.1 - Work Experience Education)*

If a minor has obtained an offer of employment in the entertainment industry, he/she shall request a work permit from the California Department of Industrial Relations, Division of Labor Standards Enforcement, pursuant to Labor Code 1308.5 and 8 CCR 11752-11753.

A student shall not be required to obtain a work permit if he/she is self-employed; is working at odd jobs such as yard work and babysitting in private homes where he/she is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed by his/her parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates, or controls; or is otherwise exempted by law.

**Persons Authorized to Issue Work Permits**

The following individuals are authorized to issue a work permit to a minor LCOE student: (Education Code 49110)

1. The Lake County Superintendent of Schools
2. LCOE employee holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, when authorized by the County Superintendent in writing
3. A program manager or administrator designated by the County Superintendent, provided that he/she:
  - a. Provides a self-certification that he/she understands the requirements of law for issuing a work permit

**WORK PERMITS** (continued)

- b. Does not issue a work permit to his/her own child

If the person designated to issue work permits is not available and delay in issuing a permit would jeopardize a student's ability to secure work, the County Superintendent may authorize another person to issue the permit. (Education Code 49110)

**Approval Process**

The student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider shall file a written request for a work permit. (Education Code 49110)

The request for a work permit shall be submitted to the County Superintendent on a form approved by the California Department of Education (CDE). The County Superintendent or designee shall have discretion to determine whether or not to issue the work permit.

In determining whether to approve a work permit, the County Superintendent or designee shall verify the student's date of birth, the type of work permit to be issued, and whether the student meets any other LCOE-established criteria. The County Superintendent or designee may inspect the student's records and/or may confer with at least one of the student's teachers for evidence of satisfactory grades and school attendance and to determine whether the student possesses the motivation and maturity to maintain academic progress while working.

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

Minors shall not be approved to work in environments declared hazardous or dangerous for young workers or otherwise prohibited by child labor laws. (Labor Code 1290-1298; 29 CFR 570.33, 570.50-570.72)

The County Superintendent or designee shall ensure that the requested work hours do not exceed the maximum work hours specified in law based on the student's age and whether the employment will occur while school is in session and/or not in session. (Education Code 49111, 49112, 49116; Labor Code 1391-1391.1; 29 CFR 570.35)

Full-time employment may be authorized for students age 14-17 only in accordance with Education Code 49130-49135.

*(cf. 6184 - Continuation Education)*

All work permits shall be issued in a format approved and authorized by the CDE. (Education Code 49117)

**WORK PERMITS** (continued)

Each permit shall authorize work for a specific employer. Whenever a student changes employers, he/she shall request a new permit.

The student may be issued more than one work permit if he/she works concurrently for more than one employer, provided that the total number of hours worked does not exceed the total number of hours allowed by law and LCOE.

Whenever a work permit is issued by a Program manager/administrator or other designated administrator, the program manager/administrator or designee shall submit to the County Superintendent a copy of each work permit he/she issues, along with a copy of the application. (Education Code 49110)

The County Superintendent or designee shall periodically inspect the grades and attendance records of students granted work permits to ensure maintenance of academic progress and any additional criteria established in Board policy.

**Expiration of Work Permits**

Work permits issued during the school year shall expire 20 days after the opening of the next succeeding school year. (Education Code 49118)

Before the work permit expires, a student may apply for a renewed work permit in accordance with the procedures specified in the section "Approval Process" above.

**Revocation of Work Permits**

The County Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is interfering with the student's education, that any provision or condition of the permit is being violated, or that the student is performing work in violation of law. (Education Code 49116, 49164)

**Retention of Records**

The County Superintendent or designee shall retain a copy of the work permit application and the work permit until the end of the fourth year after the work permit was issued. (5 CCR 16026)

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

**INTERDISTRICT ATTENDANCE APPEALS**

The Lake County Board of Education shall consider an appeal against any school district under the jurisdiction of the Lake County Office of Education, for its failure or refusal to issue an interdistrict attendance permit to a student, or for its failure or refusal to enter into an interdistrict attendance agreement with another school district for the student's attendance. (Education Code 46601)

If the request for interdistrict attendance involves a school district located within the county and a school district located in a different county, the County Board shall have jurisdiction if the denial of the permit, or the refusal or failure to enter into an agreement, is by the school district within the county. If both school districts deny the permit or refuse or fail to enter into an agreement, the County Board shall have jurisdiction only if the school district within the county is the student's district of residence. (Education Code 46601)

The appeal shall be filed in writing, by a person having legal custody of the student, within 30 calendar days of the district's failure or refusal to issue a permit, or to enter into an agreement allowing the interdistrict attendance. Failure to appeal within the required time is good cause for denial of an appeal. (Education Code 46601)

The appeal shall be accepted only upon verification by the Lake County Superintendent of Schools or designee that appeals within the districts have been exhausted. (Education Code 46601)

**Hearing**

No later than 10 days prior to the hearing, the secretary to the County Board shall serve a notice upon all parties involved. The notice shall include details of the date, time and place of the hearing.

The County Board shall conduct a hearing within 30 calendar days after the appeal is filed, to determine whether the student should be permitted to attend school in the district of his/her choice. If it is impractical for the County Board to comply with the time requirement for the hearing, the County Board may extend the time period for up to an additional five school days. (Education Code 46601)

**Final Order of the County Board**

The County Board shall render its decision within three school days of the hearing unless the student requests a postponement. (Education Code 46601)

The County Board shall either grant or deny an appeal on its merits. However, if new evidence or grounds for the request are introduced, the County Board may remand the matter for further consideration by the district or districts.

**INTERDISTRICT ATTENDANCE APPEALS** (continued)

All parties shall be notified in writing of the decision of the County Board. (Education Code 46602)

*Legal Reference:*

EDUCATION CODE

- 41020 Annual district audits
- 46600-46611 Interdistrict attendance agreements
- 48204 Residency requirements for school attendance
- 48300-48316 Student attendance alternatives, school district of choice program
- 48350-48361 Open Enrollment Act
- 48915 Expulsion; particular circumstances
- 48915.1 Expelled individuals: enrollment in another district
- 48918 Rules governing expulsion procedures
- 48980 Notice at beginning of term
- 52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

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

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

COURT DECISIONS

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

*Management Resources:*

WEB SITES

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

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



**INTERDISTRICT ATTENDANCE APPEALS**

**I. Appeal Procedure**

The person having custody of a student requesting an interdistrict attendance agreement, in order to attend a school district located within Lake County, has the right to appeal to the Lake County Board of Education upon the neglect or refusal of the school district to enter into such an agreement within 30 days of the request. To meet this deadline, the appeal should be filed within 60 days of the date that the request was filed with the school district.

The appeal must be filed with the Lake County Superintendent of Schools, 1152 S. Main Street, Lakeport, California 95453, in writing. An appeal shall be accepted only upon verification by the Lake County Superintendent of Schools that appeals within the district have been exhausted. If new evidence or grounds for the request are introduced, the County Board may remand the matter for further consideration by the district or district. In all other cases, the appeal shall be granted or denied on its merits.

The Lake County Superintendent of Schools or his/her designee shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board in reaching a decision.

The County Board shall consider the appeal at its next regular or special meeting occurring at least four days following the filing of the appeal. The County Board shall, within 30 days after the filing of the appeal, determine whether the student should be permitted to attend in the district in which he/she desires to attend and for what period of time, which shall in no event exceed five years.

In the event that compliance by the County Board with the 30 day requirement for determining whether the student should be permitted to attend in the district in which he/she desires to attend is impractical, the county Board or County Superintendent for good cause, may extend the time period for up to an additional five days.

The County Board shall provide adequate notice to all parties of the date and time of any hearing scheduled and of the opportunity to submit written statements and documentation and to be heard on this matter. Continuances may be granted upon a showing of good cause.

Unless the appellant requests an open hearing within 48 hours of receipt of the Board's notice, then the hearing shall be conducted in closed session. (Government Code 54962: Education Code 49076).

The County Board may approve requests for interdistrict transfers only for the reasons specifically listed herein:

1. Childcare in the district (parents/guardians, relative, sitter).

**INTERDISTRICT ATTENDANCE APPEALS** (continued)

2. Mental or physical health of the child as certified by a physician, school psychologist, or other appropriate school personnel.
3. To complete a school year or years when the parents/guardians have moved out of the district during the school year.
4. On a student-for-student basis when equal numbers of students transfer between the two districts involved.
5. Extraordinary circumstances that, in the Board's judgment, make approval of the request in the best interest of the student seeking the transfer and of the students of the districts involved.

The County Board shall not approve the interdistrict transfer, unless it determines that the class enrollments and facilities in the district will permit the addition of out-of-district students.

Pursuant to Education Code 46602, if the County Board of Education determines that the student should be permitted to attend in the district in which he or she desires to attend, the student shall be admitted to the school in the district without delay, and the attendance may be counted by the district or attendance for revenue limit and state apportionment purposes.

Written notice of the decision by the County Board of Education shall be delivered to the student and the parent/guardian, or persons having custody of him or her, and to the Governing Boards of the districts.

**II. Outside County**

If the interdistrict attendance involves school districts located in different counties, the county board having jurisdiction over the district denying a permit, or refusing or failing to enter into an agreement to allow for the issuance of a permit shall have jurisdiction for purposes of an appeal. If both districts deny a permit, or refuse or fail to enter into an agreement to allow for the issuance of a permit, the county board having jurisdiction over the district of residence shall have jurisdiction for purposes of an appeal and, upon granting a student's appeal, shall seek concurrence in the decision by the county board of the other county which shall provide adequate opportunity for the district under its jurisdiction to be heard on the matter before making a decision. If the two county boards do not then concur, the student's appeal shall be denied.

**INTERDISTRICT ATTENDANCE APPEALS** (continued)

**III. Expelled Students**

Students who are under consideration for expulsion, or who have been expelled pursuant to Education Code 48915 and 48918, may not appeal interdistrict attendance denials or revisions while expulsion proceedings are pending, or during the term of the expulsion.

**INTERDISTRICT ATTENDANCE APPEALS**

This form must be filed within 30 days of district denial of request for interdistrict attendance permit or failure to issue permit, and must be submitted with a copy of the original interdistrict attendance request to:

Lake County Board of Education Attn: Janice Bailey  
1152 S. Main Street  
Lakeport, CA 95453

In accordance with Education Code 46601 and the Lake County Board of Education Interdistrict Attendance Appeal Policy, an interdistrict attendance appeal hearing is hereby requested.

(Please print or type; additional pages may be attached if necessary)

Student's Name: \_\_\_\_\_

Student's Home Address: \_\_\_\_\_

Student's Telephone Number (home): \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_

Name of Parent/Guardian: \_\_\_\_\_

Parent/Guardian's Home Address: \_\_\_\_\_

Parent/Guardian's Telephone Number (home): \_\_\_\_\_

Parent/Guardian's Telephone Number (work): \_\_\_\_\_

Name of School Presently Attending or Last Attended: \_\_\_\_\_

How Long?: \_\_\_\_\_

School District of Residence: \_\_\_\_\_

School District of Desired Residence: \_\_\_\_\_

Date Request or Interdistrict Attendance Permit Submitted to District of Residence: \_\_\_\_\_

Name of School District Denying Request: \_\_\_\_\_

Date School District Denied Request: \_\_\_\_\_

**INTERDISTRICT ATTENDANCE APPEALS** (continued)

Why did you request an interdistrict attendance permit? \_\_\_\_\_

What is your understanding of why the request was denied? \_\_\_\_\_

Describe any appeals within the district: \_\_\_\_\_

I have filed this appeal within 30 calendar days of the school district's failure or refusal to issue an interdistrict attendance permit, permitting the student to attend school in the school district requested.

Student has not been expelled from the school district of residence.

Yes \_\_\_\_\_ No \_\_\_\_\_

My appeal is based on at least one of the following reasons (check reasons): Childcare in the district (parents/guardians, relative, sitter, day care)

Mental or physical health of the child as certified by a physician, school psychologist, or other, appropriate school personnel

To complete a school year or years when the parents/guardians have moved out of the district during the school year

On a student for student basis when equal numbers of students transfer between the two districts involved

Extraordinary circumstances that, in the Board's judgment, make approval of the request in the best interest of the student seeking the transfer and of the students of the districts involved.

I certify that the above information is true and correct to the best of my knowledge.

Date: \_\_\_\_\_

(Signature of parent/guardian) \_\_\_\_\_

(Signature of parent/guardian) \_\_\_\_\_

(Signature of Student) \_\_\_\_\_

**STUDENTS EXPELLED FROM OTHER DISTRICTS**

The Lake County Board of Education may grant admission to students expelled from school districts under the jurisdiction of Lake County Office of Education in accordance with law and when consistent with the County Board's goal to provide a safe and secure environment for students and staff.

*(cf. 0450 - Comprehensive Safety Plan)*

*Legal Reference:*

EDUCATION CODE

- 46600 Agreements for interdistrict attendance*
- 46601 Failure to approve interdistrict attendance; expulsion prohibiting appeal*
- 48200 Compulsory attendance*
- 48645.1 Juvenile court school*
- 48660-48666 Community day schools*
- 48915 Expulsion; particular circumstances*
- 48915.1 Expelled individuals: enrollment in another district*
- 48915.2 Expelled student; enrollment during and after period of expulsion*
- 48918 Rules governing expulsion procedures*

*Management Resources:*

WEB SITES

- CSBA: <http://www.csba.org>*
- California Attorney General's Office: <http://www.caag.state.ca.us>*
- California Department of Education: <http://www.cde.ca.gov>*
- U.S. Department of Education, Office of Safe and Drug-Free Schools:  
<http://www.ed.gov/about/offices/list/osdfs>*

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

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

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

The Lake County Superintendent of Schools shall establish a uniform grading system based on standards that apply to all students in that course and grade level. Program manager/administrators and teachers shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

A teacher shall base a student's grades on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and Lake County Office of Education standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests, and portfolios.

*(cf. 6011 - Academic Standards)*  
*(cf. 6162.5 - Student Assessment)*

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the County Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

*(cf. 5125.3 - Challenging Student Records)*

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

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

*(cf. 5125 - Student Records)*  
*(cf. 6159 - Individualized Education Program)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

**Effect of Absences on Grades**

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

*(cf. 6154 - Homework/Makeup Work)*

The Board believes that 10 unexcused absences per grading period constitute excessive unexcused absences. Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es).

*(cf. 5113 - Absences and Excuses)*

*Legal Reference: (see next page)*



**GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

*Legal Reference:*

EDUCATION CODE

41505-41508 *Pupil Retention Block Grant*

48070 *Promotion and retention*

48205 *Excused absences*

48800-48802 *Enrollment of gifted students in community college*

48904-48904.3 *Withholding grades, diplomas, or transcripts*

49066 *Grades; finalization; physical education class*

49067 *Mandated regulations regarding student's achievement*

49069.5 *Students in foster care, grades and credits*

51242 *Exemption from physical education based on participation in interscholastic athletics*

76000-76002 *Enrollment in community college*

CODE OF REGULATIONS, TITLE 5

10060 *Criteria for reporting physical education achievement, high schools*

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

UNITED STATES CODE, TITLE 20

1232g *Family Education Rights and Privacy Act (FERPA)*

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy Act*

COURT DECISIONS

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

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

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

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

593

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Aiming High: High Schools for the 21st Century*, 2002

*Taking Center Stage: A Commitment to Standards-Based Education for California's Middle Grades Students*, 2001

*Elementary Makes the Grade!*, 2000

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

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

WEB SITES

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

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

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

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

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

*(cf. 6020 - Parent Involvement)*

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

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

For each student in grades 9-12, the Lake County Superintendent of Schools shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

*(cf. 5125 - Student Records)*

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

**Pass/Fail Grading**

The County Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of a letter grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a Fail grade shall not receive credit for taking the course.

**Effect of Absences on Grades**

Teachers who withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of LCOE's policy regarding excessive unexcused absences.

*(cf. 5113 - Absences and Excuses)*

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT** (continued)

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

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

**PROMOTION/ACCELERATION/RETENTION**

The Lake County Board of Education expects students to progress through each grade level within one school year. To accomplish this, instruction should accommodate the variety of ways that students learn and include strategies for addressing academic deficiencies when needed.

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

*(cf. 6011 - Academic Standards)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*  
*(cf. 6162.52 - High School Exit Examination)*

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

As early as possible in the school year, the County Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, Board policy, administrative regulation, and the following criteria.

Students shall be identified on the basis of grades. The following other indicators of academic achievement shall also be used:

Attainment of Academic Credits  
Attendance/Truancy Data

*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 5149 - At-Risk Students)*

When any student in grades 7-9 is retained or recommended for retention, the County Superintendent or designee shall offer programs of direct, systematic, and intensive supplemental instruction in accordance with Education Code 37252.2 and Board policy.

*(cf. 6179 - Supplemental Instruction)*

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

46300 Method of computing ADA

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

56345 Elements of individualized education plan

60641-60648 Standardized Testing and Reporting Program

60850-60859 Exit examination

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

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

CDE PUBLICATIONS

Performance Level Tables for the California Standards Tests and the California Alternative Performance Assessment

Parental Agreement Form: Agreement for Pupil to Continue in Kindergarten

LEGISLATIVE COUNSEL'S OPINION

Promotion and Retention #21610

WEB SITES

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

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

**PROMOTION/ACCELERATION/RETENTION**

**Retention**

The Lake County Superintendent of Schools or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)

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

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

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

*(cf. 6162.5 - Student Assessment)*

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

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

*(cf. 6177 - Summer School)*

*(cf. 6179 - Supplemental Instruction)*

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

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

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

*(cf. 5145.6 - Parental Notifications)*

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

The teacher's decision to promote or retain a student may be appealed consistent with Board policy, administrative regulation, and law.

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

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

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

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

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

*(cf. 9321 - Closed Session Purposes and Agendas)*

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

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

*(cf. 5125 - Student Records)*

*(cf. 5125.3 - Challenging Student Records)*