

**RESEARCH**

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

The Lake County Superintendent of Schools may authorize research projects within the Lake County Office of Education by outside groups or persons when such research is aligned with LCOE goals and objectives and is likely to benefit LCOE without disrupting the school program.

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

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

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

*Legal Reference:*

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

*Management Resources:*

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

**RESEARCH**

Persons or groups wishing to use Lake County Office of Education staff, students, or property in connection with an academic research project shall submit to the Lake County Superintendent of Schools a written proposal which includes:

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

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

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

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

Researchers shall certify that they will use no school names in the publication of findings without the approval of the County Superintendent or designee.

**LIBRARY MEDIA CENTERS**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

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

*(cf. 0440 - District Technology Plan)*

*(cf. 6011 - Academic Standards)*

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

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

*(cf. 7110 - Facilities Master Plan)*

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

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

**Library Plan**

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

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

**Fees**

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

*(cf. 3260 - Fees and Charges)*

No charge shall be assessed for the late return of materials.

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

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

### **Library Instruction**

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

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

### **Reports**

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

*Legal Reference: (see next page)*

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

### *Legal Reference:*

#### EDUCATION CODE

1703 *Coordination of district library services by county superintendent*

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

18100-18203 *School libraries*

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

19335-19336 *Reading Initiative Program; recommended books*

41570-41573 *School and Library Improvement Block Grant*

42605 *Tier 3 categorical flexibility*

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

45340-45349 *Instructional aides*

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

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

60420-60424 *Instructional Materials Funding Realignment Program*

#### REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

18181 *Districtwide library plan*

52012 *Establishment of school site council*

52014-52015 *School plans*

#### CODE OF REGULATIONS, TITLE 5

16040-16043 *School libraries*

80053 *Library media service teaching credential*

#### UNITED STATES CODE, TITLE 20

6383 *Improving Literacy Through School Libraries grant program*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*School Library Program Standards, September 2010*

*School Library Standards for Students, September 2010*

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

*Recommended Literature: Kindergarten Through Grade Twelve*

#### CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS

*Standards and Guidelines for Strong School Libraries, 2004*

#### WEB SITES

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

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

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

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

**ANIMALS AT SCHOOL**

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

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

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

*(cf. 6159 - Individualized Education Program)*

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

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

The Lake County Superintendent of Schools shall develop rules and procedures to ensure that when animals are brought to school, the health, safety, and welfare of students, staff, and the animals are protected. However, LCOE assumes no liability for the safety of animals allowed on LCOE property.

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

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

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

*(cf. 5141.23 - Asthma Management)*

*Legal Reference: (see next page)*

**ANIMALS AT SCHOOL** (continued)

*Legal Reference:*

EDUCATION CODE

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

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

51202 *Instruction in personal and public health and safety*

51540 *Safe and humane treatment of animals at school*

CIVIL CODE

54.1 *Access to public places*

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

GOVERNMENT CODE

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

815 *Liability for injuries generally; immunity of public entity*

835 *Conditions of liability*

VEHICLE CODE

21113 *Public grounds*

CODE OF REGULATIONS, TITLE 13

1216 *Transportation of property*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 *Definitions*

35.136 *Service animals*

COURT DECISIONS

*Sullivan v. Vallejo City USD, (1990) 731 F.Supp. 947*

*Management Resources:*

FEDERAL REGISTER

*Rules and Regulations, September 15, 2010, Vol. 75, Number 178, pages 56164-56236*

CSBA PUBLICATIONS

*Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008*

*Asthma Management in the Schools, Policy Brief, March 2008*

WEB SITES:

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

American Society for the Prevention of Cruelty to Animals: <http://www.asPCA.org>

Humane Society of the United States: <http://www.hsus.org>

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

**ANIMALS AT SCHOOL****Use of Animals for Instructional Purposes**

Before any student or employee brings an animal to school for an instructional purpose, he/she shall receive written permission from the program manager/administrator or designee. The program manager/administrator or designee shall give such permission only after he/she has provided written notification to all parents/guardians of students in the affected class, asking them to verify whether their child has any known allergies, asthma, or other health condition that may be aggravated by the animal's presence. When a parent/guardian has provided notification that his/her child has an allergy, asthma, or other health condition that may be aggravated by the animal, the program manager/administrator shall take appropriate measures to protect the student from exposure to the animal.

*(cf. 3514 - Environmental Safety)*

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

*(cf. 5141.23 - Asthma Management)*

All animals brought to school must be in good physical condition and must be appropriately immunized. The teacher shall ensure that the species of animal is appropriate for the instructional purpose and age and maturity of the students.

All animals brought to school shall be adequately fed, effectively controlled, humanely treated, and properly housed in cages or containers suitable for the species. The teacher shall ensure that cages and containers are cleaned regularly and that waste materials are removed and disposed of in an appropriate manner.

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

*(cf. 5142 - Safety)*

The teacher shall ensure that students receive instructions regarding the proper handling of and personal hygiene around animals.

*(cf. 5141.22 - Infectious Diseases)*

Except for service animals, as defined below, all animals are prohibited on school transportation services. (Education Code 39839; 13 CCR 1216)

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

*(cf. 5131.1 - Bus Conduct)*

**Use of Service Animals by Individuals with Disabilities**

For an individual with a disability, *service animal* means any dog that is individually trained to do work or perform tasks related to the individual's disability and for his/her benefit. For example, for an individual who is blind or has low vision, a service animal would mean a dog



**ANIMALS AT SCHOOL** (continued)

that helps him/her with vision, navigation, and other tasks; for an individual who is deaf or hard of hearing, a service animal would mean a dog that alerts him/her to the presence of people or sounds; and for an individual with psychiatric or neurological disabilities, a service animal would mean a dog that assists him/her by preventing or interrupting impulsive or destructive behaviors. (28 CFR 35.104)

Individuals with disabilities may be accompanied on school premises and on school transportation by service animals, including specially trained guide dogs, signal dogs, or service dogs. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

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

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

*(cf. 6159 - Individualized Education Program)*

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

The Lake County Superintendent of Schools may permit the use of a miniature horse as a service animal when the horse has been individually trained to do work or perform tasks for the benefit of an individual with a disability, provided that: (28 CFR 35.136)

1. The Lake County Office of Education's facility can accommodate the type, size, and weight of the horse.
2. The individual has sufficient control of the horse.
3. The horse is housebroken.
4. The horse's presence in the specific facility does not compromise legitimate safety requirements of the facility.

The County Superintendent or designee may ask any individual with a disability to remove his/her service animal from school premises or transportation if the animal is out of control and the individual does not take effective action to control it or the animal is not housebroken. When an individual's service animal is excluded, he/she shall be given an opportunity to participate in the service, program, or activity without having the service animal present. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

**STUDENT USE OF TECHNOLOGY**

The County Board of Education intends that technological resources provided by the district be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. All students using these resources shall receive instruction in their proper and appropriate use.

*(cf. 0440 - District Technology Plan)*

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

*(cf. 4040 - Employee Use of Technology)*

*(cf. 6163.1 - Library Media Centers)*

Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of LCOE technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with this Board policy and the LCOE's Acceptable Use Agreement.

*LCOE technology* includes, but is not limited to, computers, the LCOE's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Before a student is authorized to use LCOE technology, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement. In that agreement, the parent/guardian shall agree not to hold the LCOE or any LCOE staff responsible for the failure of any technology protection measures or user mistakes or negligence and shall agree to indemnify and hold harmless the LCOE and LCOE staff for any damages or costs incurred.

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

The LCOE reserves the right to monitor student use of technology within the jurisdiction of the LCOE without advance notice or consent. Students shall be informed that their use of LCOE technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the LCOE for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in use of the LCOE technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, LCOE policy, or school rules.

**STUDENT USE OF TECHNOLOGY** (continued)

*(cf. 5145.12 - Search and Seizure)*

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any LCOE student in accordance with Education Code 49073.6 and BP/AR 5125 - Student Records.

*(cf. 5125 - Student Records)*

Whenever a student is found to have violated Board policy or the LCOE's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the LCOE's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

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

*(cf. 5144 - Discipline)*

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

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

The Superintendent or designee, with input from students and appropriate staff, shall regularly review and update procedures to enhance the safety and security of students using LCOE technology and to help ensure that the LCOE adapts to changing technologies and circumstances.

**Internet Safety**

The Superintendent or designee shall ensure that all LCOE computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777; 47 USC 254; 47 CFR 54.520)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities.

*Harmful matter* includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

**STUDENT USE OF TECHNOLOGY** (continued)

The LCOE's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy LCOE equipment or materials or manipulate the data of any other user, including so-called "hacking"
3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting one's own personal identification information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

*Legal Reference: (see next page)*

**STUDENT USE OF TECHNOLOGY** (continued)

*Legal Reference:*

EDUCATION CODE

49073.6 *Student records; social media*  
51006 *Computer education and resources*  
51007 *Programs to strengthen technological skills*  
60044 *Prohibited instructional materials*

PENAL CODE

313 *Harmful matter*  
502 *Computer crimes, remedies*  
632 *Eavesdropping on or recording confidential communications*  
653.2 *Electronic communication devices, threats to safety*

UNITED STATES CODE, TITLE 15

6501-6506 *Children's Online Privacy Protection Act*

UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology Act, Title II, Part D, especially:*  
6777 *Internet safety*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 *Children's Online Privacy Protection Act*

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 *Internet safety policy and technology protection measures, E-rate discounts*

COURT DECISIONS

*New Jersey v. T.L.O., (1985) 469 U.S. 325*

*Management Resources:*

CSBA PUBLICATIONS

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

FEDERAL TRADE COMMISSION PUBLICATIONS

*How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000*

WEB SITES

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

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

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

Center for Safe and Responsible Internet Use: <http://csriu.org>

Federal Communications Commission: <http://www.fcc.gov>

Federal Trade Commission, Children's Online Privacy Protection:

<http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

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

**STUDENT USE OF TECHNOLOGY****ACCEPTABLE USE AGREEMENT  
AND RELEASE OF LCOE FROM LIABILITY (STUDENTS)**

The Lake County Office of Education authorizes students to use technology owned or otherwise provided by the COE as necessary for instructional purposes. The use of COE technology is a privilege permitted at the COE's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The COE reserves the right to suspend access at any time, without notice, for any reason.

The COE expects all students to use technology responsibly in order to avoid potential problems and liability. The COE may place reasonable restrictions on the sites, material, and/or information that students may access through the system.

Each student who is authorized to use COE technology and his/her parent/guardian shall sign this Acceptable Use Agreement as an indication that they have read and understand the agreement.

**Definitions**

*COE technology* includes, but is not limited to, computers, the COE's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through COE-owned or personally owned equipment or devices.

**Student Obligations and Responsibilities**

Students are expected to use COE technology safely, responsibly, and for educational purposes only. The student in whose name COE technology is issued is responsible for its proper use at all times. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned.

Students are prohibited from using COE technology for improper purposes, including, but not limited to, use of COE technology to:

1. Access, post, display, or otherwise use material that is discriminatory, libelous, defamatory, obscene, sexually explicit, or disruptive
2. Bully, harass, intimidate, or threaten other students, staff, or other individuals ("cyberbullying")

**STUDENT USE OF TECHNOLOGY** (continued)

3. Disclose, use, or disseminate personal identification information (such as name, address, telephone number, Social Security number, or other personal information) of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person
4. Infringe on copyright, license, trademark, patent, or other intellectual property rights
5. Intentionally disrupt or harm COE technology or other COE operations (such as destroying COE equipment, placing a virus on COE computers, adding or removing a computer program without permission from a teacher or other COE personnel, changing settings on shared computers)
6. Install unauthorized software
7. "Hack" into the system to manipulate data of the COE or other users
8. Engage in or promote any practice that is unethical or violates any law or Board policy, administrative regulation, or COE practice

**Privacy**

Since the use of COE technology is intended for educational purposes, students shall not have any expectation of privacy in any use of COE technology.

The COE reserves the right to monitor and record all use of COE technology, including, but not limited to, access to the Internet or social media, communications sent or received from COE technology, or other uses. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of COE technology (such as web searches and emails) cannot be erased or deleted.

All passwords created for or used on any COE technology are the sole property of the COE. The creation or use of a password by a student on COE technology does not create a reasonable expectation of privacy.

**Personally Owned Devices**

If a student uses a personally owned device to access COE technology, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

**Reporting**

If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of COE technology, he/she shall immediately report such information to the teacher or other COE personnel.

**STUDENT USE OF TECHNOLOGY** (continued)

**Consequences for Violation**

Violations of the law, Board policy, or this agreement may result in revocation of a student's access to COE technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

**Student Acknowledgment**

I have received, read, understand, and agree to abide by this Acceptable Use Agreement and other applicable laws and COE policies and regulations governing the use of COE technology. I understand that there is no expectation of privacy when using COE technology. I further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

Name: \_\_\_\_\_ Grade: \_\_\_\_\_  
(Please print)

School: \_\_\_\_\_

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

**Parent or Legal Guardian Acknowledgment**

*If the student is under 18 years of age, a parent/guardian must also read and sign the agreement.*

As the parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the Acceptable Use Agreement. By signing this Agreement, I give permission for my child to use COE technology and/or to access the school's computer network and the Internet. I understand that, despite the COE's best efforts, it is impossible for the school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, COE, and COE personnel against all claims, damages, and costs that may result from my child's use of COE technology or the failure of any technology protection measures used by the COE. Further, I accept full responsibility for supervision of my child's use of his/her access account if and when such access is not in the school setting.

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(Please print)

Signature: \_\_\_\_\_



**GUIDANCE/COUNSELING SERVICES**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

The Lake County Superintendent of Schools recognizes that a comprehensive counseling program can help promote academic achievement and serve the diverse needs of all Lake County Office of Education students. Counseling staff shall be available to meet with students to discuss academic, social, or personal difficulties, as well as other issues that may impact student learning.

**Academic and Career Counseling**

LCOE's academic counseling program shall help students establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit examination, and complete the required curriculum in accordance with their individual needs, abilities, and interests. Insofar as possible, parents/guardians shall be included when making educational plans.

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

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

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6011 - Academic Standards)*

*(cf. 6020 - Parent Involvement)*

Counseling staff shall help all students plan for the future and become aware of their career potential. Academic planning for higher education shall include information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships.

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6143 - Courses of Study)*

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

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

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

The County Superintendent shall establish and maintain a program of guidance, placement, and follow-up for all LCOE students subject to compulsory continuation education. (Education Code 48431)

*(cf. 6184 - Continuation Education)*

## **GUIDANCE/COUNSELING SERVICES** (continued)

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (20 USC 7908; 10 USC 503; Education Code 49603)

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

### **Supplemental School Counseling Program for Students in Grades 7-12**

The supplemental school counseling program for students in grades 7-12 shall be delivered by personnel who hold a valid pupil personnel services credential. LCOE's program shall provide for: (Education Code 52378)

1. An individualized review of academic and department records
2. An individualized review of the career goals of students, and the available academic and career technical education opportunities and community and workplace experiences available to students to support their goals
3. An opportunity for a counselor to meet with students and, if practicable the parent/guardian, to discuss available educational and career technical options
4. Specialized counseling services for students identified as at risk

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

*(cf. 6179 - Supplemental Instruction)*

### **Personal Counseling**

Counseling staff shall identify and work with students whose personal problems may prevent them from reaching their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.

*(cf. 1020 - Youth Services)*

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

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

*(cf. 5137 - Positive School Climate)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5141.6 - School Health Services)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

## **GUIDANCE/COUNSELING SERVICES** (continued)

*(cf. 5147 - Dropout Prevention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*

Counselors shall respect student confidentiality as appropriate and shall consult with the County Superintendent or designee or with LCOE's legal counsel whenever unsure of how to respond to a student's personal problem. Parent/guardian consultation and consent shall be obtained as appropriate.

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

### **Crisis Counseling**

The County Superintendent recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students before and after a crisis.

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

In addition, the County Superintendent or designee shall identify crisis counseling resources to train LCOE staff in appropriate response techniques and/or to directly help students cope with such crises if they occur.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

*(cf. 5131 - Conduct)*  
*(cf. 5136 - Gangs)*  
*(cf. 5141.52 - Suicide Prevention)*

*Legal Reference: (see next page)*

**GUIDANCE/COUNSELING SERVICES (continued)**

*Legal Reference:*

EDUCATION CODE

221.5 Prohibited sex discrimination

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

41505-41508 Pupil Retention Block Grant

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250 School age military dependents

51513 Personal beliefs

52378-52380 Supplemental School Counseling Program

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

48431.6 Tenth grade counseling program

PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family educational rights and privacy

*Management Resources:*

WEB SITES

American School Counseling Association: <http://www.schoolcounselor.org>

California Association of School Counselors: <http://www.schoolcounselor-ca.org>

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

U.S. Department of Education, access to military recruiters:

<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-09-02.html>

**GUIDANCE/COUNSELING SERVICES**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

**Supplemental School Counseling Program for Students in Grades 7-12**

A counselor shall review the academic and department record of each student in grades 7-12. The counselor shall also provide for an individualized review of each student's career goals and the available academic and career technical education opportunities and community and workplace experiences available that may support the pursuit of those goals. In addition, the counselor shall meet with each student and, if practicable, his/her parent/guardian to explain the records. At the meeting, the counselor shall also explain: (Education Code 52378)

1. The student's educational options

If such services are available to Lake County Office of Education students, the educational options discussed shall include college preparatory and career technical programs, including regional occupational centers and programs and any other available alternatives.

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

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

*(cf. 6178 - Career Technical Education)*

2. The coursework and academic progress needed for satisfactory completion of middle school or high school and passage of the high school exit examination

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

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

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

3. Eligibility for admission to a four-year institution of postsecondary education, including the University of California (UC) and the California State University (CSU)

4. For those students who have not passed one or both parts of the exit exam by the end of grade 12, the availability of intensive instruction and services, as required pursuant to Education Code 37254, for up to two consecutive academic years after the completion of grade 12 or until the student has passed both parts of the exit exam, whichever comes first

*(cf. 6179 - Supplemental Instruction)*

**GUIDANCE/COUNSELING SERVICES** (continued)

5. The availability of career technical education

The Lake County Superintendent of Schools shall identify students in grades 7-12 who: (Education Code 52378)

1. Are at risk of not graduating with the rest of their class
2. Are not earning credits at a rate that will enable them to pass the high school exit exam
3. Do not have sufficient training to allow them to fully engage in their chosen career

For these identified students, LCOE shall provide the following additional services:

1. **List of Coursework and Experience:** For students in grades 10 and 12 who have not passed one or both parts of the high school exit exam or who have not satisfied, or are not on track to satisfy, the curricular requirements for admission to UC and CSU, LCOE shall provide a list of coursework and experience necessary to assist them in their current grade level and to successfully transition to postsecondary education or employment. (Education Code 52378)

For students in grade 12, the list shall also include options for continuing their education if they fail to meet graduation requirements, including, but not limited to, the option of enrolling in an adult education program, enrolling in a community college, continuing enrollment in LCOE, or continuing to receive intensive instruction and services for up to two academic years after completion of grade 12 or until passage of both parts of the exit exam, whichever comes first. (Education Code 52378)

For students in grade 7 who are deemed to be at the far below basic level in English language arts or mathematics pursuant to the California Standards Test administered in grade 6, LCOE shall provide a list of coursework and experience necessary to assist them to successfully transition to high school and to meet all graduation requirements, including passing the high school exit exam. (Education Code 52378)

For students in grade 7, LCOE shall provide a list of coursework and experience necessary to assist each student to begin to satisfy the curricular requirements for admission to UC and CSU. (Education Code 52378)

A copy of the list of coursework and experience shall be provided to the student and his/her parent/guardian. The list shall also be included in the student's cumulative record. (Education Code 52378)

**GUIDANCE/COUNSELING SERVICES** (continued)

2. **Intensive Instruction and Services:** For students in grade 10 and 11 who have not passed one or both parts of the high school exit exam, LCOE shall inform them of the option to receive intensive instruction and services pursuant to Education Code 37254 for up to two consecutive years after the completion of grade 12, or until the student has passed both parts of the exit exam, whichever comes first. (Education Code 52378)
  
3. **Individual Conference:** For students in grades 10 and 12 who have been provided the list of coursework and experience and for students in grade 7 who are deemed to be at the far below basic level in English language arts or mathematics, as detailed in item #1 above, LCOE shall offer and schedule an individual conference with each student, his/her parent/guardian, and a school counselor. During the conference, the counselor shall apprise the student and his/parent guardian of the following: (Education Code 52378)
  - a. Consequences of not passing the high school exit exam
  - b. Available programs, courses, and career technical education options needed for satisfactory completion of middle or high school
  - c. The student's cumulative records and transcripts
  - d. The student's performance on standardized and diagnostic assessments
  - e. Available remediation strategies, high school courses, and alternative education options, including, but not limited to, informing students of the option to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until passage of both parts of the exit exam, whichever comes first
  - f. Information about postsecondary education and training
  - g. As applicable, the student's score on the English language arts or mathematics portion of the California Standards Test administered in grade 6
  - h. Eligibility requirements, including coursework and test requirements, and the progress of the student toward satisfaction of those requirements for admission to four-year institutions of postsecondary education, including at least UC and CSU
  - i. The availability of financial aid for postsecondary education

**GUIDANCE/COUNSELING SERVICES** (continued)

The individual conference shall be scheduled, to the extent feasible, within the following timelines: (Education Code 52378)

- a. For students in grade 7, the conference shall occur before January of the year in which the student is in grade 7.
- b. For students in grade 10, the conference shall occur between the spring of the year the students are enrolled in grade 10 and the fall of the following year in which the student would be enrolled in grade 11.
- c. For students in grade 12, the conference shall occur after November of that school year in which the student is enrolled in grade 12, but before March of that same school year.

The County Superintendent or designee shall annually submit a report to the California Department of Education describing the number and percentage of students receiving various program services and an assurance that LCOE has complied with the requirements for individual conferences pursuant to Education Code 52378(e). (Education Code 52380)

**Notifications**

Beginning in grade 7, parents/guardians shall be notified at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

*(cf. 5145.6 - Parental Notifications)*

**Nondiscrimination**

No counselor shall unlawfully discriminate against any student. In addition, when exploring the possibility of careers and courses leading to such careers, counseling staff shall not differentiate career, vocational, or higher education opportunities on the basis of the sex of the student. (Education Code 221.5; 5 CCR 4930)

For appraising or counseling students, LCOE shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*



**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

The Lake County Board of Education recognizes the need to actively seek out and evaluate Lake County residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

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

*(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School)*

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

The Lake County Superintendent of Schools shall establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)

The Lake County Office of Education's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

The County Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning their child. In addition, the County Superintendent or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 4112.23 - Special Education Staff)*

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

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159 - Individualized Education Program)*

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

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

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

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

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

*Legal Reference: (see next page)*

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

44265.5 *Professional preparation for teachers of impaired students*

56000-56885 *Special education programs, especially:*

56195.8 *Adoption of policies*

56300-56304 *Identification of individuals with disabilities*

56320-56331 *Assessment*

56333-56338 *Eligibility criteria for specific learning disabilities*

56340-56347 *Instructional planning and individualized education program*

56381 *Reassessment of students*

56425-56432 *Early education for individuals with disabilities*

56441.11 *Eligibility criteria, children ages 3-5*

56445 *Transition to grade school; reassessment*

56500-56509 *Procedural safeguards*

GOVERNMENT CODE

95000-95029.5 *California Early Intervention Services Act*

CODE OF REGULATIONS, TITLE 5

3021-3029 *Identification, referral and assessment*

3030-3031 *Eligibility criteria*

UNITED STATES CODE, TITLE 20

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

1412 *State eligibility*

1415 *Procedural safeguards*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

300.1-300.818 *Individuals with Disabilities Education Act, especially:*

300.301-300.306 *Evaluations and reevaluations*

COURT DECISIONS

Hood v. Encinitas Union School District, (2007) 486 F.3d 1099

*Management Resources:*

FEDERAL REGISTER

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

WEB SITES

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

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

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

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

**Referrals for Special Education Services**

A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Education Code 56303)

All referrals from school staff for special education and related services shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student and their effect. (5 CCR 3021)

**Initial Evaluation for Special Education Services**

Before the initial provision of special education and related services to a student with a disability, the Lake County Office of Education shall conduct a full and individual initial evaluation of the student. (Education Code 56320; 34 CFR 300.301)

Upon receipt of a referral of any student for special education and related services, a proposed evaluation plan shall be developed within 15 days, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days, unless the parent/guardian agrees, in writing, to an extension. If the referral is made within 10 days or less prior to the end of the student's regular school year or term, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year or term. (Education Code 56043, 56321)

The proposed evaluation plan shall meet all of the following requirements: (Education Code 56321)

1. Be in a language easily understood by the general public
2. Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible
3. Explain the types of evaluation to be conducted
4. State that no individualized education program (IEP) will result from the evaluation without parent/guardian consent

*(cf. 6159 - Individualized Education Program)*

Before conducting an initial evaluation, LCOE shall provide the parent/guardian with prior written notice in accordance with 34 CFR 300.503. In addition, as part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information: (Education Code 56329; 34 CFR 300.304, 300.504)

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

1. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities, as defined in Education Code 56026, and shall discuss the evaluation, the educational recommendations, and the reasons for the recommendations.
2. When making a determination of eligibility for special education, LCOE shall not determine that the student is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368, lack of appropriate instruction in mathematics, or limited English proficiency.
3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian.
4. If the parent/guardian disagrees with an evaluation obtained by LCOE, he/she has the right to obtain, at public expense, an independent educational evaluation (IEE) of the student from qualified specialists, in accordance with 34 CFR 300.502. The parent/guardian is entitled to only one such evaluation at public expense each time LCOE conducts an assessment with which the parent/guardian disagrees.

If LCOE observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of the student, an equivalent opportunity shall apply to the IEE. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of LCOE's proposed placement and setting, if any, regardless of whether the IEE is initiated before or after the filing of a due process hearing proceeding.

5. LCOE may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its evaluation is appropriate. If the final decision resulting from the due process hearing is that the evaluation is appropriate, the parent/guardian maintains the right for an IEE, but not at public expense.

If the parent/guardian obtains an IEE at private expense, the results of the IEE shall be considered by LCOE with respect to the provision of a free appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student. If LCOE observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

observation of a student, an equivalent opportunity shall apply to an IEE of the student in the student's current educational placement and setting and in any educational placement and setting proposed by LCOE, regardless of whether the IEE is initiated before or after the filing of a due process hearing.

6. If the parent/guardian proposes a publicly financed placement of the student in a nonpublic school, LCOE shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by his/her parent/guardian, the student in that proposed placement. Any such observation shall only be of the student who is the subject of the observation and shall not include the observation or evaluation of any other student in the proposed placement unless that other student's parent/guardian consents to the observation or evaluation. The results of any observation or evaluation of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding FAPE of that other student.

*(cf. 5145.6 - Parental Notifications)*

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

*(cf. 6164.41 - Children with Disabilities Enrolled by their Parents in Private School)*

### **Parent/Guardian Consent for Evaluations**

Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial evaluation. LCOE shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.300)

*Informed parental consent* means that the parent/guardian: (Education Code 56021.1; 34 CFR 300.9)

1. Has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought
2. Understands and agrees, in writing, to the carrying out of the activity for which his/her consent is sought and the consent describes that activity and lists the records (if any) that will be released and to whom
3. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time
4. Understands that if he/she revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked)

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

LCOE shall make reasonable efforts to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. LCOE shall maintain a record of its attempts to obtain consent, including: (Education Code 56321, 56341.5; 34 CFR 300.300, 300.322)

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

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, LCOE may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including the mediation and due process procedures pursuant to 20 USC 1415 and 34 CFR 300.506-300.516. (Education Code 56321; 34 CFR 300.300)

For a student who is a ward of the state and not residing with his/her parent/guardian, LCOE may conduct an initial evaluation without obtaining informed consent if any of the following situations exists: (Education Code 56321.1; 20 USC 1414; 34 CFR 300.300)

1. Despite reasonable efforts to do so, LCOE cannot discover the whereabouts of the parent/guardian of the student.
2. The rights of the parent/guardian of the student have been terminated in accordance with California law.
3. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

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

LCOE need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students, unless consent is required from the parents/guardians of all students. (Education Code 56321; 34 CFR 300.300)

**Conduct of the Evaluation**

LCOE shall complete the determination as to whether the student is a student with a disability, conduct the initial evaluation to determine his/her educational needs, and develop an IEP within 60 days of receiving informed parent/guardian consent for the evaluation. (Education Code 56344; 34 CFR 300.300, 300.301)

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by LCOE. (Education Code 56320, 56322)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. (34 CFR 300.302)

In conducting the evaluation, LCOE shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. LCOE shall also use any information provided by the parent/guardian that may assist it in making the determination as to whether the student is a student with a disability and, if so, the necessary components of his/her IEP when the IEP is developed, including information related to enabling the student to be involved in and to progress in the general education curriculum. (34 CFR 300.304)

LCOE's evaluation shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining the appropriate educational program for the student. The assessment shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors. (34 CFR 300.304)

LCOE shall also ensure that assessments and other evaluation materials provide relevant information that assists in determining the student's educational needs and are: (Education Code 56320; 34 CFR 300.304)

1. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual basis
2. Provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer
3. Used for the purposes for which the assessments or measures are valid and reliable
4. Administered by trained and knowledgeable personnel
5. Administered in accordance with any instructions provided by the producer of the assessments
6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

7. If administered to a student with impaired sensory, manual, or speaking skills, selected and administered to best ensure that the results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure

Students shall be assessed in all areas related to the suspected disability, including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. When appropriate, a developmental history shall be obtained. LCOE shall ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified. (Education Code 56320; 34 CFR 300.304)

As part of the initial evaluation and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the student, including evaluations and information provided by the parents/guardians, current classroom-based local or state assessments and classroom-based observations, and observations by teachers and related services providers. On the basis of that review and input from the student's parent/guardian, the team shall identify what additional data, if any, are needed to determine: (Education Code 56381; 34 CFR 300.305)

1. Whether the student is a student with a disability, or in the case of a reevaluation, whether the student continues to have a disability, and the educational needs of the student
2. The present levels of academic achievement and related developmental needs of the student
3. Whether the student needs, or continues to need, special education and related services
4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum

If a student transfers into or leaves LCOE in the same school year, LCOE shall coordinate with the student's prior or subsequent district or local educational agency as necessary and as expeditiously as possible to ensure prompt completion of full evaluations. (34 CFR 300.304)



**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)**Eligibility Determination**

Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall determine whether the student is a student with a disability and, if so, his/her educational needs. In interpreting the data, the group shall draw information from a variety of sources, including aptitude and achievement tests, parent/guardian input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered. (34 CFR 300.306)

The personnel who evaluate the student shall prepare a written report of the results of each evaluation. The report shall include, but not be limited to, the following: (Education Code 56327)

1. Whether the student may need special education and related services
2. The basis for making the determination
3. The relevant behavior noted during the observation of the student in an appropriate setting
4. The relationship of that behavior to the student's academic and social functioning
5. The educationally relevant health, developmental, and medical findings, if any
6. For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services
7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate
8. The need for specialized services, materials, and equipment for students with low incidence disabilities, consistent with Education Code 56136

When making a determination of eligibility for special education and related services, LCOE shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368, lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria. (Education Code 56329; 34 CFR 300.306)

## **IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION** (continued)

If a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed within a total time not to exceed 60 days, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days, from the date of the receipt of the parent/guardian's consent for evaluation, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56043; 34 CFR 300.306)

### **Independent Educational Evaluation**

The parents/guardians of a student with a disability have the right to obtain an IEE at public expense under the same criteria that LCOE uses for a LCOE-initiated evaluation. An *independent educational evaluation* is an evaluation conducted by a qualified examiner who is not employed by LCOE. *Public expense* means LCOE either pays for the full cost of the IEE or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. (Education Code 56329; 34 CFR 300.502)

The parent/guardian is entitled to only one IEE at public expense each time LCOE conducts an evaluation with which the parent/guardian disagrees. (Education Code 56329; 34 CFR 300.502)

If a parent/guardian has requested an IEE, LCOE may ask for the reason that he/she objects to LCOE's evaluation. However, the parent/guardian is not required to provide the reason to LCOE. (34 CFR 300.502)

Upon receiving the request for an IEE, LCOE shall, without unnecessary delay, either: (34 CFR 300.502)

1. File a due process complaint to request a hearing to show that its evaluation is appropriate
2. Ensure that an IEE is provided at public expense, unless LCOE can later demonstrate at a hearing that the evaluation obtained by the parent/guardian did not satisfy LCOE's criteria

If a due process hearing decision determines that LCOE's evaluation is appropriate, then the parent/guardian may obtain an IEE but not at public expense. (34 CFR 300.502)

In any decision made with respect to providing FAPE to a student with a disability, the result of any IEE obtained by the student's parent/guardian shall be considered by LCOE if it meets LCOE criteria. Any such result also may be presented as evidence at a hearing on a due process complaint. (34 CFR 300.502)

**IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL  
EDUCATION** (continued)

**Reevaluation**

A reevaluation shall be conducted when LCOE determines that the educational or related service needs of the student, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent/guardian or teacher requests reevaluation. Such reevaluations shall occur every three years, unless the parent/guardian and LCOE agree in writing that a reevaluation is unnecessary. A reevaluation may not occur more than once a year, unless the parent/guardian and LCOE agree otherwise. (Education Code 56043, 56381; 34 CFR 300.303)

LCOE shall ensure that any reevaluations of the student are conducted in accordance with the evaluation procedures pursuant to 34 CFR 300.304-300.311. (34 CFR 300.303)

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL**

The Lake County Board of Education recognizes its obligations under federal and state law to identify and provide equitable services to children voluntarily enrolled by their parents/guardians in private schools located within Lake County.

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

The Lake County Superintendent of Schools shall ensure that activities to locate, identify, and evaluate children with disabilities enrolled by their parents/guardians in private schools within the Lake County Office of Education are comparable to activities undertaken for individuals with disabilities aged three to 22 in public schools within Lake County. (34 CFR 300.131; Education Code 56171)

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

The County Superintendent or designee shall develop a budget for the provision of services to children with disabilities enrolled by their parents in private school based on the proportionate share of federal funds received and the number of eligible children, including the possibility of mid-year enrollees, and the types of services to be provided.

*Legal Reference: (see next page)*

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN  
PRIVATE SCHOOL (continued)**

*Legal Reference:*

EDUCATION CODE

56000 *Education for individuals with exceptional needs*

56020-56035 *Definitions*

56170-56177 *Children in private schools*

56195.8 *Adoption of policies for programs and services*

56300-56385 *Identification and referral, assessment*

56500-56509 *Procedural safeguards, including due process rights*

56600-56606 *Evaluation, audits and information*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

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

300.130-300.140 *Children with disabilities enrolled by their parents in private schools*

COURT DECISIONS

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

*Management Resources:*

UNITED STATES DEPARTMENT OF EDUCATION PUBLICATIONS

*Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools*, March 2006

FEDERAL REGISTER

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

WEB SITES

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

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

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

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL**

**Definitions**

*Parentally placed private school children with disabilities* means children with disabilities who are voluntarily enrolled by their parents/guardians in a private school or facility within Lake County boundaries, including children who are attending a private school or facility within Lake County boundaries but who reside outside Lake County. (34 CFR 300.131)

*Private school or facility* means a private full-time day school, including a religious school, located within Lake County boundaries, that has filed an affidavit with the California Department of Education pursuant to Education Code 33190 and is registered in the California Private School Directory.

**Consultation with Private School Representatives**

The Lake County Superintendent of Schools shall consult with all private school representatives and representatives of parents/guardians of parentally placed private school children with disabilities during the design and development of equitable services for the children. In order to ensure a meaningful and timely consultation, the consultation shall include: (20 USC 1412(a)(3); 34 CFR 300.134; Education Code 56301)

1. The child find process and how parentally placed private school children suspected of having a disability can participate equitably
2. How parents/guardians, teachers, and private school officials will be informed of the child find process
3. The determination of the proportionate share of federal funds available to serve parentally placed private school children with disabilities and how this share is calculated
4. How the consultation process will operate throughout the school year to ensure that identified children can meaningfully participate in equitable services
5. How, where, and by whom equitable services will be provided including a discussion about the types of services, alternate service delivery mechanisms, how services will be apportioned if funds are insufficient to serve all of the identified children, and how and when those decisions will be made
6. In the event that Lake County Office of Education and private school disagree on the provision of or the types of services, how LCOE will provide the private school officials with a written explanation of the reasons that LCOE chose to not provide the services

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL** (continued)

When meaningful and timely consultation has occurred, LCOE shall obtain a written affirmation signed by the representatives of participating private schools. If the private school representatives do not provide the affirmation within a reasonable period of time, LCOE shall forward documentation of the consultation process to the California Department of Education. (34 CFR 300.135; Education Code 56172)

After the consultation has occurred, LCOE shall ensure an annual count of the number of parentally placed children with disabilities attending private schools located within LCOE. This count shall be conducted between October 1 and December 1 each year and shall be used to determine the amount LCOE must spend on providing equitable services to the children in the subsequent fiscal year. (34 CFR 300.133)

**Provision of Services**

A child with a disability parentally placed in a private school has no individual right to receive some or all of the special education and related services that he/she would receive if enrolled in public school. Such a child may receive a different amount of services than students with disabilities in public schools. (34 CFR 300.137, 300.138)

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

LCOE shall evaluate all identified parentally placed private school children with disabilities for purposes of considering them for equitable services. This evaluation shall be conducted in accordance with the timelines and procedures for evaluating public school students with disabilities pursuant to 34 CFR 300.300-300.311, including providing the parent/guardian with a copy of the procedural safeguards notice. (34 CFR 300.131, 300.504)

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

LCOE shall develop and implement an individual services plan (ISP) for each identified private school child with a disability that describes the equitable services that LCOE will provide, as agreed to by LCOE and private school representatives during the consultation process. (34 CFR 300.138)

The ISP shall be developed, reviewed, and revised consistent with 34 CFR 300.121-300.324. A representative of the private school shall be invited to attend each ISP team meeting. If the representative cannot attend the meeting, LCOE shall use other methods to ensure the representative's participation, including individual or conference calls. (34 CFR 300.137, 300.138)

*(cf. 6159 - Individualized Education Program)*

**CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN  
PRIVATE SCHOOL** (continued)

LCOE may provide services on the private school premises, including a religious school, to the extent consistent with law. The services shall be provided by personnel meeting the same standards as personnel providing services in the public school, except private school teachers providing the services do not need to meet the requirements of the No Child Left Behind Act for "highly qualified special education teacher" pursuant to 34 CFR 300.18. The personnel shall either be LCOE employees or contractors of LCOE. (34 CFR 300.138, 300.139)

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

LCOE shall offer transportation to the child if services are provided on a site other than the child's school and the ISP team determines that transportation is necessary for the child to benefit from or participate in the services provided in the ISP. Depending on the timing of the services, LCOE shall provide transportation from the child's school or home to the service site and from the service site to the child's school or home. (34 CFR 300.139)

LCOE may place equipment and supplies in a private school for the period of time necessary to provide the services pursuant to the ISP. All such equipment shall remain LCOE property and must be able to be removed without causing damage to the private school. LCOE shall remove the equipment when no longer required by the child, when the child no longer attends the private school, or when removal is necessary to prevent unauthorized use. (34 CFR 300.144)



**STUDENT SUCCESS TEAMS**

The Lake County Board of Education encourages the collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance or behavioral difficulties and in identifying strategies and programs that may assist the students. The Lake County Superintendent of Schools or designee shall establish student success teams as needed to address individual students' needs.

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5147 - Dropout Prevention)*

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

The County Superintendent or designee shall establish a process for initiating referrals of students to the student success team.

Each student success team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

*(cf. 1020 - Youth Services)*

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

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.6 - School Health Services)*

*(cf. 5144 - Discipline)*

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

*(cf. 6020 - Parent Involvement)*

*(cf. 6158 - Independent Study)*

*(cf. 6159 - Individualized Education Program)*

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

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

*(cf. 6171 - Title I Programs)*

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

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

*(cf. 6175 - Migrant Education Program)*

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

*(cf. 6177 - Summer School)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work Experience Education)*

*(cf. 6179 - Supplemental Instruction)*

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

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

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School)*

The student success team shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, and develop additional interventions as needed.

*Legal Reference: (see next page)*

**STUDENT SUCCESS TEAMS (continued)**

*Legal Reference:*

EDUCATION CODE

8800-8807 *Healthy Start support services for children*

41505-41508 *Pupil Retention Block Grant*

48260-48273 *Truancy*

48400-48454 *Continuation education*

49600-49604 *Educational counseling*

51745-51749.3 *Independent study programs*

52200-52212 *Gifted and talented student programs*

54400-54425 *Programs for disadvantaged children*

54440-54445 *Migrant children*

WELFARE AND INSTITUTIONS CODE

4343-4352.5 *Primary interventions program, mental health*

18986.40-18986.46 *Interagency children's services*

*Management Resources:*

CDE PUBLICATIONS

*SB 65 School-Based Pupil Motivation and Maintenance Program Guidelines (2000-01 Edition), 2000*

*Student Success Teams: Supporting Teachers in General Education, 1997*

CALIFORNIA DROPOUT PREVENTION NETWORK PUBLICATIONS

*SST: Student Success Teams, 2000*

WEB SITES

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

*California Dropout Prevention Network: <http://www.edualliance.org/cdpn>*

*National Dropout Prevention Center: <http://www.dropoutprevention.org>*

**STUDENT SUCCESS TEAMS**

**Team Membership**

Members of individual student success teams may include:

1. The program manager/administrator or designee
2. One or more of the student's classroom teachers or former teachers
3. The student's parents/guardians
4. The student if appropriate
5. Resource personnel or specialists, such as a school counselor, psychologist, nurse, outreach consultant, special education resource person, categorically funded staff person, department chairperson, speech and language specialist, reading specialist, social worker, probation officer, community resource representative, mental health worker or other person relevant to the student's situation

**Team Responsibilities**

The program manager/administrator or designee shall:

1. Schedule meetings and establish meeting procedures
2. Contact parents/guardians and other team members regarding team meetings
3. Consult with appropriate school or Lake County Office of Education resource personnel
4. Arrange for observation of the student in the problem situation as needed
5. Collect any additional background information necessary to inform team members about the student's strengths and needs
6. Help the student and parents/guardians prepare for the meeting
7. Facilitate the team meetings
8. Ensure that the student's progress is monitored and that follow-up meetings are regularly scheduled

**IDENTIFICATION AND EDUCATION UNDER SECTION 504**

The Lake County Board of Education recognizes the need to identify and evaluate children with disabilities in order to provide them with the services required by law.

The Lake County Office of Education shall provide a free appropriate public education to students who are classified as disabled under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

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

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

*(cf. 5141.24 - Administering Medication and Monitoring Health Conditions)*

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

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

*Legal Reference: (see next page)*

**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

*Legal Reference:*

EDUCATION CODE

49423.5 *Specialized physical health care services*

CODE OF REGULATIONS, TITLE 5

3051.12 *Health and Nursing Services*

UNITED STATES CODE, TITLE 20

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

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 *Nondiscrimination on the basis of handicap, especially:*

104.1 *Purpose to effectuate Section 504 of the Rehabilitation Act of 1973*

104.3 *Definitions*

104.33 *Free appropriate public education*

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

COURT DECISIONS

*Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205*

*Management Resources:*

CSBA PUBLICATIONS

*Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, November 2007*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

*Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007*

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

*Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007*

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html?src=mr>

**IDENTIFICATION AND EDUCATION UNDER SECTION 504**

**Definitions**

*Free appropriate public education* (FAPE) under Section 504 of the Rehabilitation Act of 1973 means the provision of either regular or special education and related aids and services, designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

*Eligibility* to receive FAPE under Section 504 means a student has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.33)

*Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (34 CFR 104.3)

*Physical or mental impairment* means any of the following: (34 CFR 104.3)

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

**Referral, Identification, and Evaluation**

1. Any student may be referred by a parent/guardian, teacher, other school employee, student success team, or community agency for consideration of eligibility as a disabled student under Section 504. This referral may be made to the program manager/administrator or 504 Coordinator.

*(cf. 6164.5 - Student Success Teams)*

2. Upon receipt of a referral for eligibility, the program manager/administrator or 504 Coordinator shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the program manager/administrator or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards, as described in the "Procedural Safeguards" section below.

**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

3. If it is determined that a student needs or is believed to need special education or related services under Section 504, the Lake County Office of Education shall conduct an evaluation of the student prior to initial placement and before any significant change in placement. (34 CFR 104.35)

Prior to conducting an initial evaluation of a student for eligibility under Section 504, LCOE shall obtain written parent/guardian consent.

LCOE's evaluation procedures shall ensure that tests and other evaluation materials: (34 CFR 104.35)

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not based solely on a single IQ score
- c. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual, or speaking skills unless the test is designed to measure these particular deficits

**Section 504 Services Plan and Placement**

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

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

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment, unless LCOE can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)
5. LCOE shall complete the identification, evaluation, and placement process within a reasonable time frame.
6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within LCOE, the program manager/administrator or designee at the school from which the student is transferring shall ensure that the program manager/administrator or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

*(cf. 5125 - Student Records)*

**Review and Reevaluation**

1. The 504 team shall monitor the progress of the student and the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. The team shall review the student's plan annually. In addition, the student's eligibility under Section 504 shall be reevaluated at least once every three years.



**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

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

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

**Procedural Safeguards**

Parents/guardians shall be notified in writing of all LCOE decisions regarding the identification, evaluation, or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their right to: (34 CFR 104.36)

1. Examine relevant records
2. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
3. Have a review procedure

Notifications shall also detail the parent/guardian's right to file a grievance with LCOE over an alleged violation of Section 504; have an evaluation that draws on information from a variety of sources; be informed of any proposed actions related to eligibility and plan for services; receive all information in the parent/guardian's native language and primary mode of communication; periodic reevaluations and an evaluation before any significant change in program/service modifications; an impartial hearing if there is a disagreement with LCOE's proposed action; be represented by counsel in the impartial hearing process; and appeal the impartial hearing officer's decision.

If a parent/guardian disagrees with decisions regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing in accordance with the following procedures:

1. Within 30 days after receipt of LCOE's decision with which the parent/guardian disagrees, the parent/guardian may request an administrative review of the decision. The 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue. This review shall be held within 14 days of receiving the parent/guardian's request.
2. If the parent/guardian chooses not to request an administrative review or if the review does not resolve the issue, the parent/guardian may request in writing a Section 504 due process hearing. The parent/guardian's request for a hearing shall be made within 30 days of receiving LCOE's decision or within 14 days of completion of the administrative review. The request shall include:

**IDENTIFICATION AND EDUCATION UNDER SECTION 504** (continued)

- a. The specific nature of the decision with which the parent/guardian disagrees
- b. The specific relief the parent/guardian seeks
- c. Any other information the parent/guardian believes pertinent

Within 30 days of receiving the parent/guardian's request, the Lake County Superintendent of Schools and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.

The 504 Coordinator shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with LCOE in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.

Any party to the hearing shall be afforded the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504
2. Present written and oral evidence
3. Question and cross-examine witnesses
4. Receive written findings by the hearing officer

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

**Notifications**

The County Superintendent or designee shall ensure that LCOE has taken appropriate steps to notify students and parents/guardians of LCOE's duty under Section 504. (34 CFR 104.32)

*(cf. 5145.6 - Parental Notifications)*

**TITLE I PROGRAMS**

In order to improve the academic achievement of students from economically disadvantaged families, the Lake County Office of Education shall use federal Title I funds to provide supplementary services that reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments.

- (cf. 5149 - At-Risk Students)*
- (cf. 6011 - Academic Standards)*
- (cf. 6162.5 - Student Assessment)*
- (cf. 6162.51 - Standardized Testing and Reporting Program)*
- (cf. 6162.52 - High School Exit Examination)*

The Lake County Superintendent of Schools shall provide technical assistance and support to any school participating in the Title I program, including consultation in the development and implementation of school plans and activities. (20 USC 6312)

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

LCOE and each school receiving Title I funds shall develop a written parent involvement policy in accordance with 20 USC 6318.

- (cf. 6020 - Parent Involvement)*

**Local Educational Agency Plan**

The County Superintendent or designee shall consult with teachers, program managers/administrators, administrators, other appropriate school personnel, and parents/guardians of participating students in the development, periodic review, and, as necessary, the revision of a local educational agency (LEA) plan. The plan and any revisions shall be submitted to the Lake County Board of Education for approval. (20 USC 6312)

The plan shall address the components specified in 20 USC 6312, which describe the assessments, strategies, and services LCOE will use to help low-achieving students meet challenging academic standards.

The initial plan shall be submitted to the California Department of Education (CDE) and approved by the State Board of Education. Subsequent revisions of the plan shall be kept on file in LCOE.

**Comparability of Services**

State and local funds used in schools receiving Title I funds shall provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all LCOE schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

**TITLE I PROGRAMS** (continued)

To demonstrate comparability of services among LCOE schools:

1. The County Superintendent shall adopt and implement a salary schedule.
2. The ratio of students to teachers, administrators, and other staff at each Title I school shall not exceed 110 percent of the average ratio across non-Title I schools.
3. Salary expenditures at each Title I school shall be no less than 90 percent of the average salary expenditure across non-Title I schools.
4. All LCOE schools shall be provided with the same level of base funding per student for curriculum and instructional materials.
5. The County Superintendent or designee shall maintain records of the quantity and quality of instructional materials and equipment at each school.

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

In determining comparability, LCOE shall not include staff salary differentials for years of employment. LCOE also may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for the excess costs of providing services to disabled students, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

At the beginning of each school year, the County Superintendent or designee shall measure comparability in accordance with the above criteria and maintain records documenting LCOE's compliance. If any instances of noncomparability are identified, the County Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

**Program Evaluation**

The County Board shall use state assessment results and other available measures or indicators to annually determine whether each participating school is making adequate yearly progress toward ensuring that all students meet the state's proficient level of achievement on state assessments. (20 USC 6316)

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

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

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

*Legal Reference: (see next page)*

**TITLE I PROGRAMS (continued)**

*Legal Reference:*

EDUCATION CODE

11503 *Parent involvement programs in Title I schools*  
52055.57 *Districts identified or at risk of identification for program improvement*  
54020-54028 *Economic Impact Aid*  
54420-54425 *State Compensatory Education*  
64001 *Single plan for student achievement, consolidated application programs*

UNITED STATES CODE, TITLE 20

6301 *Program purpose*  
6311-6322 *Improving basic programs for disadvantaged students, including:*  
6312 *Local educational agency plan*  
6313 *Eligibility of schools and school attendance areas; funding allocation*  
6314 *Title I schoolwide programs*  
6315 *Targeted assistance schools*  
6316 *School improvement*  
6318 *Parent involvement*  
6320 *Participation of private school students*  
6321 *Comparability of services*  
7881 *Participation of private school students*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.79 *Improving basic programs for disadvantaged students*

*Management Resources:*

CSBA PUBLICATIONS

*Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*LEA Plan, rev. May 17, 2006*

*Provisions for Private School Students, Teachers, and Other Education Personnel in the No Child Left Behind Act of 2001, rev. November 1, 2005*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

*Title I Fiscal Issues, May 26, 2006*

*Designing Schoolwide Programs, March 22, 2006*

*Supplemental Educational Services, June 13, 2005*

*The Impact of the New Title I Requirements on Charter Schools, July 2004*

*Parental Involvement: Title I, Part A, April 23, 2004*

*Serving Preschool Children Under Title I, March 4, 2004*

*Title I Services to Eligible Private School Students, October 17, 2003*

*Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to Those Areas and Schools, August 2003*

WEB SITES

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

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

No Child Left Behind: <http://www.ed.gov/nclb>

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

**TITLE I PROGRAMS**

**Schoolwide Programs**

A school may operate a Title I schoolwide program in order to upgrade the entire educational program of the school when at least 40 percent of the students enrolled in the school are from low-income families. The Lake County Superintendent of Schools shall inform any such eligible school and the school's parents/guardians of the school's eligibility and its ability to consolidate funds from federal, state, and local sources for program purposes. (20 USC 6312, 6314)

Any participating school shall develop, annually review, and update a single plan for student achievement which incorporates the plan required by 20 USC 6314 for reforming the school's total instructional program and plans required by other categorical programs included in the state's consolidated application. (Education Code 64001; 20 USC 6314)

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

A schoolwide program shall include: (20 USC 6314)

1. A comprehensive needs assessment of the entire school, including the needs of migrant students, which includes the achievement of students in relation to state academic content and achievement standards

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

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

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

*(cf. 6175 - Migrant Education Program)*

2. Schoolwide reform strategies that:

- a. Provide opportunities for all students to meet the state's proficient and advanced levels of achievement
- b. Use effective methods and instructional strategies, based on scientifically based research, that strengthen the school's core academic program, increase the amount and quality of learning time, help provide an enriched and accelerated curriculum, and include strategies for meeting the educational needs of historically underserved populations

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

*(cf. 6111 - School Calendar)*

*(cf. 6112 - School Day)*

*(cf. 6177 - Summer School)*

**TITLE I PROGRAMS** (continued)

- c. Include strategies to address the needs of all students in the school, but particularly the needs of low-achieving students and those at risk of not meeting state achievement standards who are members of the target population of any program that is part of the schoolwide program

Such strategies may include counseling, student services, mentoring services, college and career awareness and preparation, and the integration of vocational and technical education programs.

*(cf. 5149 - At-Risk Students)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams)*

- d. Address how the school will determine if student needs have been met
- e. Are consistent with and designed to implement state and local improvement plans, if any

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

3. Instruction by highly qualified teachers

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

4. High-quality and ongoing professional development for teachers, program manager/administrators, paraprofessionals, and, if appropriate, student services personnel, other staff, and parents/guardians to enable all students in the school to meet state academic achievement standards

*(cf. 4131 - Staff Development)*  
*(cf. 4222 - Teacher Aides/Paraprofessionals)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

5. Strategies to attract high-quality, highly qualified teachers to high-need schools

*(cf. 4111 - Recruitment and Selection)*

6. Strategies to increase parent involvement

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

**TITLE I PROGRAMS** (continued)

7. Plans for assisting preschool children in the transition from early childhood programs to elementary school programs

*(cf. 5148.3 - Preschool/Early Childhood Education)*

8. Measures to include teachers in decisions regarding the use of academic assessments to provide information on and to improve the achievement of individual students and the overall instructional program

9. Activities to ensure that students who experience difficulty mastering the proficient and advanced levels of academic standards shall be provided with effective, timely additional assistance, which shall include measures for timely identification of students' difficulties and provision of sufficient information on which to base effective assistance

*(cf. 6179 - Supplemental Instruction)*

10. Coordination and integration of federal, state, and local services and programs



**CONCURRENT ENROLLMENT IN COLLEGE CLASSES**

The Lake County Superintendent of Schools desires to provide opportunities for eligible Lake County Office of Education students to enroll concurrently in courses offered at postsecondary institutions in order to foster individual student achievement, increase opportunities for students to complete college preparatory course requirements or career technical education preparation, and prepare students for a smooth transition into college by providing exposure to the collegiate environment.

*(cf. 6143 - Courses of Study)*

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

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work Experience Education)*

When it is determined that the postsecondary course in which the student intends to enroll is substantially equivalent to a course provided by LCOE, the student may receive credit toward high school graduation requirements in addition to credit received from the college.

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

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

**Approval of Concurrent Enrollment**

The County Superintendent may approve a limited number of students of any age or grade level to apply for part-time or full-time concurrent enrollment in a community college or four-year college when it is determined to be in the student's best interest and the student is adequately prepared for such coursework.

Upon recommendation of the program manager/administrator and with parent/guardian consent, the County Superintendent may authorize a student to apply for attendance at a community college during any session or term as a special part-time or full-time student and to undertake one or more courses of instruction offered at the community college level. (Education Code 48800)

Within the enrollment limits and exceptions allowed by law, the program manager/administrator may recommend a student for community college summer session if that student demonstrates adequate preparation in the discipline to be studied and exhausts all opportunities to enroll in an equivalent course, if any, at his/her school of attendance. (Education Code 48800)

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

Any student's parent/guardian may petition the County Superintendent to authorize full-time attendance at a community college if he/she believes the student would benefit from advanced scholastic or career technical work that would be available. (Education Code 48800.5)

**CONCURRENT ENROLLMENT IN COLLEGE CLASSES** (continued)

If the County Superintendent denies a request for special part-time or full-time enrollment at a community college for a student who is identified as highly gifted and talented as defined in Education Code 52201, the County Superintendent shall issue its written recommendation and the reasons for the denial within 60 days. (Education Code 48800, 48800.5)

**Program Evaluation**

The County Superintendent shall regularly report to the Lake County Board of Education regarding the number of LCOE students participating in the concurrent enrollment option, their success in completing in postsecondary courses, and any impact on their achievement in LCOE courses.

(cf. 0500 - Accountability)  
(cf. 6162.5 - Student Assessment)  
(cf. 6190 - Evaluation of the Instructional Program)

*Legal Reference:*

EDUCATION CODE  
46145-46147 Minimum day, high school  
48800-48802 Enrollment of gifted students in community college  
51225.3 Alternative means of satisfying graduation requirements  
52200-52212 Gifted and talented education program  
76000-76002 Enrollment in community college

*Management Resources:*

WEB SITES  
California Community Colleges System: <http://www.cccco.edu>  
California Department of Education: <http://www.cde.ca.gov>  
California Postsecondary Education Commission: <http://www.cpec.ca.gov>  
California State University: <http://www.calstate.edu>  
Foundation for California Community Colleges, Early College High School Initiative:  
<http://www.foundationccc.org/ECHS>  
University of California: <http://www.universityofcalifornia.edu>

**CONCURRENT ENROLLMENT IN COLLEGE CLASSES**

**Credit**

Special part-time students may enroll in up to 11 units per semester, or the equivalent, in a community college. Such students shall receive credit for community college courses that they complete in an amount jointly determined appropriate by the Lake County Office of Education and the community college governing board. (Education Code 48800, 76001)

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

A written agreement regarding the student's enrollment in postsecondary courses and the credits to be awarded for successful completion shall be signed by the student, parent/guardian, program manager/administrator, and college representative. The student shall be informed whether the credits to be earned are considered academic credits or elective credits and whether the course would need to be completed again during the college years to satisfy college requirements.

To receive LCOE credit for coursework completed at a community college or four-year college, the student or parent/guardian shall submit a transcript showing completion of the course with a passing grade.

*(cf. 5125 - Student Records)*

**Minimum School Day**

Except under the conditions specified in Education Code 46146, the minimum day of attendance in LCOE schools shall be 180 minutes for any student who is enrolled part-time in a community college and any student in grades 11-12 who is enrolled part-time in the California State University or University of California, when the student is enrolled in classes for which academic credit will be provided upon satisfactory completion of enrolled courses. (Education Code 46146, 48801)

*(cf. 6112 - School Day)*

A student enrolled full-time at a community college shall be exempted from full-time attendance in LCOE's regular education program. (Education Code 48800.5)

*(cf. 5112.1 - Exemptions from Attendance)*

However, both part-time and full-time community college students shall be required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law. (Education Code 48800.5, 48801)

**EDUCATION FOR HOMELESS CHILDREN**

The Lake County Board of Education desires to ensure that homeless students have access to the same free and appropriate public education provided to other students. The Lake County Office of Education shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

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

The Lake County Superintendent of Schools or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

*(cf. 5111.13 - Residency for Homeless Children)*

**Transportation**

LCOE shall provide transportation for a homeless student to and from his/her school of origin when the parent/guardian requests that such transportation be provided. (42 USC 11432)

*(cf. 3250 - Transportation Fees)*

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

*Legal Reference:*

EDUCATION CODE

1980-1986 County community schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004

WEB SITES

California Department of Education, Homeless Children and Youth Education:

<http://www.cde.ca.gov/sp/hs/cy>

National Center for Homeless Education at SERVE: <http://www.serve.org/nche>

National Law Center on Homelessness and Poverty: <http://www.nlchp.org>

U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>

**EDUCATION FOR HOMELESS CHILDREN**

**Definitions**

*Homeless* means students who lack a fixed, regular, and adequate nighttime residence and includes: (42 USC 11434a)

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement

(cf. 6173.1 - Education for Foster Youth)

2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above

*School of origin* means the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 USC 11432)

*Best interest* means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. (42 USC 11432)

*Unaccompanied youth* means a youth not in the physical custody of a parent or guardian. (42 USC 11434(a))

**Liaison**

The Lake County Superintendent of Schools designates the following staff person as the Lake County Office of Education liaison for homeless students: (42 USC 11432)

Director, Alternative Education  
1152 S. Main St  
Lakeport, CA 95453  
707-262-4100

**EDUCATION FOR HOMELESS CHILDREN** (continued)

LCOE's liaison for homeless students shall ensure that: (42 USC 11432)

1. Homeless students are identified by school personnel and through coordinated activities with other entities and agencies

*(cf. 1400 - Relations between Other Governmental Agencies and the Schools)*

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

*(cf. 5141.6 - School Health Services)*

2. Homeless students enroll in, and have a full and equal opportunity to succeed in, LCOE schools
3. Homeless families and students receive educational services for which they are eligible
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children
5. Notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens
6. Enrollment disputes are mediated in accordance with law, Board policy, and administrative regulation
7. Parents/guardians are fully informed of all transportation services

*(cf. 3250 - Transportation Fees)*

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

**Enrollment**

Placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432)

When making a placement decision, the County Superintendent may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

**EDUCATION FOR HOMELESS CHILDREN** (continued)

The student may continue attending his/her school of origin for the duration of the homelessness and until the end of any academic year in which he/she moves into permanent housing. (42 USC 11432)

In the case of an unaccompanied youth, LCOE's homeless liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of his/her appeal rights. (42 USC 11432)

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian, the County Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision. (42 USC 11432)

Once a placement decision has been made, the program manager/administrator or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment. (42 USC 11432)

*(cf. 5111.13 - Residency for Homeless Children)*

*(cf. 5125 - Student Records)*

*(cf. 5141.31 - Immunizations)*

The program manager/administrator or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the program manager/administrator or designee shall refer the parent/guardian to LCOE's liaison for homeless students. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 USC 11432)

**Enrollment Dispute Resolution Process**

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute. (42 USC 11432)

The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to LCOE liaison. (42 USC 11432)

The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. The explanation may include contact information for LCOE liaison, a description of LCOE's decision, notice of the right to enroll in the school of choice pending resolution of the dispute, notice that

**EDUCATION FOR HOMELESS CHILDREN** (continued)

enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the California Department of Education.

LCOE liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

The liaison shall provide the parent/guardian a copy of LCOE's decision, dispute form, and a copy of the outcome of the dispute.



**EDUCATION FOR FOSTER YOUTH**

The Lake County Board of Education recognizes that foster youth may be at greater risk for poor academic performance due to their family circumstances, disruption of their educational program, and emotional, social, and other health needs. The Lake County Office of Education shall provide such students with full access to LCOE's educational program and other support services necessary to assist them in achieving state and LCOE academic standards.

*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6011- Academic Standards)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 - Athletic Competition)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6179 - Supplemental Instruction)*

The Lake County Superintendent of Schools shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. To that end, he/she shall designate a staff person as a LCOE liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The County Superintendent or designee and LCOE liaison shall ensure that all appropriate staff, including, but not limited to, each program manager/administrator, school registrar, and attendance clerk, receive training regarding the enrollment, placement, and rights of foster youth.

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

The County Board and County Superintendent desire to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and promotes students' self-esteem and academic achievement. The County Superintendent or designee shall develop strategies to build students' feelings of connectedness with the school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of students' resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 5131 - Conduct)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*  
*(cf. 6020 - Parent Involvement)*

**EDUCATION FOR FOSTER YOUTH** (continued)

To address the needs of foster youth and help ensure the maximum utilization of available funds, the County Superintendent or designee shall collaborate with local agencies including, but not limited to, the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates. The County Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

*(cf. 1020 - Youth Services)*

The County Superintendent or designee shall regularly report to the County Board on the educational outcomes of foster youth enrolled in LCOE including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates.

*(cf. 0500 - Accountability)*

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

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

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

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

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

*Legal Reference: (see next page)*

**EDUCATION FOR FOSTER YOUTH (continued)**

*Legal Reference:*

EDUCATION CODE

32228-32228.5 *Student safety and violence prevention*

42920-42925 *Foster children educational services*

48645-48646 *Juvenile court schools*

48850-48859 *Educational placement of students residing in licensed children's institutions*

49061 *Student records*

49069.5 *Foster care students, transfer of records*

49076 *Access to student records*

51225.3 *High school graduation*

56055 *Rights of foster parents in special education*

60851 *High school exit examination*

HEALTH AND SAFETY CODE

1522.41 *Training and certification of group home administrators*

1529.2 *Training of licensed foster parents*

WELFARE AND INSTITUTIONS CODE

300 *Children subject to jurisdiction*

309 *Investigation and release of child*

361 *Limitations on parental or guardian control*

366.27 *Educational decision by relative providing living arrangements*

602 *Minors violating law; ward of court*

726 *Limitations on parental or guardian control*

727 *Order of care, ward of court*

16000-16014 *Foster care placement*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

UNITED STATES CODE, TITLE 42

670-679b *Federal assistance for foster care programs*

11431-11435 *McKinney-Vento Homeless Assistance Act*

*Management Resources:*

CSBA PUBLICATIONS

*Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008*

AMERICAN BAR ASSOCIATION PUBLICATIONS

*Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care, 2005*

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

*Our Children: Emancipating Foster Youth, A Community Action Guide*

WEB SITES

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

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy>

California Department of Social Services, Foster Youth Ombudsman Office:

<http://www.fosteryouthhelp.ca.gov>

California Youth Connection: <http://www.cal-youthconn.org/site/cyc>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

**EDUCATION FOR FOSTER YOUTH**

**Definitions**

*Foster youth* means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, is the subject of a petition filed under Welfare and Institutions Code 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602. (Education Code 48853.5)

*Person holding the right to make educational decisions* means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 727.

*School of origin* means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the liaison shall, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, determine, in the best interests of the foster youth, which school is the school of origin. (Education Code 48853.5)

*Best interests* means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all Lake County Office of Education students. (Education Code 48850, 48853)

**Liaison**

The Lake County Superintendent of Schools designates the following position as LCOE's liaison for foster youth: (Education Code 48853.5)

Director, Alternative Education  
1152 S. Main St  
Lakeport, CA 95453  
707-262-4100

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

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

**EDUCATION FOR FOSTER YOUTH** (continued)

2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one LCOE school to another or into LCOE from another local educational agency (Education Code 48853.5, 48645.5)

When a student in foster care is enrolling in a LCOE school, the liaison shall contact the school last attended by the student to obtain all academic and other records, within two business days of receiving the request. When a foster youth is transferring out of a LCOE school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

*(cf. 5117 - Interdistrict Attendance)*  
*(cf. 5125 - Student Records)*  
*(cf. 6146.3 - Reciprocity of Academic Credit)*

3. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

4. Ensure that students in foster care receive appropriate school-based services, such as supplemental instruction, counseling, or after-school services

*(cf. 5141.6 - School Health Services)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6172 - Gifted and Talented Student Program)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6177 - Summer School)*  
*(cf. 6179 - Supplemental Instruction)*

5. Develop protocols and procedures so that LCOE staff, including program manager/administrators, school registrars, and attendance clerks, are aware of the requirements for the proper enrollment, placement, and transfer of foster youth

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

6. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates to help coordinate services for LCOE's foster youth

**EDUCATION FOR FOSTER YOUTH** (continued)

*(cf. 1020 - Youth Services)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

7. Monitor the educational progress of foster youth and provide reports to the County Superintendent and the Lake County Board of Education based on indicators identified in Board policy

**Enrollment**

A foster youth placed in a licensed children's institution or foster family home within the geographic boundaries of LCOE shall attend programs operated by LCOE unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.

*(cf. 6159 - Individualized Education Program)*

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

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program.

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

3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.

The student may continue in the school of origin for the duration of the court's jurisdiction or, if the court's jurisdiction is terminated prior to the end of a school year, then for remainder of the school year.

The liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how this recommendation serves the youth's best interests. (Education Code 48853.5)

**EDUCATION FOR FOSTER YOUTH** (continued)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the program manager/administrator or designee of the new school shall immediately enroll the foster youth. The foster youth shall be immediately enrolled even if he/she: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

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

2. Does not have clothing normally required by the school, such as school uniforms

*(cf. 5132 - Dress and Grooming)*

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

*(cf. 5141.26 - Tuberculosis Testing)*

*(cf. 5141.31 - Immunizations)*

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

If a person with the right to make educational decisions for a foster youth or the foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal to the Superintendent. The County Superintendent shall make a determination within 30 calendar days of receipt of the appeal. The County Superintendent decision shall be final.

*(cf. 9320 - Meetings and Notices)*

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

**Transportation**

Upon request, LCOE may provide transportation for a foster youth to and from his/her school of origin when the student is residing within Lake County Office of Education and the school of origin is within LCOE's jurisdiction.

**EDUCATION FOR FOSTER YOUTH** (continued)

**Transfer of Coursework and Applicability of Graduation Requirements**

When a foster youth transfers into a LCOE school, LCOE shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. (Education Code 51225.2)

If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, LCOE may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, LCOE finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

In no event shall LCOE prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

When a foster youth in grade 11 or 12 transfers into LCOE from a school district or transfers between LCOE high schools, he/she shall be exempted from all coursework and other graduation requirements adopted by the County Board that are in addition to the statewide coursework requirements specified in Education Code 51225.3 and the high school exit examination, unless LCOE makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school while he/she remains in foster care. (Education Code 51225.3, 60851)

The County Superintendent or designee shall notify any student who is granted an exemption and, as appropriate, the person holding the right to make educational decisions for the student, if any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.3)

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

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



**EDUCATION FOR FOSTER YOUTH** (continued)

**Grades/Credits**

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 he/she left school
2. A verified court appearance or related court-ordered activity

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

**Eligibility for Extracurricular Activities**

A foster youth who changes residences pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

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

*(cf. 6145.2 - Athletic Competition)*

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Lake County Board of Education intends to provide English language learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving the Lake County Office of Education's academic standards. LCOE's program shall be based on sound instructional theory and shall be adequately supported so that English language learners can achieve results at the same academic level as their English-proficient peers in the regular course of study.

The Lake County Superintendent of Schools encourages staff to exchange information with staff in other local educational agencies about programs, options and strategies for English language learners that succeed under various demographic conditions.

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

The County Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their redesignation based on criteria adopted by the County Board and specified in administrative regulations.

To evaluate program effectiveness, the County Superintendent or designee shall regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English and the progress of students who have been redesignated as fluent English proficient. The County Superintendent or designee shall annually report these findings to the County Board and shall also provide the County Board with regular reports from any LCOE or schoolwide English learner advisory committees.

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

**Type of Instruction**

Students who are English language learners shall be educated through "sheltered English immersion" or "structured English immersion" during a temporary transition period not normally intended to exceed one year. "Nearly all" of the classroom instruction in LCOE's sheltered English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305, 306)

LCOE has defined the term "nearly all" as follows:

A minimum of 75 percent of classroom instructional time to be conducted in English.

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

When an English language learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education or any locally developed assessments and using other criteria developed by LCOE, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is "overwhelmingly" in English. (Education Code 305; 5 CCR 11301)

An English language learner has acquired a "reasonable level of English proficiency" when he/she has achieved the following:

A score of 4 or 5 on the California English Language Development Test (CELDT)

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6171 - Title I Programs)*

Upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom. (5 CCR 11301)

**Parental Exception Waivers**

At any time during the school year, the parent/guardian of an English language learner may have his/her child moved into an English language mainstream program.

Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.

*Legal Reference: (see next page)*

## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)**

### *Legal Reference:*

#### EDUCATION CODE

300-340 English language education for immigrant children

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33308.5 CDE guidelines not binding

44253.5-44253.10 Certification for bilingual-cross-cultural competence

48985 Notices to parents in language other than English

51101 Rights of parents to information

51101.1 Rights for parents of English learners

52130-52135 Impacted languages act of 1984

52160-52178 Bilingual Bicultural Act

52180-52186 Bilingual teacher training assistance program

54000-54028 Programs for disadvantaged children

60810-60812 Assessment of language development

62001-62005.5 Evaluation and sunseting of programs

#### CODE OF REGULATIONS, TITLE 5

4320 Determination of funding to support program to overcome the linguistic difficulties of English learners

11300-11316 English Language Learner Education

11510-11517 California English Language Development Test

#### UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

6312 Local education agency plans

6801-6871 Title III, Language instruction for limited English proficient and immigrant students

#### COURT DECISIONS

Valeria G. v. Wilson, (9<sup>th</sup> Circuit) 2002 U.S. App. Lexis 20956

California Teachers Association et al. v. State Board of Education et al., (9<sup>th</sup> Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4<sup>th</sup> 196

Teresa P. et al v. Berkeley Unified School District et al., (1989) 724 F.Supp. 698

Casteneda v. Pickard, (5<sup>th</sup> Cir. 1981) 648 F.2d 989

#### ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidelines for Reclassification of English Learners, September 2002

Accommodations for the California English Language Development Test, Revised 8/13/01

#### WEB SITES

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

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

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS****Definitions**

*English learner* means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a limited English proficient or LEP child. (Education Code 306)

*English language classroom* means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. (Education Code 306)

*English language mainstream classroom* means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English. (Education Code 306)

*Sheltered English immersion* or *structured English immersion* means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education Code 306)

*Bilingual education/native language instruction* means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code 306)

**Identification and Assessment**

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (5 CCR 11307)

Within 30 calendar days of their initial enrollment, students who are identified as having a primary language other than English, as determined by the home language survey, and for whom there is no record of results from an English language development test shall be assessed using the California English Language Development Test (CELDT). (5 CCR 11511)

All students shall have sufficient time to complete the CELDT as provided in the directions for test administration. (5 CCR 11516)

Any student with a disability shall take the CELDT with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. (5 CCR 11516.5)

(cf. 6159 - Individualized Education Program)

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

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

The Lake County Office of Education shall notify parents/guardians of their child's results on the CELDT within 30 calendar days. (5 CCR 11511.5)

*(cf. 5145.6 - Parental Notifications)*

Within 90 days of initial enrollment, students identified as having limited English proficiency shall be further assessed for primary language proficiency in comprehension, speaking, reading and writing. The Lake County Superintendent of Schools shall develop criteria for determining student needs on the basis of these assessments. (former Education Code 52164.1, 62002)

Before students are enrolled in a program for English language learners, parents/guardians shall receive information about the program and their opportunities for parental involvement. This information shall include the fact that an individual student's participation in the program is voluntary on the part of the parent/guardian. (Education Code 52173)

Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following: (Education Code 440; 20 USC 6312)

1. The reason for the student's classification as English language learner
2. The level of English proficiency
3. A description of the program for English language development instruction, including a description of all of the following:
  - a. The manner in which the program will meet the educational strengths and needs of the student
  - b. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards
  - c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learner students, and the expected rate of graduation from secondary school if Title I funds are used for students in secondary schools
  - d. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

4. Information regarding a parent/guardian's option to decline to allow the student to become enrolled in the program or to choose to allow the student to become enrolled in an alternative program
5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

Parent/guardians also shall be notified of the results of any reassessments. (Education Code 52164.3)

**Parental Exception Waivers**

At the beginning of each school year, parents/guardians shall be informed of the placement of their children in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)

A parent/guardian may request that LCOE waive the requirements of Education Code 305, pertaining to the placement of a student in a structured English immersion program if the one of the following circumstances exists:

1. Students who already know English: The student already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower. (Education Code 311(a))
2. Older students: The student is age 10 years or older, and it is the informed belief of the school program manager/administrator and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills. (Education Code 311(b))
3. Students with special needs: The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the school program manager/administrator and educational staff that the student has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311(c))

The parent/guardian shall personally visit the school to apply for the waiver. (Education Code 310)

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

Upon request for a waiver, the County Superintendent or designee shall provide to the parents/guardians: (Education Code 310, 311; 5 CCR 11309)

1. A full written description, and a spoken description upon request, of the intent and content of the structured English immersion program, any alternative courses of study and all educational opportunities offered by LCOE and available to the student, and the educational materials to be used in the different educational program choices
2. For a request for waiver pursuant to Education Code 311(c) for students with special needs, notification that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the County Superintendent must approve the waiver pursuant to Lake County Board of Education guidelines

Pursuant to Education Code 311(b) and 311(c), the program manager/administrator and educational staff may recommend a waiver to a parent/guardian for a student 10 years or older and a student with special needs. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the program manager/administrator and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the program manager/administrator and educational staff, the parent/guardian shall comply with LCOE procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310. (5 CCR 11309)

When evaluating waiver requests pursuant to Education Code 311(a) for students who already know English and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include local assessments, local standards and teacher evaluations.

Parental exception waivers pursuant to Education Code 311(b) for students 10 years or older shall be granted if it is the informed belief of the program manager/administrator and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)

Parental exception waivers pursuant to Education Code 311(c) for students with special needs shall be granted if it is the informed belief of the program manager/administrator and educational staff that, due to the student's special physical, emotional, psychological or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)



## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

Each waiver shall be considered on its individual merits with great deference given to parental preference for student placement.

The program manager/administrator or designee shall act upon all parental exception waivers within 20 instructional days of submission to the program manager/administrator. However, parental waiver requests pursuant to Education Code 311(c) for students with special needs shall not be acted upon during the 30-day placement in an English language classroom. These waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the program manager/administrator, whichever is later. (5 CCR 11309)

All parental exception waivers shall be granted unless the program manager/administrator and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student. (5 CCR 11309)

Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the students to transfer to a public school in which such a class is offered. (Education Code 310)

Students wishing to transfer shall be subject to LCOE's and the other local educational agency's attendance policies and administrative regulations.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

### **Reclassification/Redesignation**

LCOE shall continue to provide additional and appropriate educational services to English language learners for the purposes of overcoming language barriers until the English language learners have: (5 CCR 11302)

1. Demonstrated English language proficiency comparable to that of LCOE's average native English language speakers
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English language learners shall be redesignated as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in the regular program and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

The following measures shall be used to determine whether an English language learner shall be reclassified as fluent English proficient: (5 CCR 11303)

1. Assessment of English language proficiency utilizing the CELDT as the primary criterion, and objective assessment of the student's English reading and writing skills
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions
3. Parent/guardian opinion and consultation during a redesignation interview

Parents/guardians shall receive notice and a description of the redesignation process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.

4. Comparison of performance in basic skills, including performance on the English-Language Arts section of the California Standards Test
5. Objective data on the student's academic performance in English

The County Superintendent or designee shall provide subsequent monitoring and support for redesignated students, including but not limited to monitoring the performance of redesignated students in the core curriculum in comparison with their native-English speaking peers, monitoring the rate of redesignation, and ensuring correct classification and placement.

The County Superintendent or designee shall develop a process to monitor the effectiveness of LCOE's program for English language learners. LCOE's program shall be modified as needed to help ensure language and academic success for each English language learner.

### **Advisory Committees**

When there are more than 50 English language learners in LCOE and when there are more than 20 English language learners in any LCOE school, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law. (5 CCR 11308)

Parents/guardians of English language learners shall constitute committee membership in at least the same percentage as their children represent of the total number of students in the school. (Education Code 52176)

LCOE's English language advisory committee shall advise the County Superintendent on at least the following tasks: (5 CCR 11308)

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS** (continued)

1. The development of a LCOE master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The needs assessment on a school-by-school basis
3. Establishment of a LCOE program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on LCOE's reclassification procedures
7. Review of and comments on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316

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

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 6020 - Parent Involvement)*

In order to assist advisory members in carrying out their responsibilities, the County Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

**WEEKEND/SATURDAY CLASSES**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

**Cautionary Notice 2010-13:** AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 and Government Code 17581.5 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under those sections. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

The Lake County Superintendent of Schools may provide classes on Saturday and/or Sunday in order to meet the academic needs of students.

*(cf. 6111 - School Calendar)*

Weekend classes may include but are not limited to: (Education Code 37223)

1. Continuation classes

*(cf. 6184 - Continuation Education)*

2. Special day classes for mentally gifted minors

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

3. Makeup classes for unexcused absences occurring during the week

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

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

4. The programs of a regional occupational center or regional occupational program

Saturday classes also may be used to provide supplemental instruction for students who are failing to meet academic requirements and/or students who desire enrichment in core academic subjects in accordance with law, Board policy and administrative regulation. (Education Code 37252, 37252.2, 37252.8, 37253, 41505-41506)

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

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

*(cf. 6179 - Supplemental Instruction)*

*Legal Reference: (see next page)*

**WEEKEND/SATURDAY CLASSES** (continued)

*Legal Reference:*

EDUCATION CODE

37223 *Weekend classes*

37252-37254.1 *Supplemental instruction*

41505-41508 *Pupil Retention Block Grant*

41601 *Reports of average daily attendance*

42239 *Summer school attendance computation*

44824 *Weekend classes, assignment of certificated employees*

48070-48070.5 *Promotion and retention, supplemental instruction*

48205 *Excused absence for personal reasons*

48260 *Truants, definition*

51000-52706 *General instructional programs, especially*

51002 *Development of local programs within guidelines*

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

53025-53032 *Intensive reading instruction*

53091-53095 *Intensive algebra instruction*

**SUMMER SCHOOL**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

**Cautionary Notice 2010-13:** AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 and Government Code 17581.5 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under those sections. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

The Lake County Board of Education recognizes that summer school provides valuable opportunities for students to improve their skills and make academic progress. When the need is demonstrated and funds are available, the Lake County Superintendent of Schools, with County Board approval, shall establish summer school day and/or evening classes for purposes of remediation, enrichment, and/or acceleration.

The Lake County Office of Education shall offer summer instructional programs for graduating high school seniors who need courses for graduation before the beginning of the next school year. (Education Code 41976.5)

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

LCOE's summer school program may be used to provide supplemental instruction for students failing to meet academic requirements and/or students who desire enrichment in core academic subjects in accordance with law, Board policy, and administrative regulation. (Education Code 37252, 37252.2, 37252.8, 37253, 41505-41506; 5 CCR 11472)

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

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

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

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

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

*(cf. 6179 - Supplemental Instruction)*

**Enrollment Priorities**

Priority to enroll in summer programs shall be given to LCOE students who:

1. Are eligible for supplemental instruction on the basis of retention or recommendation for retention pursuant to Education Code 37252.2

**SUMMER SCHOOL** (continued)

2. Are eligible for supplemental instruction on the basis of insufficient progress toward passing the state high school exit examination pursuant to Education Code 37252
3. Need course credits in order to graduate from high school before the beginning of the next school year

The remaining openings shall be offered to LCOE students on a first-come first-served basis.

**Attendance**

Because summer courses cover extensive instructional content in a relatively short time period, students who have more than three excused absences or one unexcused absence may not receive credit for their summer session class(es) unless they make-up missed work in accordance with law, Board policy, and administrative regulation.

*(cf. 5113 - Absences and Excuses)*

*(cf. 6154 - Homework/Make-Up Work)*

*Legal Reference: (see next page)*

**SUMMER SCHOOL (continued)**

*Legal Reference:*

EDUCATION CODE

37252-37254.1 *Supplemental instruction*

41505-41508 *Pupil Retention Block Grant*

41976.5 *Summer school programs, substantially disabled persons or graduating high school seniors*

42238.8 *Revenue limit for average daily attendance*

42239 *Summer school apportionments*

48070-48070.5 *Promotion and retention*

51210 *Areas of study for elementary schools*

51220 *Areas of study for grades 7-12*

51730-51732 *Powers of governing boards (authorization for elementary summer school classes)*

56345 *Extended-year program for special education students*

58700-58702 *Credit towards summer school apportionments for tutoring and homework assistance program*

58806 *Summer school apportionments*

60851 *Supplemental instruction toward exit examination*

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

53025-53032 *Intensive reading instruction*

53091-53095 *Intensive algebra instruction*

CODE OF REGULATIONS, TITLE 5

3043 *Extended school year, special education students*

11470-11472 *Summer school*

ATTORNEY GENERAL OPINIONS

70 *Ops.Cal.Atty.Gen.* 282 (1987)

*Management Resources:*

WEB SITES

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



**CAREER TECHNICAL EDUCATION**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

The Lake County Board of Education desires to provide a comprehensive career technical education (CTE) program in grades 7-12 which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The Lake County Office of Education's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry.

*(cf. 6143 - Courses of Study)*

*(cf. 6200 - Adult Education)*

The County Board shall review and approve all LCOE plans and applications for the use of state and/or federal funds supporting CTE.

The County Board shall adopt standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with LCOE-adopted standards and the state's curriculum framework.

*(cf. 6011 - Academic Standards)*

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

The Lake County Superintendent of Schools or designee shall develop partnerships with local businesses and industries to ensure that classroom instruction has real-world relevance and reflects labor market needs and priorities. He/she also shall work to develop connections with employers to provide students with work-based learning opportunities.

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

*(cf. 5113.2 - Work Permits)*

*(cf. 6178.1 - Work Experience Education)*

The County Superintendent or designee shall collaborate with postsecondary institutions to ensure that LCOE's program is articulated with postsecondary programs in order to provide a sequential course of study.

## **CAREER TECHNICAL EDUCATION** (continued)

The County Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. He/she also shall provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and ways to integrate technical and occupational instruction with academic instruction.

*(cf. 4112.2 - Certification)*  
*(cf. 4131 - Staff Development)*  
*(cf. 4331 - Staff Development)*

LCOE shall provide services to support students in the CTE program, including comprehensive career guidance and academic counseling. The County Superintendent or designee shall provide counselors with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of LCOE's CTE program, work experience opportunities, and postsecondary education and employment options following high school.

*(cf. 5145.6 - Parental Notifications)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

The County Superintendent or designee shall regularly assess LCOE needs for facilities, technologies, and equipment to increase students' access to LCOE's CTE program.

*(cf. 0440 - District Technology Plan)*  
*(cf. 3440 - Inventories)*  
*(cf. 3512 - Equipment)*  
*(cf. 7110 - Facilities Master Plan)*

## **Nondiscrimination**

LCOE's program shall provide equal access to and shall not unlawfully discriminate against students who are members of special populations. *Special populations* include, but are not limited to, students with disabilities; students from economically disadvantaged families, including foster youth; students preparing for nontraditional fields; single parents and single pregnant females; displaced homemakers; and students with limited English proficiency. (20 USC 2302, 2354, 2373)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*

Prior to the beginning of each school year, the County Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to race, color, national origin, sex, or disability. (34 CFR 104.8, 106.9)

## **CAREER TECHNICAL EDUCATION (continued)**

The above notification shall be disseminated in languages other than English as needed and shall state that LCOE will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in LCOE's CTE program. (20 USC 2354)

### **Advisory Committee**

The County Board shall appoint a CTE advisory committee to develop recommendations on LCOE's CTE program and to serve as a liaison between LCOE and potential employers. The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged; students; teachers; business; industry; school administration; and the field office of the California Department of Employment Development. (Education Code 8070)

*(cf. 1220 - Citizen Advisory Committees)*

This committee may be expanded to include parents/guardians, representatives of labor organizations, representatives of special populations, and other interested individuals in order to involve them in the development, implementation, and evaluation of CTE programs funded through the federal Carl D. Perkins Career and Technical Education Act.

### **Program Evaluation**

The County Superintendent or designee shall annually report to the County Board on program enrollment and completion rates, including enrollment and completion of programs in nontraditional fields as defined in 20 USC 2302; student academic assessment results; attainment of career and technical skill proficiencies; attainment of a high school diploma or equivalent; graduation rates; and subsequent placement in postsecondary education or advanced training, military service, or employment.

*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6162.51 - Standardized Testing and Reporting Program)*  
*(cf. 6162.52 - High School Exit Examination)*

At least every three years, the County Board shall compare LCOE's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

The County Superintendent or designee shall systematically review LCOE's CTE classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by LCOE for high school graduation. The County Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

**CAREER TECHNICAL EDUCATION (continued)**

(cf. 0500 - Accountability)  
(cf. 6146.11 - Alternative Credits Toward Graduation)  
(cf. 6190 - Evaluation of the Instructional Program)

*Legal Reference:*

EDUCATION CODE

8006-8156 Career technical education  
17078.70-17078.72 Career technical education facilities  
33430-33432 Health science and medical technology grants  
41505-41508 Pupil Retention Block Grant  
41540-41544 Targeted instructional improvement block grant  
44260-44260.1 Designated subjects career technical education credential  
44260.9 Designated subjects career technical education credential  
48430 Legislative intent; continuation education schools and classes  
48980 Parental notifications  
51220-51229 Courses of study, grades 7-12  
51760-51769.5 Work experience education  
52300-52499.66 Career technical education  
52519-52520 Adult education, occupational training  
53080-53084 School-to-career initiatives  
53086 California Career Resource Network  
54690-54697 California Partnership Academies  
56363 Related services for students with disabilities; specially designed career technical education  
66205.5-66205.9 Approval of career technical education courses for admission to California colleges  
88500-88551 Community college economic and workforce development program

GOVERNMENT CODE

54950-54963 Brown Act

LABOR CODE

3070-3099.5 Apprenticeships

CODE OF REGULATIONS, TITLE 5

1635 Credit for work experience education  
3051.14 Specially designed career technical education for students with disabilities  
10070-10075 Work experience education  
10080-10092 Community classrooms  
10100-10111 Cooperative vocational education  
11500-11508 Regional occupational centers and programs  
11535-11538 Career technical education contracts with private postsecondary schools  
11610-11611 Regional adult and vocational education councils

CODE OF REGULATIONS, TITLE 8

200-240 Apprenticeships

UNITED STATES CODE, TITLE 20

2301-2414 Carl D. Perkins Career and Technical Education Act of 2006  
6301-6578 Improving the Academic Achievement of the Disadvantaged

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired with federal funds  
100.B Appendix B Guidelines for eliminating discrimination in career technical education programs  
104.1-104.39 Section 504 of the Rehabilitation Act of 1973  
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX

*Management Resources: (see next page)*

## **CAREER TECHNICAL EDUCATION (continued)**

### *Management Resources:*

#### CSBA PUBLICATIONS

Orientation to Apprenticeship Overview, Construction Management Task Force Fact Sheet, November 2007

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2008-2012 State Plan for Career Technical Education

Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005

Management of Vocational Education Equipment, April 2000

#### CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF APPRENTICESHIP STANDARDS PUBLICATIONS

Orientation to Apprenticeships: A Guide for Educators, January 2001

#### WEB SITES

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

Association for Career and Technical Education: <http://www.acteonline.org>

California Association of Regional Occupational Centers and Programs: <http://www.carocp.org>

California Career Resource Network: <http://www.californiacareers.info>

California Department of Education, Career Technical Education: <http://www.cde.ca.gov/ci/ct>

California Department of Employment Development: <http://www.edd.ca.gov>

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

California Workforce Investment Board: <http://www.calwia.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

U.S. Department of Education, Office of Vocational and Adult Education:  
<http://www.ed.gov/about/offices/list/ovae/pi/cte/index.html>

U.S. Department of Labor, Bureau of Labor Statistics: <http://www.bls.gov>

**WORK-BASED LEARNING**

The Lake County Board of Education desires to facilitate the preparation of secondary school students for college and career by providing work-based learning opportunities which link classroom learning with real-world experiences. Work-based learning opportunities offered by the Lake County Office of Education shall be designed to teach the skills, attitudes, and knowledge necessary for successful employment and to reinforce mastery of both academic and career technical education (CTE) standards.

*(cf. 6000 - Concepts and Roles)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

*(cf. 6178 - Career Technical Education)*

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

Work-based learning opportunities offered by LCOE may include paid and/or unpaid work experiences, including, but not limited to, work experience education as defined in Education Code 51764, cooperative CTE or community classrooms as defined in Education Code 52372.1, job shadowing as defined in Education Code 51769, student internships, apprenticeships, service learning, employment in social/civic or school-based enterprises, and technology-based or other simulated work experiences.

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

The Lake County Superintendent of Schools shall involve local businesses or business organizations in planning and implementing work-based learning opportunities that support LCOE's vision and goals for student learning and local workforce development efforts. He/she also may work with postsecondary institutions, community organizations, and others to identify opportunities for work-based learning.

*(cf. 0000 - Vision)*

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

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 6020 - Parent Involvement)*

When required by law, the County Superintendent or designee shall develop a written training agreement with the employer that describes the conditions and requirements to be met by all parties and shall develop an individual training plan for each student which outlines the objectives or competencies that the student is expected to accomplish at the work site. (5 CCR 10070-10071, 10087, 10108)

LCOE staff shall coordinate with the workplace supervisor or mentor to ensure appropriate guidance and supervision of participating students and maximum educational benefit from placement in the program.

A minor student shall be issued a work permit before beginning employment through a paid work-based learning program in accordance with law, Board policy, and administrative regulation. (Education Code 49113, 49160)

*(cf. 5113.2 - Work Permits)*

**WORK-BASED LEARNING** (continued)

All laws or rules applicable to minors in employment relationships shall be applicable to students enrolled in work-based learning programs. (Education Code 51763)

The County Superintendent or designee shall ensure that any student participating in a work-based learning program off school grounds is covered under the employer's or LCOE's insurance, as applicable, in the event the student is injured.

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

*(cf. 5143 - Insurance)*

The County Superintendent or designee shall ensure that any teacher/coordinator of a work-based learning program possesses the appropriate credential issued by the Commission on Teacher Credentialing. (5 CCR 10075, 10080, 10100)

*(cf. 4112.2 - Certification)*

The County Superintendent or designee shall maintain records for each student's participation in the program, including, but not limited to, the student's individualized training plan, his/her employment hours and job site, work permit if applicable, employer's report of student's attendance and job performance, the teacher/coordinator's consultations and observations, and the student's grade and credits earned.

*(cf. 5125 - Student Records)*

The County Superintendent or designee shall periodically report to the Board regarding program implementation and effectiveness, including, but not limited to, rates of student participation in work-based learning programs and assessment results of participating students.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

## **WORK-BASED LEARNING (continued)**

### *Legal Reference:*

#### EDUCATION CODE

35208 *Liability insurance*

46144 *Minimum school day for work experience program*

46147 *Exception for minimum day; students in last semester or quarter of grade 12*

46300 *Method of computing ADA*

48402 *Enrollment in continuation education, minors not regularly employed*

49110-49119 *Permits to work*

49160 *Permits to work, duties of employer*

51760-51769.5 *Work-based learning*

52300-52499.66 *Career technical education*

54690-54697 *Partnership academies*

56026 *Students with exceptional needs*

52372.1 *Community classrooms and cooperative career technical education programs*

#### LABOR CODE

1285-1312 *Employment of minors*

1391-1394 *Working hours for minors*

3070-3099.5 *Apprenticeship*

3200-6002 *Workers' compensation and insurance*

#### CODE OF REGULATIONS, TITLE 5

1635 *Credit for work experience education*

10070-10075 *Work experience education*

10080-10090 *Community classrooms*

10100-10111 *Cooperative career technical education programs*

#### UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act of 2006*

#### CODE OF FEDERAL REGULATIONS, TITLE 29

570.35a *Work experience programs*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Multiple Pathways to Student Success: Envisioning the New California High School, 2010*

*2008-2012 California State Plan for Career Technical Education, 2008*

*Career Technical Education Framework for California Public Schools: Grades Seven Through Twelve, 2007*

*Work Experience Education Guide*

#### CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

*Child Labor Laws, 2000*

#### WEST ED PUBLICATIONS

*Work-Based Learning in California: Opportunities and Models for Expansion, 2009*

#### WEB SITES

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

California Association of Work Experience Educators: <http://www.cawee.org>

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

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

Linked Learning Alliance: <http://www.linkedlearning.org>

WestEd: <http://www.wested.org>



**WORK-BASED LEARNING**

**Work Experience Education**

The Lake County Office of Education's work experience education (WEE) program shall consist of one or more of the following types of unpaid and paid on-the-job experiences: (Education Code 51764; 5 CCR 10071)

1. *Exploratory WEE* which provides students with a combination of classroom instruction in WEE and unpaid opportunities to observe and sample systematically a variety of conditions of work for the purpose of ascertaining their interest and suitability for the occupation they are exploring

The length of exploratory work experience assignments may vary depending on the aptitude of the student, the occupation being explored, the facilities of the work station, and the job classification. A student may not participate in an exploratory work experience assignment if he/she receives pay for like work at the same work station or similar job outside of the WEE program.

2. *General WEE* which has as its purpose the application of basic skills of reading, writing, and computation and which enables students to acquire general and specific occupational skills through a combination of supervised paid employment in any occupational field and related classroom instruction in WEE
3. *Career technical WEE* which reinforces and extends career learning opportunities for students through a combination of related classroom instruction in WEE and supervised paid or unpaid employment in the occupation for which their career technical course in school prepares them

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6178 - Career Technical Education)

The Lake County Superintendent of Schools shall develop and present to the Lake County Board of Education for approval a LCOE plan for WEE in accordance with 5 CCR 10070.

Employment opportunities may be provided by any public or private employer in areas within or outside LCOE, either within California or in a contiguous state. (Education Code 51768)

The student-teacher ratio in the WEE program shall not exceed 125 students per full-time equivalent certificated teacher-coordinator. (Education Code 46300)

The minimum day for students enrolled in a WEE program shall be four periods totaling at least 180 minutes in duration, unless the school or student meets one of the conditions specified in Education Code 46144 or 46147. (Education Code 46144, 46147)

**WORK-BASED LEARNING** (continued)

*(cf. 6112 - School Day)*  
*(cf. 6184 - Continuation Education)*

A WEE program offered during the summer shall be conducted in the same time period as the regular summer school program and shall conform to all appropriate laws and regulations applicable to WEE.

*(cf. 6177 - Summer School)*

The teacher-coordinator shall make at least two on-site contacts per semester with each work supervisor or at least one on-site contact during summer school to evaluate student performance. (5 CCR 10074)

Participating students shall receive at least the equivalent of one instructional period per week of related classroom instruction or counseling by a certificated employee, in sessions scheduled intermittently throughout the semester. (Education Code 51760.3)

A student shall be granted up to 40 semester periods of credit for WEE within the following limits: (Education Code 51760.3; 5 CCR 1635)

1. For exploratory WEE, the student may earn 10 semester periods for each semester, with a maximum of 20 semester periods earned in two semesters.
2. For either general or career technical WEE, the student may earn 10 semester periods for each semester, with a maximum of 40 semester periods.

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

In order to receive credit for satisfactory completion of a general or career technical WEE program, a student shall be age 16 years or older. However, a student who is under age 16 may be granted credit under any of the following conditions: (Education Code 51760.3)

1. The student is enrolled in grade 11 or higher.
2. The program manager/administrator certifies that the student needs the program in order to pursue employment opportunities or to encourage the student's continuing enrollment as a full-time student.

*(cf. 5147 - Dropout Prevention)*

3. The student is a student with disabilities who has an individualized education program prescribing the type of training for which participation in a WEE program is deemed appropriate.

*(cf. 6159 - Individualized Education Program)*

**WORK-BASED LEARNING** (continued)

**Cooperative Career Technical Education Program/Community Classrooms**

To be eligible for program participation, a student shall be concurrently enrolled in a career technical education (CTE) course or program approved by the California Department of Education and shall meet other criteria specified in 5 CCR 10103 as applicable. (5 CCR 10082, 10103)

Teachers assigned to the program shall locate and select training stations to provide participating students with unpaid on-the-job learning experiences in the specific occupation related to the approved course or program. (5 CCR 10086, 10107)

Related classroom instruction shall be provided in at least one instructional period per week, with a minimum equivalency of three instructional periods, of at least 50 minutes each, per week. (5 CCR 10085, 10106)

The cooperative CTE program teacher shall make at least one visitation every four weeks to each employer to ensure that the provisions of the training agreement are being met and that students are acquiring the competencies identified in their individual training plans. One out of every two visits to the training station shall include an observation of the student engaged in on-the-job training experiences. (5 CCR 10109)

The community classroom teacher shall make at least one visitation every three weeks to consult with the work supervisor, observe students at the training station, provide instruction, and ensure that students are acquiring the competencies identified in their individual training plans. Each visitation shall include an observation of the student engaged in on-the-job training experiences. (5 CCR 10088)

Students shall be granted academic credit for satisfactory completion of the program. The teacher shall be responsible for evaluating the student's performance in the CTE course and, with the assistance of the employer, the student's participation at the training station. (5 CCR 10081, 10102)

**Job Shadowing**

The program coordinator shall identify job shadowing placements with the goal of providing students with exposure to a broad range of career options and employment settings.

The program coordinator shall supervise job shadowing activities, including the coordination of the student's and employer's schedules and consultation with the student's other teachers when necessary.

**WORK-BASED LEARNING** (continued)

Participating students may attend job shadowing opportunities for no less than three hours and no more than 25 hours in one semester, intersession, or summer school session. (Education Code 51769)

**SUPPLEMENTAL INSTRUCTION**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

**Cautionary Notice 2010-13:** AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 and Government Code 17581.5 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under those sections. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

The Lake County Board of Education recognizes that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills.

*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*  
*(cf. 6164.5 - Student Success Teams)*

**Required Supplemental Programs**

The Lake County Office of Education shall offer direct, systematic, and intensive supplemental instruction for:

1. Students in grades 7-9 who have been retained or recommended for retention pursuant to Education Code 48070.5 (Education Code 37252.2)

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

2. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation in order to help them pass the exam (Education Code 37252, 60851)

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

"Sufficient progress" shall be determined based on a student's results on the state Standardized Testing and Reporting assessments and the minimum levels of proficiency recommended by the State Board of Education.

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

**SUPPLEMENTAL INSTRUCTION** (continued)

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

In addition, students who do not possess sufficient English language skills to be assessed shall be considered students who do not demonstrate sufficient progress towards passing the exit exam and shall receive supplemental instruction designed to help them succeed on the exit exam. (Education Code 37252)

3. Students who have not passed one or both parts of the exit exam by the end of grade 12, for up to two consecutive school years after the completion of grade 12 or until they have passed both parts of the exit exam, whichever comes first (Education Code 37254)

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

4. Eligible students from low-income families whenever LCOE or a LCOE school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more years (20 USC 6316)

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

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

**Required Student Participation**

The Lake County Superintendent of Schools may require participation in a supplemental instructional program for: (Education Code 37252.2, 37254.1)

1. Students in grades 7-12 who demonstrate insufficient progress toward the exit exam required for high school graduation pursuant to Education Code 37252
2. Students in grades 7-9 who are retained or recommended for retention pursuant to Education Code 37252.2
3. Students in grades 7-12 participating in enrichment programs in core academic subjects pursuant to Education Code 37253

The County Superintendent or designee shall obtain written parent/guardian consent for a student's participation in the supplemental instructional program.

*Legal Reference: (see next page)*

**SUPPLEMENTAL INSTRUCTION (continued)**

*Legal Reference:*

EDUCATION CODE

1240 County Superintendent duties  
35186 Williams Uniform Complaint Procedures  
37200-37202 School calendar  
37223 Weekend classes  
37252-37254.1 Supplemental instruction  
41505-41508 Pupil Retention Block Grant  
42239 Supplemental instruction, apportionments  
44259 Comprehensive reading program  
46100 Length of school day  
48070-48070.5 Promotion and retention  
48200 Compulsory education  
48985 Translation of notices  
51210 Courses of study, elementary schools  
51220 Courses of study, secondary schools  
52378-52380 Supplemental School Counseling Program  
60603 Definitions, core curriculum areas  
60640-60648 Standardized Testing and Reporting Program  
60850-60859 High school exit examination

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

52012 Establishment of school site council  
52014-52015 School plans  
53025-53031 Intensive reading instruction  
53091-53094 Intensive algebra instruction

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6316 Program improvement schools and districts

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

Implementation of Assembly Bill (AB) 347: requiring instruction and services for students who have not passed the exit exam but have met all other graduation requirements, October 26, 2007

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, June 13, 2005

Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

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

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

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

**SUPPLEMENTAL INSTRUCTION**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

**Cautionary Notice 2010-13:** AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

Supplemental instructional programs shall be offered outside the regular school day. Such programs may be offered during the summer, before school, after school, on Saturday, and/or during intersessions. (Education Code 37252, 37252.2, 37252.8, 37253)

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

*(cf. 6111 - School Calendar)*

*(cf. 6112 - School Day)*

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

*(cf. 6177 - Summer School)*

Priority for enrollment in supplemental instruction offered at a time other than Saturday shall be given to any student whose parent/guardian has informed the Lake County Superintendent of Schools that the student is unable to attend a Saturday school program for religious reasons. (Education Code 37252, 37252.2, 37252.8, 37253)

**Supplemental Instruction Based on Retention or Academic Deficiencies**

Students in grades 7-9 who have been retained or recommended for retention shall be eligible for supplemental instruction under the following circumstances: (Education Code 37252.2)

1. For the purposes of this program, a student shall be considered to be enrolled in a grade immediately upon completion of the preceding grade.
2. Students who were enrolled in grade 9 during the prior school year shall be eligible for summer school instruction.

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

**Supplemental Instruction Based on Progress Toward Passing Exit Examination**

Students in grades 7-12 who do not demonstrate "sufficient progress," as defined in Board policy, toward passing the state exit exam required for high school graduation shall be eligible for supplemental instruction under the following circumstances: (Education Code 37252)



**SUPPLEMENTAL INSTRUCTION** (continued)

1. For purposes of this program, a student shall be considered to be enrolled in a grade immediately upon completion of the preceding grade.
2. Students who were enrolled in grade 12 during the prior school year may be eligible for supplemental instructional programs.

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

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

The curriculum of the supplemental instruction program shall reflect state academic content standards to the extent that Lake County Office of Education curriculum is aligned with those state standards, and shall be designed to assist students to succeed on the exit exam. (Education Code 60851)

*(cf. 6011 - Academic Standards)*

**Supplemental Instruction Based on Failure to Pass Exit Exam by End of Grade 12**

Intensive instruction and services designed to help students pass the high school exit exam after they have failed to pass one or both parts of the exam by the end of grade 12 shall be provided as follows: (Education Code 37254)

1. Each eligible student shall receive an appropriate diagnostic assessment to identify his/her areas of need.
2. Each student shall receive intensive instruction and services based on the results of the diagnostic assessment and his/her prior results on the exit exam.
3. The intensive instruction and services shall be based on strategies that are most likely to result in the student passing the part(s) of the exit exam that he/she has not yet passed and may include, but not be limited to:
  - a. Individual or small group instruction
  - b. The hiring of additional teachers
  - c. Purchasing, scoring, and reviewing diagnostic assessments
  - d. Counseling
  - e. Designing instruction to meet specific needs of eligible students
  - f. Appropriate teacher training to meet the needs of eligible students

*(cf. 4131 - Staff Development)*

**SUPPLEMENTAL INSTRUCTION** (continued)

- g. Instruction in English language arts and/or mathematics that eligible students need in order to pass those parts of the exit exam not yet passed, including employing different intensive instruction and services aligned to the needs and circumstances of students who have not passed one or both parts of the exit exam by the end of grade 12 compared to other LCOE students in grade 12 with similar needs
  - h. Instruction and services by a public or nonpublic entity as determined by the County Superintendent or designee
4. English language learners shall have the opportunity to receive intensive instruction and services as described in item #2 above that also shall include services to improve English proficiency as needed to pass one or both parts of the exit exam not passed by the end of grade 12.

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

The intensive instruction and services may be provided during the regular school day provided that they do not supplant the student's instruction in the core curriculum areas defined in Education Code 60603 or physical education. Eligible students may receive intensive instruction and services on Saturdays, evenings, or at a time and location deemed appropriate by the County Superintendent or designee in order to meet the needs of these students. (Education Code 37254)

The County Superintendent or designee shall notify, in writing, all students who have not passed one or both parts of the exit exam by the end of grade 12, or the parents/guardians of such students if under age 18, of the availability of intensive instruction and services each term for the next two consecutive school years. Eligible students also shall be notified of their right to file a complaint regarding the intensive instruction and services in accordance with Education Code 35186 (Williams Uniform Complaint Procedures).

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 5145.6 - Parental Notifications)*

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

The notice shall include the name and phone number of a contact person designated by the County Superintendent or designee who can assist students who have questions, concerns, or complaints regarding the availability of the additional instruction.

The notification shall be sent to the last known address before the end of each school term in sufficient time for eligible students to register for or avail themselves of those services. The notice shall also be posted in the school office, LCOE office, and on LCOE's Internet web site, if any. (Education Code 37254)

**SUPPLEMENTAL INSTRUCTION** (continued)

*(cf. 1113 - District and School Web Sites)*

**ALTERNATIVE SCHOOLS/PROGRAMS OF CHOICE**

The Lake County Board of Education desires to provide a variety of innovative educational programs to accommodate students' diverse learning needs and interests, foster student engagement in the schools, and enhance student achievement. Toward this end, the County Board may establish and maintain alternative schools or programs of choice.

A Lake County Office of Education alternative school or program of choice may differ from the traditional educational program in its academic emphasis, sequence of curriculum, educational philosophy, instructional strategy, structure, setting, size, scheduling, targeted student population, decision-making process, and/or other components. All alternative schools or programs of choice shall offer enrolled students the opportunity to acquire the knowledge and skills necessary to achieve LCOE content standards in core academic subjects and shall provide access to the course of study required for high school graduation.

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

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

*(cf. 6158 - Independent Study)*

*(cf. 6172.1 - Concurrent Enrollment in College Classes)*

*(cf. 6178 - Career Technical Education)*

As necessary to provide flexibility to alternative schools or programs of choice to improve student performance and/or streamline operations, the Lake County Superintendent of Schools or designee may request that the Superintendent of Public Instruction waive any provision of the Education Code except provisions specified in Education Code 58509.

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

The County Superintendent or designee shall establish processes to ensure communication among staff in the alternative schools or programs of choice and staff in the regular educational program in order to share information and ideas.

**Program Evaluation**

The County Superintendent or designee shall conduct an annual evaluation of each alternative school or program of choice which includes testing of basic skills for student participants and which identifies the variables that may have affected student academic achievement. The evaluation process shall include input from teachers, parents/guardians, and students from the alternative school or program of choice. (Education Code 58510)

Evaluation reports shall be sent to the Superintendent of Public Instruction on or before August 1 following the close of the school year. (Education Code 58510)

*(cf. 6162.5 - Student Assessment)*

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

**ALTERNATIVE SCHOOLS/PROGRAMS OF CHOICE** (continued)

Prior to submitting the evaluation report to the Superintendent of Public Instruction, the County Superintendent or designee shall report the evaluation results to the County Board. The County Board shall review the effectiveness of the school or program in meeting program objectives, compare student achievement data with that of students in other LCOE schools, evaluate changes in the school or program over time, and make program modifications as needed.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

*Legal Reference:*

EDUCATION CODE

35160.5 Intradistrict open enrollment

41505-41508 Pupil Retention Block Grant

48980 Parental notifications

52052 Academic Performance Index

58500-58512 Alternative schools and programs of choice

CODE OF REGULATIONS, TITLE 5

1068-1074 Alternative schools accountability model

11705 Charter schools as alternative schools

COURT DECISIONS

American Civil Rights Foundation v. Los Angeles Unified School District, (2008) 169 Cal.App.4th 436

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Creating and Sustaining Successful K-8 Magnet Schools, September 2008

Innovations in Education: Successful Magnet High Schools, September 2008

WEB SITES

California Department of Education, Alternative Schools of Choice: <http://www.cde.ca.gov/sp/eo/as>

Foundation for California Community Colleges, Early College High School Initiative:

<http://www.foundationccc.org/ECHS>

U.S. Department of Education, Office of Innovation and Improvement:

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

**HOME AND HOSPITAL INSTRUCTION**

A student with a temporary disability which makes school attendance impossible or inadvisable shall receive individual instruction in the student's home or in a hospital or other residential health facility, excluding state hospitals. This instruction applies to students incurring a physical, mental or emotional disability after which they can reasonably be expected to return to regular day classes or an alternative education program without special intervention. It does not apply to students identified as individuals with exceptional needs pursuant to Education Code 56026. (Education Code 48206.3)

*(cf. 6158 - Independent Study)*

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

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

The Lake County Office of Education shall offer at least one hour of instruction for every day of instruction offered by LCOE in the regular education program. No student shall be credited with more than five days of attendance per calendar week or credited with more than the total number of calendar days that regular classes are offered by LCOE in any fiscal year. (Education Code 48200, 48206.3)

Insofar as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program.

The Lake County Superintendent of Schools may require verification through any reasonable means that the student requires home instruction. In addition, this verification shall also state that the disabling condition will not expose the teacher to a contagious disease that can be transmitted through casual contact. Home or hospital instruction shall not be denied to students with Hepatitis B, herpes or HIV/AIDS, as long as the home or hospital practices current preventive protocol as determined by the U.S. Centers for Disease Control.

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

*(cf. 5112.2 - Exclusions from Attendance)*

*(cf. 5141.22 - Infectious Diseases)*

**Parental Notifications**

At the beginning of the school year, the County Superintendent or designee shall notify parents/guardians that: (Education Code 48208, 48980)

**HOME AND HOSPITAL INSTRUCTION** (continued)

1. Individual instruction is available for temporarily disabled students as prescribed by Education Code 48206.3.
2. If a student becomes temporarily disabled, it is the parent/guardian's responsibility to notify the receiving district of the student's presence in a qualifying hospital.

*(cf. 5145.6 - Parental Notifications)*

*Legal Reference:*

EDUCATION CODE

*44865 Qualifications for home teachers*

*45031 Home teachers*

*48200 Minimum school day*

*48206.3 Pupils with temporary disabilities; individual instruction; definitions; computing average daily attendance*

*48206.5 Continuation of individual instruction programs for students with temp. disabilities*

*48207 Pupils with temporary disabilities in hospitals out- side of school district; compliance with residency requirements*

*48208 Presence of pupils with temporary disabilities in qualifying hospitals; notice by parents or guardians; commencement of individualized instruction*

*48980 Required notification of rights and availability of nutrition and individualized instruction programs*

*51800-51802 Employment of home teachers*

CODE OF REGULATIONS, TITLE 5

*421 Method of verification*

*423 Prolonged illness*

**COMMUNITY DAY SCHOOL**

**Cautionary Notice:** AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 42605, which provided temporary flexibility for specified "Tier 3" categorical programs, and instead redirects the funding for those categorical programs into the Local Control Funding Formula (LCFF) (Education Code 42238.01-42251). The supplemental and concentration grant portions of the LCFF may be used for any schoolwide or districtwide educational purpose in accordance with state regulations to be adopted by January 31, 2014, with a goal of increasing or improving services for English learners, foster youth, and students eligible for free and reduced-price meals. Certain requirements related to Tier 3 categorical program(s) in the following policy or regulation are no longer applicable.

The Lake County Board of Education recognizes the need to provide an appropriate alternative educational program for expelled students who are prohibited from attending regular schools and for certain students referred by probation or other such processes. The Lake County Office of Education shall operate one or more community day schools designed to meet the needs of these students. The Lake County Superintendent of Schools shall ensure that any such school is operated in accordance with legal requirements related to enrollment, instructional time and facilities.

The County Board perceives the community day school as a flexible component of a comprehensive effort to meet the needs of expelled and other at-risk students throughout the county. The County Superintendent or designee shall solicit input from the superintendents of districts within LCOE's jurisdiction when designing the LCOE community day school and shall collaborate with them in fulfilling countywide needs.

In order to foster positive attitudes and academic progress, the County Board recognizes that community day schools must give students substantial individual help with their problems. Community day school staff shall collaborate with LCOE counselors, psychologists, and other support staff and with the county office of education, law enforcement, probation, and human services agency staff who work with at-risk youth. To the extent possible, community day school programs shall provide a low student-teacher ratio as well as individualized instruction and assessment.

*(cf. 1020 - Youth Services)*

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

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

The County Superintendent or designee shall establish procedures for the involuntary transfer of students to a community day school in accordance with law and administrative regulation.

*(cf. 5113 - Absences and Excuses)*

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

*Legal Reference: (see next page)*



**COMMUNITY DAY SCHOOL** (continued)

*Legal Reference:*

EDUCATION CODE

1980-1986 *County community schools*

17085-17096 *Emergency portable facilities*

17280-17316 *Field Act, approvals*

17365-17374 *Field Act, fitness of occupancy*

48660-48666 *Community day schools*

48900-48926 *Suspension or expulsion*

WELFARE AND INSTITUTIONS CODE

300 *Minors subject to jurisdiction*

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

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

*Management Resources:*

CDE PROGRAM ADVISORIES

0306.96 *Expulsion Policies and Expulsion Placements, SPB: 95/96-04*

WEB SITES

CDE, Educational Options Office: <http://www.cde.ca.gov/spbranch/essdiv/edoptshome.html>

**COMMUNITY DAY SCHOOL**

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**Involuntary Transfer**

A student may be assigned to a community day school only upon meeting one or more of the following conditions: (Education Code 48662)

1. The student is expelled for any reason.

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

2. The student is probation-referred pursuant to Welfare and Institutions Code 300 and/or 602.
3. The student is referred by a school attendance review board (SARB) or other Lake County Office of Education-level referral process.

The first priority for assignment to a community day school shall be given to students expelled pursuant to Education Code 48915(d). Second priority shall be given to students expelled for other reasons, and third priority shall be given to students referred according to item #2 or #3 above. (Education Code 48662)

In the case of any student who has been identified as eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973, assignment to a community day school shall be first approved by the student's Individualized Education Program (IEP) team or school site committee (e.g., student study team) as required by law.

*(cf. 5144.2 - Suspension and Expulsion (Students with Disabilities))*  
*(cf. 6159 - Individualized Education Program)*  
*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

At least 10 calendar days prior to the involuntary transfer of a student as a result of a referral process, the Lake County Superintendent of Schools shall provide written notice of the transfer to the student's parent/guardian or to the adult student age 18 or older. The notice shall contain a statement of the facts and circumstances upon which the transfer is based, its duration, and the conditions for readmission. The notice shall advise the student's

**COMMUNITY DAY SCHOOL** (continued)

parent/guardian or adult student of the opportunity to inspect and obtain copies of all documents supporting the transfer. In addition, the notice shall also state that the parent/guardian or adult student has five school days to request a meeting with the County Superintendent or designee to discuss the transfer.

If the County Superintendent designates an individual to represent LCOE at the meeting, the individual so designated shall not be a member of the staff of the school at which the student is currently enrolled.

At the meeting, the reason for the transfer shall be reviewed with the parent/guardian or adult student and the parent/guardian or adult student may present evidence on the student's behalf.

The County Superintendent or designee shall send the parent/guardian or adult student written notice of the decision to transfer or not transfer within three school days of the meeting.

If the parent/guardian or adult student desires to appeal the County Superintendent's decision to the Lake County Board of Education, he/she shall file written notice of the intent to appeal within five school days of receiving the decision. The County Board shall determine whether or not to hear the appeal within 15 calendar days. If the County Board desires to hear the appeal, the County Board shall decide the appeal within 30 calendar days of receipt of the notice of the appeal. The County Board's decision shall be final.

**Instruction**

Academic programs offered in the community day school shall be comparable to those available to students of a similar age in the school LCOE. (Education Code 48663)

The minimum school day for community day school students shall be 360 minutes of classroom instruction provided by a certificated employee of LCOE reporting attendance for apportionment purposes. Independent study shall not be used as a means of providing any part of this minimum day. (Education Code 48663)

*(cf. 6158 - Independent Study)*

**Facilities**

To house community day school operations, LCOE shall do one or more of the following: (Education Code 17292.5)

1. Use available school facilities conforming with Field Act requirements
2. Apply for emergency portable classrooms pursuant to Education Code 17085-17096.

**COMMUNITY DAY SCHOOL** (continued)

3. Upon certifying to the State Allocation Board that all reasonable efforts have been made to use facilities that conform with the Field Act requirements of item #1 above, enter into lease agreements for facilities for which a structural engineer has submitted a report stating that substantial structural hazards do not exist.

Every three years, the County Superintendent or designee shall report to the State Allocation Board on the facilities used for LCOE's community day programs and efforts to place these programs in facilities that conform with the requirements of item #1 above. (Education Code 17292.5)

**EVALUATION OF THE INSTRUCTIONAL PROGRAM**

The Lake County Board of Education recognizes that it is accountable to students, parents/guardians, and the community for the effectiveness of the Lake County Office of Education's educational program in meeting LCOE goals for student learning. The Lake County Superintendent of Schools shall conduct a continual evaluation of the curriculum and the instructional program in order to improve student achievement.

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

*(cf. 0500 - Accountability)*

*(cf. 6000 - Concepts and Roles)*

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

The County Superintendent or designee shall provide the County Board and the community with regular reports on student progress toward County Board-established standards of expected achievement at each grade level in each area of study. In addition, he/she shall evaluate and report data for each LCOE school and for every numerically significant subgroup of the student population, including, but not limited to, school and subgroup performance on statewide achievement indicators.

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

*(cf. 0520.4 - Quality Education Investment Schools)*

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

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

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

Based on these reports, the County Board shall take appropriate actions to maintain the effectiveness of programs and to improve the quality of education that LCOE students receive.

**Categorical Program Monitoring**

The County Superintendent or designee shall cooperate with the California Department of Education (CDE) in the categorical program monitoring process to ensure that LCOE categorical programs comply with federal and state laws and regulations. The County Superintendent or designee shall report to the County Board regarding the results of this monitoring process.

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

*(cf. 0420.1 - School-Based Program Coordination)*

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3513.3 - Tobacco-Free Schools)*

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

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

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

## **EVALUATION OF THE INSTRUCTIONAL PROGRAM** (continued)

*(cf. 5148.1 - Child Care Services for Parenting Students)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6171 - Title I Programs)*  
*(cf. 6172 - Gifted and Talented Student Program)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6178.1 - Work Experience Education)*  
*(cf. 6200 - Adult Education)*

On an ongoing basis, the County Superintendent or designee shall conduct a LCOE self-evaluation which may utilize tools developed by LCOE or the CDE to ensure compliance of LCOE categorical programs with legal requirements.

### **Evaluation of Consolidated Categorical Programs**

The County Superintendent or designee and the County Board shall annually determine whether LCOE's categorical programs funded through the state's consolidated application are supportive of the core curriculum and are effective in meeting the needs of the students they are intended to serve. As a basis for this evaluation, the County Superintendent or designee shall recommend for County Board approval the specific, measurable criteria that shall be used at each school and at LCOE level. These criteria shall include, but not necessarily be limited to, progress toward goals contained in the school's single plan for student achievement and progress of the total student population and each numerically significant subgroup toward growth targets on the statewide Academic Performance Index.

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

*Legal Reference: (see next page)*

## EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

### *Legal Reference:*

#### EDUCATION CODE

33400-33407 Educational evaluations

35178.4 Notice of accreditation status

44662 Evaluation and assessment guidelines, certificated employee performance

48985 Compliance with translation of parental notifications

51041 Education program, evaluation and revisions

51226 Model curriculum standards

52050-52059 Public Schools Accountability Act

54650-54659 Education Improvement Incentive Program

62005.5 Failure to comply with purposes of funds

64000-64001 Consolidated application process

#### CODE OF REGULATIONS, TITLE 5

3930-3937 Program requirements

3942 Continuity of funding

#### UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress

### *Management Resources:*

#### CSBA PUBLICATIONS

*Maximizing School Board Leadership: Curriculum, 1996*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Ongoing Program Self-Evaluation Tools (OPSET)*

*Categorical Program Monitoring Instruments*

#### WEB SITES

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

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

Western Association of Schools and Colleges (WASC), Accrediting Commission for Schools:  
<http://www.acswasc.org>