

BUENA PARK SCHOOL DISTRICT



STUDENT SERVICES HANDBOOK *August 2022*

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This *Student Services Handbook* provides procedures, suggested guidelines, and forms and letters that are aligned with state and federal laws and Buena Park School District board policies that were in place as of July 2022. Any amendments or additions to law and/or policy beginning July 1, 2022 will require a review and update of this Handbook.

This Handbook was created by Student Support Services Solutions, Inc. (S₄) for the Buena Park School District and may not be shared with or duplicated by other school districts, charter schools, agencies, and organizations without the permission of S₄.

SCHOOL ENROLLMENT

Methods of Enrollment

The following are descriptions of ways in which a student can meet residency requirements to attend a district school.

School of Residence

EC 48200, 48204; BP/AR 5111.1

Students have the right to attend their school of residence, which is determined by the residence of their custodial parents, legal guardian, or other educational rights holder (hereinafter referred to as “parent”) within the attendance boundaries of a school district. However, even if the parent lives outside of district boundaries, a student’s “school of residence” may also be established based on the student’s living accommodations or placement – such as:

1. Location of licensed children’s institution or licensed foster home
2. Residence of the emancipated youth
3. Residence of a caregiving adult who has completed the Caregiver’s Affidavit [FC 6552]
4. Location of the state hospital
5. Residence of the parent’s employer where the student resides with the parent at least three days during the school week

Parent Employment-related Transfer (A.K.A. Allen Bill)

EC 48204(b); BP/AR 5111.1

A governing board may deem a student to have complied with residency requirements for school attendance in the school district if at least one parent of the student is physically employed within the boundaries of the school district for a minimum of 10 hours during the school week. No student seeking residency on this basis can be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration. However, the superintendent or designee may deny enrollment if any of the following circumstances is present:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district’s court-ordered or voluntary desegregation plan as determined by the Board.
3. The school facilities are overcrowded at the relevant grade level.
4. Other circumstances exist that are not arbitrary.

No interdistrict permit is required, and once a student establishes residency on this basis, the student will not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district until the parent is no longer physically employed within the district boundaries for a minimum of 10 hours during the school week.

This option must be Board approved – the BPSD is an “Allen Bill” district per AR 5111.1. As such, not every school district in California will accept an Allen Bill transfer. For those districts, the only options available that are based on parent employment are the following: (1) if an interdistrict permit is obtained [EC 48204(a)(3), 46600], or (2) if the student resides with the parent at the parent’s place of employment within the district at least three days during the school week [EC 48204(a)(7)]. *See chart below showing the differences.*

EC 48204	Circumstance	Policy; requirements
(a)(3)	Parent is employed within the boundaries of the desired district of attendance	Interdistrict permit must be approved by both districts
(a)(7)	Parent is employed and lives with the student at the place of employment for a minimum of 3 days during the school week; the parent still maintains a residence outside of the boundaries of the desired district of attendance	Residency is established based on the location of the employer's residence within the boundaries of the desired district of attendance; no interdistrict permit is required
(b)	Parent is physically employed for a minimum of 10 hours during the school week; the place of employment is located within the boundaries of the desired district of attendance	The Board must pass a resolution to allow for parents to meet residency based on the location of the parent's employment; no interdistrict permit is required

Parent on Active Military Duty

EC 48204.3

A student complies with residency requirements for school attendance in a school district, if the student's parent is transferred or is pending transfer to a military installation within California while on active military duty pursuant to an official military order. Enrollment applications must be accepted by the district by electronic means and the parent must provide proof of residence in the school district within 10 days after the published arrival date provided on official documentation.

The parent may use the address of a temporary on-base billeting facility, a purchased or leased home or apartment, or a federal government or public-private venture off-base military housing.

See also "School of Origin" below.

Parent Removed Against Will from California

EC 48204.4

A student complies with residency requirements for school attendance in a school district if the student's parents were residents of California and have departed the state against their will. The student is to be admitted regardless of the current residency, if the student meets both of the following requirements:

1. The student has a parent who departed California against the parent's will and official documentation proving that departure can be provided. A person has "departed California against their will" if any of the following circumstances apply:
 - a. In custody of a government agency and transferred to another state
 - b. Subject to a lawful order from a court or government agency that authorized the person's removal from California
 - c. Subject to a lawful order and was permitted to depart California before being removed from California pursuant to the lawful order
 - d. Removed or permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act
2. The student moved outside of California as a result of the student's parent departing California against the parent's will and the student lived in California immediately before moving outside

of California. Information and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside of California must be provided.

Intradistrict Transfer

EC 35160.5; BP/AR 5116.1

A parent of a resident student may apply to enroll the student in any district school, regardless of the location of residence within the district. No student currently residing within a school's attendance area can be displaced by another student transferring from outside the attendance area.

To request a transfer for the subsequent school year under "Open Enrollment", applications are only available through the district's website under "Student and Community Services". The window to submit applications each year begins the first working day in January, and ends 30 calendar days from that date. Except for the priorities listed below, a random, unbiased selection process to determine admission will be used whenever a school receives requests that are in excess of the school's capacity. Remaining student names will still be drawn and placed on a waitlist.

Enrollment decisions cannot be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Once approved, the student may continue to attend through the completion of the highest grade served at the school.

Unless otherwise required by law, transportation to the school of choice is the responsibility of the parent.

Per BP/AR 5116.1, a student is granted priority for an intradistrict transfer within BPSD if the student:

1. Is enrolled in a district school designated by CDE as "persistently dangerous."
2. Is a victim of a violent crime while on school grounds.
3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent's submission of a written complaint with the school, district, or local law enforcement agency. (*Note: If the district school requested by the student is at maximum capacity, the district must accept a request for another district school.*)
4. Is currently enrolled in a district school identified by CDE for comprehensive support and improvement. (*Note: Priority given to the lowest academically achieving students from low-income families.*)
5. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area (*e.g.*, threats of bodily harm or threats to the emotional stability of the student). The transfer can be to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, one of the following must be submitted:
 - a. A written statement from a representative of an appropriate state or local agency (*e.g.*, law enforcement official, social worker, or properly licensed or registered professional)
 - b. A court order, including a temporary restraining order and injunction
6. Is a sibling of a student already in attendance in that school.
7. Has a parent whose primary place of employment is that school.

Outside of the window to submit a transfer application, requests submitted for a current year transfer will be considered on a case-by-case basis, taking into particular attention any of the reasons for priority enrollment listed above.

School of Origin

42 USC 11432; EC 48204(a)(2), 48204.6, 48852.7, 48853.5

Students who are homeless, in foster care, children of military families, or migratory may enroll in their school of origin.

	<i>Homeless/Foster</i>	<i>Military/Migratory</i>
<i>Applicable LEA</i>	School district, charter school, county office of education, and SELPA	School district, charter school, county office of education
<i>School of Origin Defined</i>	<ul style="list-style-type: none"> • School attended when the student was permanently housed • School last enrolled • Any school the student attended within the immediately preceding 15 months 	School in which the student is enrolled at the time that a change in residence occurs
<i>Matriculation</i>	Students can matriculate with their peers per the established feeder patterns of the school district, even if it is to another school district	
<i>When Status Changes</i>	<ul style="list-style-type: none"> • In kindergarten through grade 8, students can continue to attend the school of origin through the duration of that academic school year • In high school, student can continue to attend the school of origin through graduation 	

The decision to enroll a homeless or foster child/youth in the school of origin is based on an agreement between the educational rights holder and the educational liaison, and it takes into consideration the student's best interest, which can include, but is not limited to:

1. Preference of the student
2. Preference of the student's educational rights holder
3. The student's attachment to the school, including meaningful relationships with staff and peers
4. Placement of the student's siblings
5. Influence of the school climate on the student, including safety
6. The availability and quality of the services in the school to meet the student's educational and socio-emotional needs
7. History of school transfers and how they have impacted the student
8. How the length of the commute would impact the student, based on the student's developmental stage
9. If the student has an IEP or Section 504 plan or is an English learner, the availability of required programs, services, and aids

If there is a disagreement over eligibility, school selection, or enrollment of a homeless, unaccompanied, or foster youth, immediately enroll the student in the school in which the student is eligible for (e.g., school of residence or school of origin) and seeks to enroll, pending the final decision of the dispute resolution.

Interdistrict Permit

EC 46600 et seq.; BP/AR 5117

The parent/guardian of a student may request that a student attend a school outside the district of residence. Per BPSD AR 5117, an interdistrict permit may be approved for any of the following reasons:

1. When the student has been determined by staff of either the school district of residence or school district of proposed enrollment to be a victim of an act of bullying as defined in EC 48900(r).
2. To meet a student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel.
3. When the student has a sibling attending school in the district of proposed enrollment, to avoid splitting the family's attendance.
4. To allow the student to complete a school year when the student's parents have moved out of the district during that year.
5. To allow the student to remain with a class graduating that year from an elementary or middle school.
6. When the parent provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district.
7. When the student will be living out of the district for one year or less.
8. When recommended by SARB or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence.
9. When there is a valid interest in a particular educational program not offered in the district of residence.
10. To provide a change in school environment for reasons of personal and social adjustment.

The request for transfer must be approved by both the district of residence and the district of proposed enrollment. The following are provisions within that process:

1. The deadline for any district to provide a final decision is based on when the request is submitted, as provided in law:
 - a. Current year – Request received beginning 15 calendar days before the start of the new school year for which the permit is sought, the district has 30 calendar days from the date the request was received to notify the parent of its final decision. *(For example, if school begins on August 16th, the final decision to approve or deny any request received beginning August 1st for a transfer in that school year must be provided to the parent within 30 calendar days from the date the request was received.)*
 - b. Future year – Request received up until 15 calendar days before the start of the new school year for which the permit is sought, the district has 14 calendar days into the new term to notify the parent of its final decision. *(For example, if school begins on August 16th, the final decision to approve or deny any request received before August 1st for a transfer in the new school year must be provided to the parent no later than August 30th.)*
2. A denial of a request by the BPSD can be appealed by the parent to the Orange County Department of Education within 30 calendar days from the date of the district's final decision.
3. A school district may grant a student provisional enrollment up to two school months only if the parent can provide reasonable evidence that a final decision is pending with the district of residence or the county office of education.

- a. A school month is 20 days or four weeks of five days each, including legal holidays. [EC 37201]
- b. The period of provisional attendance begins on the first day of the student's attendance at school.
- c. If no final decision has been rendered before the end of the two school months of provisional enrollment, the student must disenroll and enroll in the district of residence or another educational program.

Requests for the subsequent school year are accepted beginning the second Tuesday in February. Applications can be obtained from and submitted to Student and Community Services. Once a request is approved, permits are valid for one year, and must be renewed on an annual basis. If the district of residence does not require annual renewal, parents must still complete the BPSD Interdistrict Transfer Permit form. A transfer into the BPSD can be denied or revoked under the following conditions:

1. Student is excessively tardy or absent from school, or is brought to school excessively early and/or left at school excessively late.
2. Student fails to uphold appropriate behavior standards
3. Student fails to make appropriate academic efforts.
4. False or misleading information was provided.
5. Other conditions that would render continuance inadvisable.

The following information must be posted on the district's website:

1. Link to BP/AR 5117, Interdistrict Attendance
2. The date when the district will begin accepting and processing requests for the upcoming school year
3. The reasons the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
4. The timeline for processing a current year and future year request
5. The process and timelines for appeal(s) at the district level before a final decision is rendered
6. Statement that failure of the parent to meet any district-imposed timelines will be deemed an abandonment of the request
7. The conditions under which an existing permit may be revoked or rescinded

Enrollment Documentation

The following information or documents should be submitted to the school as part of the process to enroll students into school. The California Attorney General, in response to Assembly Bill 699 (Ch. 493, Statutes of 2017), published the document "[*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues*](#)". The basic tenet of the document is to ensure that schools do not create barriers to enrollment by requiring students to provide a birth certificate or any other type of documentation that would inevitably identify a student's citizenship or immigration status. Although certain documents and data must be collected to comply with state and federal laws and data reporting requirements, the guidance is for such information to be collected "separately from the school enrollment process."

Home Language Survey

EC 313, 60810

Schools are required to assess the English language proficiency of students. The Home Language Survey (HLS) is used to comply with this requirement, allowing schools to determine if a student's proficiency in English should be tested through the English Language Proficiency Assessments for California (ELPAC) and, if necessary, to provide adequate instructional programs and services.

The HLS is to be administered only once by the parent at the time the student is initially enrolled in a California public school – not each time the student enrolls in a new school. If the HLS is completed incorrectly, the parent may make a request to change it before the ELPAC is administered. If the request for correction is after the ELPAC has been administered, the information can only be corrected if there was an administrative error.

Proof of Age

EC 48002; BP/AR 5111

Proof of age is required to assist the district in the determination of eligibility for transitional kindergarten, kindergarten, or first grade, as noted below in the chart.

Grade Level	Dates of Eligibility	Statute
Transitional kindergarten	5th birthday between September 2 and February 2	EC 48000(c)
Kindergarten	5th birthday on or before September 1	EC 48000(a)
First	6th birthday on or before September 1	EC 48010(a)

Evidence of the child's age may include:

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth
 - a. A birth certificate can be the preferred document requested for enrollment, but it cannot be the only document that the school or district accepts.
 - b. Homeless or foster youth can obtain a copy of their birth certificate at no cost from the local registrar or county recorder; homeless youth may also obtain a no-cost copy from the State Registrar per HSC 103577 and 103578.
2. A duly attested baptism certificate
3. A passport
4. Any other appropriate means (*e.g.*, immunization record)
5. Affidavit from the parent/guardian

A document presented as proof of age can provide the following student information that is required to maintain as part of the mandatory permanent record (*e.g.*, student information that must be maintained in perpetuity): [5 CCR 432(b)(1)(A)-(F)]

1. Legal name
2. Date of birth
3. Method of verification of birth date
4. Sex (*Note:* California allows for three gender markers – female, male, and nonbinary)

5. Place of birth (*Reminder: Per the AG's model policy, this information must be collected separate from the enrollment process -- meaning, the school cannot have this question as part of the enrollment paperwork*)
6. Name of the minor's parent

Residency Verification

EC 48204.1; BP/AR 5111.1

Generally, a student's residence determines the school attendance option(s) in a district. For verification purposes, the district may require parents to provide reasonable evidence to determine if a student meets the residency requirements for school attendance within its attendance boundaries. Documentation must show the name and address of the parent – such documentation can include, but is not limited to:

1. Property tax payment receipts
2. Rental property contract, lease, or payment receipts (*Note: CC 1947.3 allows for a tenant to pay rent through a third party, in which case, the district may request a copy of the signed acknowledgement the third party is required to submit to the landlord as supporting documentation*)
3. Utility service contract, statement, or payment receipts
4. Pay stubs
5. Voter registration
6. Correspondence from a government agency (*e.g.*, Departments of Motor Vehicles, Social Services, or Public Health; Internal Revenue Service)
7. Declaration of residency executed by the parent or unaccompanied youth
8. Caregiver's affidavit in accordance with FC 6552

The mandatory permanent records of a student must include: [5 CCR 432(b)(1)(F)]

1. The name and address of the parent
2. Address of the minor student if different than that of the parent; for example:
 - a. An unaccompanied youth
 - b. A minor living with a caregiving adult who has completed and submitted a Caregiver's Authorization Affidavit, as provided in FC 6552
 - c. A minor placed in a hospital, health facility, or licensed children's institution
3. Annual verification of the name and address of the parent and the residence of the student
4. In compliance with this provision, the district may require the verification of the information by having parents submit a Residence Verification Affidavit or through the submission of an updated Emergency Card.

Parent Employment

For students who are complying with residency requirements through parent employment under EC 48204(a)(7) or 48204(b), parents will be required to submit the following:

1. Paycheck stub or letter from the employer listing a physical address within the district boundaries; the address cannot be that of a post office box
2. Verification of the number of days or hours per week that the parent physically works (minimum of 10 hours) or resides at the place of employment (minimum of 3 days) during the school week

Investigation

When there is reasonable belief that false or unreliable evidence of residency has been provided, school or district staff may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. [48204.2]

1. The investigation can be conducted by a trained district employee or a private investigator hired by the Superintendent.
2. The investigator must be truthful about their identity throughout the course of the investigation.
3. The investigation may include examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency status.
4. Surreptitious collection of photographic or videographic images of persons or places subject to the investigation is prohibited. However, use of technology is not prohibited if done in open and public view.

Housing Questionnaire

EC 48851

The Housing Questionnaire (HQ) must be administered on an annual basis for the purposes of identifying homeless children and youths and unaccompanied youths. The HQ must be based on best practices developed by the CDE and provided to all parents/caregivers of students and all unaccompanied youth. It must:

1. Be made available in paper form
2. Include an explanation of the rights and protections of homeless youth and unaccompanied youth
3. Made available in the primary language of the parent or unaccompanied youth pursuant to EC 48985 or translated upon the request of the parent or unaccompanied youth

The number of homeless youth that are identified through the completed HQs must be annually reported to CDE. The information shared on the HQ are to be kept confidential and are accessible only by staff who have legitimate educational interest (e.g., staff who provide services to the student and the student's family, staff who are responsible for tracking and entering data). The HQ and the information provided on the questionnaire should not be maintained in the student's cumulative folder.

Emergency Card

EC 49408

Although the law authorizes the governing board to determine whether to require the completion and annual submission of an emergency card, it is standard practice that all students have an updated emergency card on file. This is particularly important in the event of a natural disaster or crisis where access to technology is limited. The information, at minimum, would include:

1. Home address and telephone number of the student and parent
2. Business address and phone number of the parents
3. Name, address, and telephone number of a relative or friend authorized to care for the student in an emergency situation if the parent cannot be reached

The district may choose to include any of the following information:

1. Person designated to care for the student when the parent is not available (e.g., parent's hospitalization, incarceration, deportation, etc.)

2. Custody, visitation, or protective orders (*Note: When parents have joint legal and physical custody, and the student spends specified days during the school week with each parent, best practice is to have each parent complete a separate emergency card, listing their own emergency contacts. Staff should also inquire whether the other parent may be contacted in the event of an emergency and no one on the parent's emergency card can be reached.*)
3. Health needs, medical diagnosis/conditions, and/or medication regimen
4. Parent consent to emergency medical treatment

Immunization Records

HSC 120335, 120370-120375; BP/AR 5141.31

All children enrolling in a public or private school must provide proof of specified immunizations that are dependent upon the age when the student is enrolling. Students are not to be unconditionally admitted to any district school or program for the first time nor admitted or advanced to the 7th grade unless the student has been fully immunized. However, students enrolled in the independent study program and not receiving classroom-based instruction are exempt.

Students with an IEP, unless otherwise exempt, must be fully immunized. However, the district must continue to implement the student's IEP and cannot prohibit the student from accessing any special education and related services required by the student's IEP regardless of whether the student is fully immunized.

Conditional Enrollment

Students may be conditionally admitted if there is documentation from an authorized health care provider indicating that the student has received some but not all required immunizations and is not due for any vaccine dose at the time of admission. A deadline to complete the remaining doses must be provided to the parent. Additionally, a transfer student may be conditionally admitted for up to 30 school days while the student's immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student must be excluded from school until the required immunizations have been administered.

For students who are homeless, in foster care, children of military families, or migratory children, they are to be immediately enrolled even if their immunization records are missing or unavailable at the time of enrollment. Staff is to work with the student's prior school to obtain the student's immunization records or ensure that the student is properly immunized.

Exclusions

If a student is not in compliance with the immunization requirements, for whatever reason, the parent is notified in writing and given 10 school days to submit evidence of proper immunization. The written notice must refer the parent to all known available sources to obtain the required immunizations.

An enrolled student who fails to meet compliance within the 10 school days following the parent's receipt of the written notice is excluded from school until evidence of proper immunization is provided. The student is also reported to the supervisor of attendance.

Exemptions

As of January 1, 2016, parents are not allowed to submit a personal beliefs exemption to a currently required vaccine. However, personal beliefs exemptions filed with a school before January 1, 2016 are still valid until entry into the next grade span – 7th through 12th grade. The exemption may be transferred only between schools in California.

Medical exemptions can only be issued by a physician licensed in California through the California Immunization Registry – Medical Exemption (CAIR-ME) website, and remain valid until whichever of the following occurs first:

1. The student enrolls in the next grade span (e.g., birth to preschool, TK-6, and 7-12)

2. The expiration date specified on a temporary medical exemption (Note: a temporary exemption will not exceed one year)
3. Revocation of the exemption as a result of a problem with the issuing physician

Health Screening

HSC 124085, 124105; AR 5141.32

Within 90 days after entrance to first grade, parents of each student must provide proof that the student has received a health screening examination by a doctor within the prior 18 months. The parent may submit a waiver on a form developed by the California Department of Health Care Services indicating that they do not want or are unable to obtain a health screening. If the waiver indicates that the parent is unable to obtain the services, the reasons should be included in the waiver. Students may be excluded, beginning the 91st day after the student's entrance into the first grade, up to 5 days from school, for failing to comply or not providing a waiver.

Oral Health Assessment

EC 49452.8; AR 5141.32

Children entering public school for the first time, either kindergarten or first grade, must submit, by May 31 of that first year, proof of an oral health assessment that was conducted within 12 months before the date of enrollment. The assessment must be conducted by a licensed dental professional.

Parents can obtain a waiver of this requirement for the following reasons:

1. Undue financial burden to complete the assessment
2. Lack of access to a licensed dental health professional
3. Parent does not consent to an assessment

Exclusions

Prohibited Denial of Enrollment

Students who meet one of the following conditions may not be denied enrollment:

1. A student who is homeless, in foster care, a child of a military family, or a migratory child is to be immediately enrolled even if the student: [42 USC 11432(g)(3)(C); EC 48204.6(c)(3), 48204.7(c)(3), 48852.7(c)(3), 48853.5(f)(8)]
 - a. Has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended
 - b. Does not have clothing (*i.e.*, school uniforms) or records (*i.e.*, previous academic records, proof of immunization, proof of residency) normally required for enrollment
2. A student cannot be denied enrollment or readmission to a public school solely on the basis that the student has had contact with the juvenile justice system, including: [EC 48645.5(b)]
 - a. Arrest
 - b. Adjudication by a juvenile court
 - c. Formal or informal supervision by a probation officer
 - d. Detention for any length of time in a juvenile facility or enrollment in a juvenile court school

Allowable Exclusions

A student may be excluded or denied enrollment in a school if the student:

1. Has not been immunized properly (see exception above for students who are homeless, in foster care, children of a military family, or migratory children) [EC 48216]
2. Resides in an area subject to strict isolation or quarantine of contacts [HSC 120230]
3. Is infected with a contagious or infectious disease [5 CCR 202]
4. Was expelled by the governing board of a school district [EC 48915.1, 48915.2]
5. Is an individual 12 years of age or older arriving from another state and it is within 10 school days before the end of the term [EC 48231]

Proper notice of exclusion must be provided as specified in AR 5112.2, Exclusion from Attendance.

Individuals with Exceptional Needs

EC 48203

When the Superintendent severs the attendance or denies admission of any individual with exceptional needs (*e.g.*, student with an IEP or Section 504 plan) who is subject to compulsory education, a report of the student's severance, expulsion, exclusion, exemption, transfer, or suspension beyond 10 school days must be sent to the county superintendent of schools (OCDE). The report must include names, ages, last known address, and the reasons for the severance, expulsion, exclusion, exemption, transfer, or suspension.

HOMELESS/FOSTER YOUTH

Liaison Roles & Responsibilities

All LEAs must designate appropriate staff person(s) to serve as the liaison for homeless youth and foster youth; the Director of Student & Community Services serves as both the homeless and foster youth liaison for the BPSD. The duties and responsibilities of the liaisons are provided below -- the District may expand upon these duties and responsibilities, as needed.

Homeless Youth Liaison

42 USC 11432; EC 48850 et seq.; BP/AR 6173

1. Review and update applicable board policies and administrative regulations; in particular, those that may act as barriers to enrollment of homeless youth in schools.
2. Participate in professional development.
3. Provide ongoing technical assistance, professional development, and sensitivity awareness activities to school personnel that provide services (*i.e.*, administrators, counselors, teachers, clerical staff).
4. Coordinate and collaborate with departments (*e.g.*, nutritional services, special education, business services, etc.) within the district to identify and provide services and resources to homeless youth and their families.
5. Develop and coordinate collaboration with state, county, and community agencies (*i.e.*, mental health, social services, public housing, etc.) to identify and provide services and resources to homeless youth and their families.
6. Ensure homeless youth are identified by school personnel through outreach and coordination activities with other entities and agencies.
7. Administer a housing questionnaire on a yearly basis, and report the number of homeless children and youth and unaccompanied youth to the CDE based on the completed questionnaires.
8. Ensure students are not segregated into separate schools/programs or stigmatized based on their homeless status.
9. Work together with homeless youth, educators, care providers, and advocates to maintain stable school placements and to ensure each homeless youth has the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress
10. Ensure that homeless youth and their families:
 - a. Have access to and receive educational services for which they are eligible.
 - b. Receive referrals to appropriate services (*e.g.*, health care, dental, housing)
 - c. Are fully informed of transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school.
11. Participate in meetings/processes including, but not limited to, enrollment disputes, SART/SARB, IEP and Section 504, manifestation determination reviews, and expulsion hearings.
12. Disseminate information regarding the educational rights of homeless youth at locations frequented by parents, guardians, and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens.

Foster Youth Liaison

20 USC 6312; EC 48850, 48853, 48853.5; BP/AR 6173.1

1. Review and update applicable board policies and administrative regulations.
2. Provide ongoing technical assistance, professional development, and sensitivity awareness activities to school personnel (*i.e.*, administrators, counselors, teachers, clerical staff). Training topics should include, but are not limited, to the following:
 - a. Rights of foster children and youth
 - b. Educational rights holder – consent to services and special education
 - c. School enrollment procedures
 - d. Student records requests and transfers
 - e. Collaboration with child welfare agencies and probation
3. Coordinate and collaborate with departments (*e.g.*, nutritional services, special education, business services, etc.) within the district to identify and provide services and resources to foster youth and their adult caretakers.
4. Collaborate with the county office of education, county placing agencies, social services, probation officers, juvenile court officers, and other local agencies to help coordinate services for the district's foster youth.
5. Collaborate with the local child welfare agency to determine how transportation will be provided, arranged, and funded in a cost-effective manner to enable foster youth to remain in their school of origin, for the duration of their time in foster care, when it is in their best interest to do so.
6. Ensure foster children and youth are properly identified by school personnel and promptly enrolled in school.
7. Ensure foster children and youth have equal access to all educational services for which they are eligible.
8. Assist foster youth with enrollment, school placement, and transfer of schools.
9. Ensure proper transfer of student records and grades when a foster youth transfers from school to school.
10. Inform foster children and youth of educational and related opportunities available and encourage the adult caretaker to participate in the foster youth's education.
11. Ensure that the foster youth's attorney and representative from the appropriate county child welfare agency is notified when that student is undergoing any expulsion or other disciplinary proceeding, including a manifestation determination meeting when the student receives special education services.
12. Ensure that the standardized notice of the educational rights of foster children developed by CDE, in consultation with the California Foster Youth Education Task Force, is posted on the District's website.

Notification of Liaison

The identity or identities of the homeless and foster youth liaison(s) must be designated by the Superintendent/Board of Education and consistently publicized. Annual reviews and updates of the following should be conducted, where necessary:

1. AR 6173 - Education for Homeless Children. Title or position, address, and phone number of the designated individual.

2. AR 6173.1 - Education for Foster Youth. Title or position, address, and phone number of the designated individual.
3. Liaison's name and contact information posted on the district website and any schools that have their own websites. Additionally for schools that have their own websites, the name and contact information of any employee or person under contract who has been assigned to assist the liaison in completing the liaison's duties at the school-site level must also be posted.
4. Liaison contact lists posted on the OCDE and CDE websites
5. Any public notices of educational rights (*i.e.*, flyers, posters, brochures)
6. Annual Notification of the Rights and Responsibilities of Parents and Students
7. Forms and notices, such as those related to:
 - a. Student residency questionnaire
 - b. Enrollment dispute resolution

Identification

Homeless Children & Youth

Definition

42 USC 11432a; BP/AR 6173

The McKinney-Vento Act defines homeless children and youths as individuals who lack a fixed, regular, and adequate nighttime residence. This definition also includes: [42 USC 11432a]

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Children and youths who may be living in motels, hotels, trailer parks, shelters
- Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
- Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above

Fixed. A residence that is stationary, permanent, and not subject to change. Factors to consider:

- Where was the family living previously?
- What brought the family to the current living situation?
- Does the family have any legal right to be in the home?
- Where would the family go if they couldn't stay in their current location?
- Could the family be asked to leave at any time?
- Is the family seeking another place to live? If so, how soon does the family plan to move?
- Is shared residence with another family for the purpose of saving money? Is the housing shared equally and is this a permanent plan?
- Is the location on wheels? Does it move to various locations?

Regular. A residence that is used on a regular, nightly basis – it is consistent. Factors to consider:

- Does the family move frequently or does the family stay in the same place each night?

- Does the family have a key to the place they are staying so that they can come and go freely?
- How long has the family been at that location?
- What is their short-term and long-term residence plan?
- How long did they live in the last place? Why did the family leave?

Adequate. A residence that is sufficient for meeting both the physical and psychological needs typically met in a home environment. The residence has adequate privacy, space, security, lighting, and ventilation, etc. Factors to consider:

- How large is the residence and how many people reside at that location?
- Is the family sharing a room? If so, how many people share one room?
- Where does the family sleep – is it in a bedroom, or in a public area such as a dining room or living room?
- Does the place have running water, electricity, and heat?
- Does the place have basic fixtures such as a functional toilet, shower, kitchen, etc.?
- What is the condition of the place?
 - Is it safe, warm, and dry?
 - Is there glass in the window panes?
 - Are there holes in the structure?
 - Is it infested with vermin or mold?
- Is the housing sub-standard (e.g., housing that may cause significant injury, illness, or death) due to:
 - Health and safety issues?
 - Number of occupants vs. number of square feet?
 - Age of occupants?
 - Local and state building codes?

Unaccompanied Youth

Unaccompanied youth are afforded the same rights as that of homeless youth only if they also meet the McKinney-Vento definition of homelessness. An unaccompanied youth is defined as a minor who is not in the physical custody of the minor's parent. The situation may be the result of:

- Hospitalization, incarceration, deportation, or death of the parent
- Separation from parent due to lack of housing
- Escape from emotional, physical or sexual abuse
- Escape from family dysfunction (e.g., issues related to blended families, substance abuse, gang involvement, sexual orientation)
- Push-out from the parent
- Running away from a foster care placement or again out of the foster care system

Generally, an unaccompanied youth may make decisions on their own. If an educational rights holder is needed to assist the student with special education and related services, the LEA can appoint a surrogate parent that meets specified criteria established by law. In all areas where there is no conflict of interest, the homeless liaison may assist the unaccompanied youth.

Identification Procedures

42 USC 11432(g)(6); EC 48851, 48851.5; BP/AR 6173

The McKinney Vento Assistance Act mandates that homeless children and youth are identified by school personnel through outreach and coordination activities with other entities and agencies and that homeless children and youth and their families receive referrals to appropriate services (e.g., health care, dental, mental health, substance abuse, housing). The administration of the housing questionnaire (HQ) on an annual basis is intended to comply with that mandate. As such, the HQ must be provided to all parents of students and all unaccompanied youth, and must:

- Include an explanation of the rights and protections of homeless youth and unaccompanied youth
- Be made available in the primary language of the parent or unaccompanied youth pursuant to EC 48985 or translated upon the request of the parent or unaccompanied youth
- Be made available in paper form

The number of homeless youth and unaccompanied youth that are identified through the completed HQs must be annually reported to CDE.

Foster Youth

Definition

EC 42238.01; BP/AR 6173.1

The following are the categories of circumstances under which a student is considered a foster youth in California or under the ESSA:

1. *Out-of-Home Child Welfare.* Students who are the subject of a petition filed under WIC 300 and removed from the home; includes Indian Youth in State Foster Care (federally recognized tribes under agreement between tribe and CDSS).
2. *Out-of-Home Probation.* Students who are the subject of a petition filed under WIC 602 and removed from the home.
3. *Family Maintenance.* Students who are the subject of a petition filed under WIC 300 and remain in the home receiving court ordered family maintenance services.
4. *Non-minor Dependents.* Students age 18+ enrolled in high school, including those receiving special education services until age 21. [WIC 451]
5. *Voluntary Placement Agreements.* Students who are under the placement and care of a child welfare agency and removed from the home through a voluntary placement agreement as defined in WIC 11400(o) & (p).
6. *Tribal Foster Youth.* Students who are under the jurisdiction of a tribal court as defined under EC 42238.01(b).

For more detailed information on the different entitlements, supports, and services afforded to each of the categories of foster youth described above, go to: <https://www.cde.ca.gov/ds/sg/fosteryouth.asp>.

Identification Procedures

Foster youth can be identified in the following manner:

1. CALPADS updates. Weekly notices informing the District of the foster youth enrolled in its school(s) and disaggregated data to help foster youth receive appropriate educational supports and services.
2. Access to CALPADS
3. Foster Focus

4. Court documentation

Educational Rights Holder

Every foster youth under the age of 18 must have an educational rights holder, who is required to make education decisions in the youth's best interest. Once the student turns 18 years of age, the rights transfer to the student. It is important that the educational rights holder is identified at the time of enrollment, and any changes must be documented in a timely manner so as not to delay any provision of rights (e.g., exemption to local graduation requirements, initiating and implementing an IEP).

Even though foster youth can be removed from their homes, the educational rights may still be retained by the parent/guardian. When the rights of the parent/guardian are limited or revoked, the court may appoint another individual as the educational rights holder. The court may also refer the student to the LEA for the appointment of a surrogate parent that meets specified criteria established by law. The rights will not be granted to anyone with a conflict of interest, such as a group home staff, social worker, or probation officer.

STUDENT ATTENDANCE

Key Terms

Compulsory Education: A student between the ages of 6 and 18 who is not otherwise exempted must attend school for the full time designated as the length of the school day by the governing board. [EC 48200]

Chronic Absentee: A student absent on 10 percent or more of the days enrolled, calculated by dividing total absences by the total number of school days the student is enrolled during the school year. Unlike truancy, this measure includes all absences – including excused absences and out-of-school suspensions – and assumes all excessive absence impedes learning. [EC 60901(c)(1)]

Truant: Any pupil subject to compulsory full-time education who is absent from school without a valid excuse three full days, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or the superintendent of the school district. [EC 48260(a)]

Habitual Truant: Any student is deemed a habitual truant who has been truant three or more times per school year. However, this designation can only be made following a conscientious effort by an appropriate district officer or employee to hold at least one conference with a parent or guardian of the student. In addition, notifications as required by EC 48260.5 must be sent to parents through the most cost-effective means possible which may include electronic mail or a telephone call. [EC 48262]

Chronic Truant: Any pupil subject to compulsory full-time education who is absent from school without a valid excuse for ten percent or more of the school days in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with EC 48260, 48260.5, 48261, 48262, 48263, and 48291. [EC 48263.6]

School Attendance Review Board (SARB): Composed of representatives from various youth-serving agencies, SARBs help truant or recalcitrant students and their parents/guardians solve school attendance and behavior problems through the use of available school and community resources. [EC 48321]

Supervisor of Attendance

EC 48240-48246; AR 5113.11

The Governing Board must appoint a supervisor of attendance and any assistant supervisors of attendance; only employees who have been lawfully certificated for the work by the county board of education may be appointed.

Duties and Responsibilities

The duty of the supervisor of attendance is to promote a culture of attendance and establish a system to accurately track student attendance in order to achieve the following:

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

3. Identify and address factors contributing to chronic absenteeism and habitual truancy, including suspension and expulsion.
4. Ensure early identification of students with attendance problems to provide appropriate support services and interventions.
5. Evaluate the effectiveness of strategies implemented to reduce chronic absenteeism rates and truancy rates.

Support Services and Interventions

The supervisor of attendance may provide support services and interventions, including, but are not limited to:

1. Staff-parent-student conference.
2. Promoting co-curricular and extracurricular activities (e.g., tutoring, mentoring, the arts, service learning, or athletics) that increase student connectedness to school.
3. Recognizing students who achieve excellent attendance or demonstrate significant improvement in attendance.
4. Referral to a school nurse, counselor, psychologist, social worker, and other student support personnel for case management and counseling.
5. Collaboration with child welfare services, law enforcement, courts, public health care agencies, or government agencies, or medical, mental health, and oral health care providers to receive services.
6. Collaborating with student study teams, SART, or other intervention-related teams to assess the attendance or behavior problem in partnership with the student and his/her parents/guardians/caregivers.
7. In schools with significantly higher rates of chronic absenteeism, identify barriers to attendance that may require schoolwide strategies rather than case management.
8. Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an IEP or Section 504 Plan.
9. Referral to SARB or to the probation department pursuant to EC 48263.
10. Referral to a truancy mediation program operated by the county's district attorney or probation officer pursuant to EC 48260.6.

Absences and Excuses

Excused Absences

EC 48205; AR 5113

Absences must be excused for the following reasons, as provided under EC 48205 (unless otherwise specified):

1. Student's illness, including absence for the benefit of the student's mental or behavioral health
2. Quarantine under the direction of a county or city health officer
3. Medical, dental, optometrical, or chiropractic appointment
4. Attendance at the funeral services for a member of the immediate family

- a. Limit of one day if the service is conducted in California
 - b. Limit of three days if the service is conducted out of state
 - c. "Immediate family" means parent or guardian, brother or sister, grandparent, or any other relative living in the student's household
5. Jury duty in the manner provided by law
6. The illness or medical appointment during school hours of a child to whom the student is the custodial parent, including absences to care for a sick child, for which the school must not require a doctor's note
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to:
 - a. Appearance in court
 - b. Attendance at a funeral service (not a member of the immediate family)
 - c. Observation of a holiday or ceremony of the student's religion
 - d. Attendance at religious retreats not to exceed four hours per semester
 - e. Attendance at an employment conference
 - f. Attendance at an educational conference offered by a nonprofit organization on the legislative or judicial process
8. Serve as a member of a precinct board for an election pursuant to Elections Code 12302
9. Spend time with the student's immediate family who is an active duty member of the uniformed services, as defined in EC 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position
 - a. Period of time determined by the Superintendent
 - b. "Immediate family" means parent or guardian, brother or sister, grandparent, or any other relative living in the student's household
10. Attendance at the student's naturalization ceremony to become a United States citizen
11. Participation in a cultural ceremony or event
12. Participation in religious exercises or to receive moral and religious instruction in accordance with district policy, subject to the following conditions: [EC 46014]
 - a. The student's parent provides written consent for the absence
 - b. The student attends at least the minimum school day
 - c. The student is excused from school for this purpose on no more than four days per school month
13. Work in the entertainment or allied industry [EC 48225.5]
14. Confidential medical services [EC 46010.1]
15. Parental leave taken before the birth of the student's infant if there is a medical necessity and/or after childbirth [EC 46015]
16. Other reasons authorized at the discretion of school administrators based on the student's specific circumstances [refer to EC 48260]

Method of Verification

5 CCR 306; EC 46012; AR 5113

When a student who has been absent returns to school, a satisfactory explanation verifying the reason for the absence must be provided, with the exception of #6 above, under “Excused Absences” (e.g., students caring for their child). Absences must be verified by the student’s parent or other person having control of the minor (e.g., caregiver, foster parent).

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail from the parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student’s parent/guardian or parent representative. The employee must subsequently record the following:
 - a. Name of student
 - b. Name of parent or caregiver
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence
3. Visit to the student’s home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee must document the verification and include the information specified in item #2 above.
4. Physician’s verification.
 - a. When excusing students for confidential medical services or verifying such appointments, staff may not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.
 - b. If a student shows a pattern of chronic absenteeism due to illness, staff may require physician verification of any further student absences.

School Site Interventions

EC 48260-48273; AR 5113.1

School-site interventions should begin as soon as irregular attendance patterns begin. Best practice is for the contact to be personal and positive; discuss why the student is absent and attempt to address barriers to attendance. Connectedness and follow-through can prove to be successful in changing behavior. DOCUMENT all interactions with the student and family in the event that the attendance issues cannot be resolved, and the case must be referred to SARB. School-site interventions may take a number of different forms including, but not limited to:

Notifications

The following letters should be sent in family’s home language and English:

First Notification of Truancy

“Truant” is defined by EC 48260 to mean a student who has been absent from school without a valid excuse for more than 30 minutes on each of three days in one school year. EC 48260.5 describes information to be included in the notification to parents.

Subsequent Report of Truancy

Subsequent report of truancy per EC 48261 is to be sent once a student who has been reported as a truant, was sent the first notification of truancy, and is again absent or tardy from school without a

valid excuse on one or more days. The school should continue to identify underlying problems and link family members to support services.

Habitual Truant Notification

The student is deemed an habitual truant after being reported as a truant three or more times per school year per EC 48262. The school must have made a conscientious effort to hold at least one conference with the student and parent after the student has been identified as a truant to send this notification.

Chronic Absenteeism Notification

Not mandated by law, but notification will help raise awareness before absences reach a critical point, particularly when absences are excused

Parent Conferences

Parent conference may be utilized to accomplish any of the following:

- Provide an update on student's attendance (*i.e.*, tardies, truancy and chronic absences)
- Express concern regarding irregular attendance patterns; address attendance barriers
- Link families with school-based and community-based resources
- Show parents/guardians how to access parent portals on the student information system
- Encourage parents to monitor attendance regularly

Home Visits

Particularly for parents with whom communication is challenging, home visits may be a valuable tool to:

- Observe the home environment to get an accurate picture of the family circumstances
- Obtain updated contact information
- Outreach to older and/or younger children in the home
- Demonstrate caring and connectedness

School Attendance Review Team (SART) Meeting

Multidisciplinary team meeting to help diagnose issues and provide support for the family.

- The team may include:
 - Administrator
 - School counselor or social worker
 - Office manager or attendance clerk
 - Teacher(s)
 - School nurse or health clerk
 - School psychologist
 - Community liaison or interventionist
- Attempt to resolve attendance issues through attendance improvement plan by:
 - Identifying barriers to regular attendance (academic challenges, health, social, or emotional challenges, or concerns about safety in or outside of school, or en route to school) and linking families to local resources to address them

- Setting goals for attendance improvement
- Using a school calendar to track absences
- Setting up daily routines for parents and students
- Exploring school-based and community-based resources including specialized programs, alternative school/programs, tutoring programs, mentoring programs, recreation programs, Section 504 plan
- Develop a SART Contract/Agreement to be signed by parent/guardian, student and school representative
- Discuss follow-up and monitoring plans for the student and family
- Family may be referred to SARB if irregular attendance continues

School Attendance Review Board (SARB)

EC 48320-48325; BP 5113.12

If school-site interventions have not proven to be successful, the family may be referred to SARB. After the referral is made, a designated staff member reviews the case to determine whether the school has included sufficient documentation on the student's attendance or behavior concerns. If the staff member considers the documentation and verification actions incomplete, the case may be remanded to the school for further work. If the referral is complete, the staff member will determine the need for special assistance from community or school personnel, and identify a date and location for the SARB meeting.

SARBs are a tool to provide intensive guidance and coordinated community services to meet the needs of students with persistent attendance or behavior problems in school. Local SARBs may include, but need not be limited to, the following representatives:

- | | |
|---|--|
| ● Parent | ● Child welfare and attendance (CWA) |
| ● School district(s) | ● School or county health care personnel |
| ● County probation department | ● School, county, or community mental health program |
| ● County social services department | ● County district attorney's office |
| ● County superintendent of schools office | ● County public defender's office. |
| ● Law enforcement | ● Other as needed |
| ● Community-based youth service center | |
| ● School guidance personnel | |

The Brown Act

GC 54950-54963; BP 5113.12

Since members are appointed by county boards of education or district governing boards, they are bodies of a local agency and are subject to the requirements of the Brown Act open meeting law. As such, SARB agendas must be posted three days in advance of the meeting, and members can act only on matters included on the agendas. SARBs may hold closed sessions when considering matters relating to individual students, unless the parent requests an open session in writing. Closed sessions need to be part of regular or special meetings for which notices and agendas are required.

Effective SARB Conferences

- Ensure that meetings adhere to the agenda and that a consistent procedure is used
- Tone for the conference should be firm but fair with a focus on improving outcomes
- Welcome parents to the meeting and explain the purpose of the SARB meeting

- Encourage SARB panel and family members to be active participants in the meeting
- Remind members that the purpose of the SARB meeting is to help, not punish, the student
- Give concrete suggestions and provide specific site-based and/or community-based resources for the parent and pupil
- Give the parent(s) a copy of the SARB Contract/Agreement with written directives and detailed resource referrals

SARB Contract/Agreement or Directives

The SARB develops directives in the SARB Contract/Agreement which is signed by the student, parent, SARB chairperson, and school district representative. The Contract/Agreement should include:

- An agreement that the student will attend school or improve classroom behavior
- A statement of the responsibilities of all persons involved
- Specific referrals made to community services or agencies
- Follow-up dates by which the school must report to the local SARB on the student's progress

The SARB chairperson may choose to send a follow-up letter to confirm the SARB directives.

Follow-up

The school representative is responsible for submitting follow-up reports to the SARB. Follow-up reports will determine if:

- The case will continue to be monitored;
- The case can be terminated; or
- The SARB needs to refer the case to Truancy Mediation or for legal recourse

STUDENT RECORDS

Maintenance and Destruction of Records

Definitions

34 CFR 99.3; EC 49061; BP/AR 5125

Student Records (A.K.A. Pupil Records, Education Records)	Any item of information, or document that includes information, directly related to an identifiable student that is maintained by the school or district in any form (<i>i.e.</i> , handwriting, hard copy, electronic, recording, microfilm, etc.).
Access	Personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record, and a request to release a copy of any record.
Rights of the Parent (or other educational rights holder)	In addition to having full right of access, the right to challenge the content of a record, offer a written response to a record, or consent to release records to others. These rights transfer to a student at age 18.
Disclose, Disclosure	Permit access to, or the release, transfer, or other communication of, personally identifiable information contained in records by any means (<i>e.g.</i> , oral, written, or electronic) to any party.
Destroy, Destruction	Disposal of records or deletion of digital copies of records in a confidential manner.

Custodian of Records

5 CCR 431, 433; (BP/AR 5125)

The Assistant Superintendent of Business Services is designated as the custodian of records, with responsibility for student records at the district level. At each school, the principal, or a certificated staff member designated by the principal, serves as the custodian of records for all students enrolled at their school. (*Note:* Whether at the district or site level, only certificated personnel can be designated as a custodian of record.)

Location of Records

5 CCR 433

The CUME folder is considered the “central file” where records are maintained. When records are maintained anywhere else -- such as in AERIES or an administrator’s office -- a notation must be made in the central file indicating where those records are located.

If a law enforcement agency investigating a case of a missing child sends the school a notification of a student’s disappearance, the school must place the notice in front of the student’s CUME folder until the case is resolved. As long as the notice is attached, any request or inquiry of the student’s records must be reported to law enforcement.

Security of Records

Custodians of records are responsible for the security of student records by:

- Ensuring access is limited to authorized persons.

- Implementing strategies to prevent alteration, damage or loss of records.
- Keeping accurate and comprehensive student records as required by law.

Content of Records

5 CCR 432; BP/AR 5125

Active student records, whether in the original or exact copy thereof, are classified into three different types: (See chart on the following page for specific details)

1. Mandatory permanent records. Records which the district must maintain indefinitely.
2. Mandatory interim records. Records which the district is required to maintain for a set period of time before they can be destroyed -- typically, three years after they are no longer useful because the student has left the district.
3. Permitted records. Records which the school or district may choose to maintain for appropriate education purposes.

ACTIVE RECORDS REFERENCE CHART		
<i>Mandatory Permanent</i>	<i>Mandatory Interim</i>	<i>Permitted</i>
<ul style="list-style-type: none"> • Legal name • Date of birth • Method of verification of birth date • Sex • Place of birth • Name & address of parent <ul style="list-style-type: none"> ○ Student's address, if different ○ Annual verification • Enter & leave date of each school year, summer session, or other extra session • Subjects taken • Marks or credits towards graduation • Verification of or exemption from required immunizations • Date of high school graduation or equivalent • Daily attendance • Records pertaining to any accident or involving a minor for which a claim for damages has been filed 	<ul style="list-style-type: none"> • Access log • Health information • Participation in special education programs (including Section 504) • Language training records • Progress slips and/or notices • Parental restrictions regarding access to directory information • Rejoinders to challenged records and to disciplinary action • Parental authorizations or prohibitions of student participation in specific programs • Results of standardized tests less than 3 years old • Attendance records • Work permit applications and work permits • Suspension notices and expulsion records • Independent study evaluation & findings 	<ul style="list-style-type: none"> •

Inactive Records

Access and Disclosure of Student Records

Timelines

<i>Circumstance</i>	<i>Days</i>	<i>Code Section</i>
Requested by a parent of a currently enrolled or former student for copies of, or to inspect and review, records during regular school hours	5 business	EC 49069.7
Request from a student's new school of attendance for the student's special education records	5 business	5 CCR 3024(a)
Notification of a foster youth's transfer to a new school	2 business	EC 49069.5(d)
When a student is a child of a military family, request from the student's new school of attendance	10 calendar	EC 49701, Article IV
Upon a student's release from the juvenile detention facility	72 hours	EC 48647(c)(1)
Request from a student's new school of attendance for the student's education records; applicable to both private and public schools	10 school	EC 49068(b)

Parent Access

EC 49069.7, 49076; AR 5125

A parent has access to their student's records within five business days of submitting a written request to the school. An individual acting as a parent in the absence of a parent or guardian, such as a person who completed the Caregiver's Affidavit, a foster parent, or resource family has the same right of access to records. Any written request for access -- whether for personal inspection or to receive a copy of the records -- must be accepted.

Although the rights transfer from the parent to the student when the student turns 18 years of age, the parent may continue to have access to their student's records if the student is still being claimed as a dependent under the IRS.

Parents who wish to inspect and review their student's records in-person must contact the office of the school principal, or submit a written request to the principal's office that identifies the records that the parent would like to review. A date and time will be arranged with the parent so that an administrator or appropriate certificated staff member may be present to supervise the inspection/review and/or to assist with interpreting the content of the records. Hard copies of records requested require a fee of 5 cents per page to cover the cost of reproducing the records, except when the cost effectively prevents the parent from exercising the right to access records.

Noncustodial Parent

FC 3025

As long as there are no court orders (*i.e.*, restraining order, custody order) that limit access, the noncustodial parent can access their child's records without obtaining consent from the custodial parent or other educational rights holder. Specifically, noncustodial parents are entitled to records and information pertaining to their minor child, including, but not limited to, medical, dental, and school records. Since the school has five days to fulfill the request, staff should utilize this time to verify the status of the noncustodial parent and determine if access to their child's records is appropriate.

Records of Foster Youth

EC 49069.3

Although access without prior parent consent is granted to the following individuals or agencies under EC 49076, EC 49069.3 further specifies that they may have access to the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by the schools for students and parents (*e.g.*, *Aeries portal*) and any IEP or Section 504 Plan maintained by the District:

1. A foster family agency with jurisdiction over a currently enrolled or former student
2. A short-term residential treatment program staff responsible for the education or case management of a student
3. Caregiver who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family (*Note*: a caregiver may access the information specified above regardless of whether the caregiver has been appointed as the student's educational rights holder.)

Parent Consent to Disclose Records

34 CFR 99.30; EC 49075; AR 5125

When requesting, or consenting to, the school to disclose records to an individual, agency, or organization, parents must provide in writing the following information to the principal:

1. The specific records to be disclosed
2. The party receiving the right of access
3. The purpose of the disclosure

Student Access

EC 49076; AR 5125

Only students that meet the following conditions may access records without their parent's written consent:

- At least 16 years old or has completed the 10th grade
- At least 14 years old, both homeless and unaccompanied

School Officials and Employees

34 CFR 99.31; EC 49076; AR 5125

Only school officials and employees who have legitimate educational interest have access to student records.

School officials and employees are officials and employees whose duties and responsibilities to the school or district, whether routine or as a result of special circumstances, require that they have access to student records. Some contractors, consultants, volunteers, and other parties may also be considered school officials and employees if specified in an agreement or MOU between the district and the party. Such access should be limited to the item of information, document of information, or

level of access to AERIES that would allow the school official/employee to fulfill their specific roles and responsibilities.

Examples of duties and responsibilities that would establish the legitimate educational interest of school officials and employees include, but are not limited to:

- Working with students
- Compiling and analyzing data for the school
- Reviewing education records to fulfill professional duties and responsibilities
- Considering disciplinary or academic actions
- Ensuring students receives appropriate supports and services to address a disability
- Connecting students to educational programs
- Identifying conditions that are impacting students' progress at school
- Communicating with the parent/caregiver regarding the student's progress in school
- Investigating or evaluating school programs

Directory Information

34 CFR 99.3, 99.37; EC 49061, 49073; BP/AR 5125.1

Directory information is personally identifiable information, designated by the district, of current and former students that is not generally considered harmful or an invasion of privacy. It can be disclosed without prior parent consent to individuals, officials, or organizations outside of the school system that have been pre-identified by the district. Both the categories of directory information and the parties who may receive directory information must be listed in board policy and provided to parents through the *Annual Notification*. Parents have the option, on an annual basis, to request that their student's directory information not be disclosed. Students who are homeless are automatically opted out of having their directory information disclosed unless their parents have consented to the disclosure.

The district has identified the following personally identifiable information as categories of directory information:

- Name
- Date of birth
- Address, phone number, email address
- Photograph
- Major field of study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- Most recent previous public or private school attended

Directory information cannot include a student's social security number or student ID number that can be used to gain access to records. It also does not include the student's citizenship status, immigration status, place of birth, or any information indicating national origin -- such information can only be released with prior written parent consent or in compliance with a court order.

Directory information may be disclosed to the following individuals, officials, or organizations, or for the following purposes:

- Companies that manufacture class rings, publish yearbooks, or other student-specific items
- School/district publications, such as a playbill for a drama production, annual yearbook, honor roll or other recognition lists, or promotion programs
- Designated school/district photographers
- PTA
- Elected officials
- Representatives of the news media

Access by Authorized Agencies and Their Representatives

34 CFR 99.31; EC 49076; AR 5125

The following agencies and representatives are to be provided access to records without parental consent as long as the school can verify, by reasonable means, that the individual/agency requesting access does in fact have legitimate interest and jurisdiction over that specific student:

- A district attorney participating in or conducting a truancy mediation, or participating in the presentation of evidence in a truancy petition
- A district attorney's office for consideration against a parent for failure to comply with the compulsory education law
- A probation officer, district attorney, or counsel of record for a minor for purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation
- A judge or probation officer for truancy purposes; in which case, the school must inform, or provide written notification to, the parent within 24 hours of releasing such information
- A county placing agency acting as an authorized representative of a state or local educational agency
- An agency caseworker or other representative of a state or local child welfare agency, or tribal organization, that has legal responsibility for the student's care and protection
- A foster family agency with jurisdiction over currently enrolled or former student; a short-term residential treatment program staff responsible for the student's education or case management

Schools can handle most requests for a student's attendance, discipline, and/or grades from AERIES. To determine the legitimate educational interest of the requestor, schools need to do the following:

1. Verify the identity of the requestor and their connection to the student that gives them authority to access records with prior parent consent (*i.e.*, notice on official letterhead, agency badge and/or other identification)
2. Ask for a list of specific records that are being requested and their purpose
3. Ensure that the principal reviews the requested records prior to providing them to the requestor
4. Make a notation in the records access log

Special Requests for Records

Subpoenas. Subpoenas must be lawfully issued; therefore, subpoenas should not be accepted at the school site. The messenger must be referred to Bertha Chavez at the district office.

Law Enforcement. Information from student records may be shared with law enforcement only under the following circumstances:

1. When the officer can provide a letter from the district attorney or court order
2. In filing a report of child abuse or neglect
3. When reporting a missing child
4. When reporting that records of a child who has been reported as missing has been requested, regardless of the requester's authority or capacity (e.g., parent, another LEA)
5. To assist with an investigation of a child who has been kidnapped
6. To report a crime that is listed under EC 48902 (e.g., acts related to firearms, controlled substances, sexual assault/battery), and for a student with a disability, a copy of the student's IEP or Section 504 Plan and disciplinary records must be provided
7. If knowledge of the information is necessary to protect the health or safety of the student or others; the disclosure must be based on an articulable and significant threat that is related to an actual, impending, or imminent emergency (e.g., campus shooting, natural disaster)

Records Access Log

34 CFR 99.32; EC 49064; AR 5125

For each student, a log or record documenting the individuals, agencies or organizations requesting/receiving records and the party's legitimate interest must be kept with the records as long as the records are maintained. Only the parent, the custodian of records and specific agencies (mostly for auditing purposes) may inspect the log.

The log does not need to track the following types of access:

- Any request for access from parents
- Parties to whom directory information is released
- Parties that obtained access through written parent consent
- School officials and employees with legitimate educational interest

Transfer of Records

Content of Records Transferred

5 CCR 438; EC 49068; AR 5125

Before transferring records to another school or school system, update all records even if the student only attended the school for a few days. Keep the original and send a copy of the appropriate records, as specified in the chart below. Records requested by another K-12 public or private school must be transferred within 10 school days upon receipt of the request regardless if the student or parent owes any fees to the school or district. Refer back to the chart on Active Records for guidance.

	Mandatory Permanent	Mandatory Interim	Permitted
California Public School	Required	Required	Optional
Private School	Required	Optional	Optional
Out-of-State School	Required	Optional	Optional

Students Transferring into the School/District

5 CCR 438; EC 48201, 49068(d); BP/AR 5125

If a student transfers from an out-of-district school, immediately send a request for the student's mandatory permanent and mandatory interim records, specifically requesting for any records maintained by the school or received from a law enforcement agency regarding any acts committed by the transferring student that resulted in the student's suspension or expulsion.

If the student is transferring into the school or district from another California school, provide notice to the parent of the record transfer, including a statement of the parent's right to review, challenge, and receive a copy of the student record, if desired.

Students Leaving the School/District

Withholding of Records

EC 48904(b); AR 5125.2

A student who transfers out of the district may have their grades, diploma, and transcripts withheld until the matter is settled if either of the following circumstances occurs:

1. Any real or personal property of the district has been willfully cut, defaced, or otherwise injured; or
2. Any district property was loaned to the student and willfully not returned upon demand of the school

The parent must be notified in writing of their student's alleged misconduct before grades, diploma, and transcripts are withheld. If the parent is unable to pay for the damages or return the property, the district must provide a program of voluntary work for the student in lieu of payment of monetary damages (e.g., community services, as provided in EC 48900.6).

The district must also notify the student's next school of enrollment, requesting the school to reciprocally withhold the student's grades, diploma, and transcripts until the matter is settled.

With the exception of homeless and foster youth, such records are withheld from the student and the parent, not from a requesting school. This applies to both public and private schools. Additionally, in accordance with EC 49014, a public school cannot withhold grades, diploma, and transcripts nor take any other negative action against a student or former student, for a debt owed for reasons other than the two described above.

Challenge to Records

The parent (or other person having educational rights) has the right to challenge the content of any student record by submitting a written notice to the principal. The process begins at the school and may end up being processed by the Superintendent or Governing Board, who may decide to convene a hearing panel to make the final decision on their behalf. Any records from a hearing involving the challenge to records must be maintained in a confidential manner and destroyed one year after the decision of the governing board, unless the parent initiates legal proceedings.

The decision of the Governing Board is final.

If the parent's request to amend the records is denied after going through the entire process, the parent may include in the student's record a written statement or response (e.g., rejoinder). The rejoinder becomes part of the mandatory records and is to be attached to the record that is subject to the objection. It must be disclosed and transferred any time that record is requested.

Criteria for Challenge

5 CCR 436; 34 CFR 99.20(a); EC 49070(a); AR 5125.3

In order to amend or remove any information recorded in the student's record, the parent must be able to show that the content is any of the following:

- Inaccurate
- An unsubstantiated personal conclusion or inference
- A conclusion or inference outside the observer's area of competence
- Not based on the personal observation of a named person with the time and place of the observation
- Misleading
- In violation of the privacy or other rights of the student

Grades

EC 49066, 49070(b); AR 5125.3

Grades are determined by the teacher, but can be challenged if the parent can demonstrate that the grade was the result of a clerical or mechanical mistake, fraud, bad faith, or incompetence, or that the grade was adversely affected because the student did not wear the standardized P.E. uniform as a result of circumstances beyond the student's control.

Name/Gender Change

EC 49062.5, 49070; AR 5125.3, BP/AR 5145.3

The student's legal name and sex must be maintained in the mandatory permanent record. In order to change the legal name, a government-issued document (e.g., CA driver's license, birth certificate, passport, social security card, or court order) must be provided to the school. If no government-issued documentation can be provided, a request to challenge the content of the records may be submitted by either a current or former student. It is unclear if legal documentation is required to change a student's gender.

Any approved change to the student's legal name and/or gender requires that a new document be generated and maintained indefinitely in a confidential manner. This new document must include all of the following information:

1. The date of the request
2. The date the request records were corrected
3. A list of the records that the parent requested to be corrected (e.g., transcript, IEP)
4. The type of documentation provided by the parent to support the change, or documentation related to a challenge of records
5. The name of the employee that completed the request
6. The corrected and former names and/or genders

Hearing Panel

EC 49071; AR 5125.3

If the superintendent or governing board convenes a hearing pane to assist with the determination of amending or removing content in a student's education record, pursuant to EC 49071, the panel is comprised of the following members:

- The principal of a public school other than the public school at which the record is on file; the principal serves as the chairman of the panel
- A certificated employee appointed by the president of its bargaining unit
- A parent appointed by the superintendent or the governing board, depending upon who convenes the panel

The panel members should not be acquainted with the student, the student's parent, or the certificated employee who recorded the information (unless the employee is appointed by the parent). The hearing must be held in closed session, and the panel members must be provided with the copies of the information and records which is the subject of the controversy after the parent has given written consent to release information from the student's education records to the panel members.

Maintenance of Documents Related to a Challenge

34 CFR 99.21(c); EC 49070(c); AR 5125.3

Records of the hearing must be maintained in a confidential manner and destroyed one year after the decision of the governing board unless the parent initiates legal proceedings.

If the final decision is unfavorable to the parent, the parent may place a statement of objection to the decision in the student's education record. That statement becomes part of the student's education record until the information objected to is amended or removed. The statement must be disclosed whenever the portion of the record to which the statement relates is disclosed.

Prohibited Collection and Disclosure of Records

EC 234.7, 49076.7; GC 8310.3

The following are items that must not be collected or solicited:

- Social security number or last four digits of the social security number of the student or the student's parent
- Information or documents regarding the citizenship or immigration status of students or their family members, unless required by state or federal law or as required to administer a state or federally support educational program

A student's citizenship status, immigration status, place of birth, or any other information indicating national origin cannot be released without parental consent or a court order, even if the school has such information.

STUDENT DISCIPLINE

Key Terms

Administrative Hearing Panel. Appointed by the Board of Education to conduct an expulsion hearing on the Board's behalf. The Panel must be composed of three or more certificated persons, none of whom is a member of the Board or employed on the staff of the school in which the student is enrolled. [EC 48918(d)]

Expulsion. Removal of a student from the supervision and control of school personnel. [EC 48925(b)]

Hearing Officer. Contracted by the Board of Education to conduct an expulsion hearing on the Board's behalf. The hearing officer must be an attorney at law having been admitted to practice before the courts of this state for at least five years prior to the appointment. [EC 35207, 48918(d); GC 27720 *et seq.*]

Manifestation Determination. Evaluation of the relationship between a student's disability and act of misconduct that must be undertaken when the District proposes to change the student's placement by imposing disciplinary removals. [20 USC 1415(k); 34 CFR 300.530]

Nonattorney Adviser. An individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or the student's parent to provide assistance at the expulsion hearing. [EC 48918(b)(5)(B)]

Parent. Natural or adoptive parent, legal guardian, the person having legal custody, or other educational rights holder. Includes a student 18 years of age or older, who is not conserved.

Principal's Designee. One of more administrators at the schoolsite specifically designated by the principal to assist with disciplinary procedures. If the principal is the only administrator assigned to the schoolsite, a certificated person at the schoolsite may be designated as the "principal's designee". The principal may designate only one person at a time as the principal's primary designee for the year. However, an additional certificated person may be designated if both the principal and the principal's primary designee are absent from the schoolsite. The designation(s) must be documented in writing and maintained on file in the principal's office and provided to the Department of Student Services. [EC 48911(h)]

Reasonable Suspicion. A search based on a suspicion, supported by specific and objective facts, that a school rule or law has been or is being violated and that the search will uncover evidence of that violation.

Record of the Hearing. A record maintained by any means, including electronic recording, that would allow for a reasonably accurate and complete written transcription of the expulsion hearing to be made. If the District's decision to expel is appealed to the county board of education, a transcript of the hearing must be provided. [EC 48918(g)]

Schoolday. A day upon which District schools are in session OR weekdays during the summer session. [EC 48925(c)]

Statutory Offense. An offense described under EC 48900, 48900.2, 48900.3, 48900.4, and 48900.7, which are the grounds for suspension and expulsion. The list is prescribed by law and cannot be amended except through legislative action.

Student. Includes a student's parent or guardian or legal counsel. [EC 48925(e)]

Suspension. Removal of a student from ongoing instruction for adjustment purposes. However, “suspension” does not mean any of the following: [EC 48925(d)]

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the governing board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or the principal's designee as provided in EC 48910. Removal from a particular class cannot occur more than once every five schooldays.

Sworn Declaration. Testimony of a witness at an expulsion hearing that is presented in the form of a sworn declaration based on a determination that the disclosure of either the witness' identity or their testimony at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. [EC 48918(f)(2)]

Procedural Guidelines: Suspension

Out-of-School Suspension

EC 48903, 48911, 48913.5; BP/AR 5144.1

Only the Superintendent, principal, or principal's designee may suspend a student from school for no more than five consecutive school days per incident even if multiple violations occurred within an incident. Within one school year, a student may not be suspended for more than 20 school days. An additional 10 – for a total of 30 – school days may be added if the student transfers to another school.

1. A student can be suspended only if one of the following conditions apply and it's determined to be an appropriate consequence due to specific circumstances:
 - a. It's the first offense of a similar act described in EC 48900(a)-(e).
 - b. It's a first offense of a similar act *other than* what is described in EC 48900(a)-(e), but the principal or designee determined that the student's presence would cause a danger to others.
 - c. It's not the student's first statutory offense of a similar nature. There is documentation to show that other means of correction, that were age appropriate and specific to the misbehavior, had been applied/attempted previously.
2. An informal conference is held with the student prior to suspension and the student is:
 - a. Informed of the reason for disciplinary action and the evidence against the student.
 - b. Informed of the other means of correction that were attempted.
 - c. Is given the opportunity to present the student's version of the incident and evidence in their own defense.
3. A notice of suspension is issued to the student's parent.

Suspension from Class by Teacher

EC 48910; AR 5144.1

A teacher may suspend a student from class, for the day and the following day, when a student commits an act that is described under EC 48900. One of the three conditions described in #1 above must also be present in order for the student to be suspended. Additionally, the teacher must:

1. Immediately report the suspension to the principal and send the student to the principal or designee for appropriate action.
2. As soon as possible, ask the student's parent to attend a parent-teacher conference regarding the suspension.
 - a. If practicable, a school counselor or a school psychologist may attend the conference.
 - b. If requested by the teacher or the parent, a school administrator must attend the conference.

A student who is suspended from class may not be placed in another regular class during the period of suspension.

On-Campus Suspension

EC 48911.1; AR 5144.1

A student may be assigned to a supervised suspension classroom for the entire period of suspension for having committed an act described in EC 48900 and 48900.2, but only if the student poses no imminent danger or threat to the campus, students, or staff, or if an action to expel the student has not been initiated. Students assigned on-campus suspension must be separated from all other students at the school site in a separate classroom, building, or site.

In order to claim ADA, the following must occur:

- The supervised suspension classroom must be staffed with a certificated employee.
- Each student has access to appropriate counseling services.
- The classroom promotes completion of assignment and tests missed by the student during the suspension.
- If no assignment is given to the student by the student's teacher(s) upon request, the person supervising the suspension classroom must assign schoolwork.

Parent notification must be provided in person or by phone. If the suspension is longer than one class period (or one hour in the elementary school), the notification to the parent must be in writing.

Homework during Period of Suspension

EC 48913, 48913.5; BP 6154

When a parent of a student who has been suspended for two or more school days requests homework (including classwork) that the student would otherwise have been assigned, the student's teacher must provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is later, and is not graded before the end of the academic term, the homework assignment may not be included in the calculation of the student's overall grade in the class.

In requesting homework, the parent is to directly contact the student's teacher(s). A teacher has up to 24 hours from the time of request to provide the homework to the parent. The homework provided must be submitted to the teacher no later than 5 school days from the date the student returns to school from the suspension unless a later date is established by the teacher.

Procedural Guidelines: Expulsion

Recommendation to Expel a Student

EC 48915; BP/AR 5144.1

1. A student is recommended for expulsion only if one of the following conditions apply and it is determined to be an appropriate consequence due to specific circumstances:
 - a. The student committed an act that had been previously addressed, and there is evidence to show that “other means of correction are not feasible or have repeatedly failed to bring about proper conduct.”
 - EC 48915(b)(1) for acts described in EC 48900 (a)-(e) and 48915(a)(1)
 - EC 48915(e)(2) for acts described in EC 48900(f)-(m), 48900.2, 48900.3, and 48900.4.
 - b. The student committed an egregious act, and that there is evidence to show that “due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.”
 - EC 48915(b)(2) for acts described in EC 48900 (a)-(e) and 48915(a)(1)
 - EC 48915(e)(2) for acts described in EC 48900(f)-(m), 48900.2, 48900.3, and 48900.4.
 - c. The student committed an act described in EC 48915(c), which requires mandatory suspension and mandatory recommendation for expulsion. There is evidence to prove that the student committed the expellable act.
2. The act must have occurred at school or at a school activity off school grounds.
3. The Student and Community Services Department is immediately contacted via phone or email to inform the Director that a recommendation for expulsion will be forthcoming. Indicate if the student has an IEP or Section 504 Plan, and/or is a foster or homeless youth.
4. A letter of recommendation for expulsion is sent to the Student and Community Services Department and the parent.
5. The expulsion packet with all the pertinent information and required documentation is prepared and submitted to the Student and Community Services Department within 2-3 days from the date of the suspension.

Extension of Suspension Meeting

EC 48911; AR 5144.1

Once the expulsion packet is received and the contents are reviewed, and the SCS Director determines that the expulsion recommendation is warranted, an extension of suspension meeting is scheduled with the student and the student's parent to determine if the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. The meeting must be held within five days from the date of the suspension.

1. If the student has an IEP or Section 504 Plan, a manifestation determination meeting must be conducted prior to extension meeting.
2. If the student is a homeless youth with an IEP or Section 504 Plan, invite the district's homeless liaison or designee to the manifestation determination meeting.
3. If the student is a foster youth, invite the youth's attorney and social worker to the extension of suspension meeting and, if applicable, the manifestation determination meeting.

After the extension of suspension meeting, and a determination that expulsion may be the most appropriate outcome based on the nature of the violation and the evidence presented, the SCS Director either proceeds with a stipulated agreement or schedules an expulsion hearing before an administrative hearing panel. An expulsion hearing must be held within 30 school days from the date of suspension.

1. If the parent consents to and signs the stipulated agreement, the agreement is presented to the Board of Education for final action.
2. If the matter is to be heard by an administrative hearing panel, the Director assigns three site administrators to the case who will be selected accordingly to ensure that there is no conflict of interest.

Expulsion Hearing

EC 48916.1, 48918; BP/AR 5144.1

The SCS Director facilitates the hearing, following a script to ensure that it is conducted appropriately. A record of the hearing must be made and maintained by any means. Best practice is to record the hearing by electronic means, and have a staff member take notes -- this is so that an accurate transcript of the hearing can be provided should it be needed in an expulsion appeal before the Orange County Department of Education (OCDE).

An expulsion hearing in closed session, unless the student requests, in writing, at least five days prior to the date of the hearing, that the hearing be conducted in open session. Closed session means that the hearing is closed to the public; as such, witnesses should enter the hearing room only when it is time for their testimony.

Rights of the Student

The following are the rights afforded to the student at the expulsion hearing, which are specified in the notice of hearing pursuant to EC 48918(b):

1. Be represented by legal counsel or by a nonattorney adviser
2. Inspect and obtain copies of all documents used at the hearing
3. Confront and questions all witnesses who testify at the hearing
4. Present oral and documentary evidence on the student's behalf, including witnesses
5. Postponement of the expulsion hearing, for a period of not more than 30 calendar days (any additional postponement may be granted at the discretion of the Board)

Presentation of Evidence by the School

All evidence for which the recommendation for expulsion is based must be entered into the record -- this is because all findings of fact and recommendations must be based solely on the evidence adduced at the hearing, and if the student is expelled by the Board of Education and the expulsion is appealed to the OCDE, only the evidence that is contained in the record of the proceedings may be considered. Some considerations related to evidence:

1. *Witness Statements.* A written statement presented as evidence without the testimony of the witness at the hearing is considered hearsay evidence -- no evidence to expel can be based solely upon hearsay evidence.
2. *Sworn Declaration.* In using a sworn declaration, the school must articulate at the hearing why the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. The hearing panel would need to find good cause to accept the sworn declaration based on the reason(s) presented.
3. *Individualized Search.* If a search of the student's person or property was conducted, the reasonable suspicion that resulted in the search must be described and entered as part of the record in the expulsion hearing.

Hearing Panel Roles & Responsibilities

The role of the administrative hearing panel is to hear the expulsion case on behalf of the Board of Education, and to determine whether expulsion of a student is warranted based on the evidence presented by the school recommending the expulsion. The panel of three certificated employees are to select one person to represent the panel; especially, to address any objections to evidence, sworn declarations, searches under reasonable suspicion, and subpoenas.

The main responsibilities of all panel members during the hearing include, but are not limited to:

1. Ensuring that all rules and regulations governing the suspension and expulsion processes have been followed, particularly due process rights afforded to students with IEPs and Section 504 plans, and students identified as homeless or foster youth.
2. Clearly understanding the principal's reason(s) for recommending the expulsion, and verifying that the appropriate EC 4890 and EC 48915 subdivisions have been cited, with substantial evidence supporting those citations.
3. Hearing and reviewing all evidence and witness testimony, including those provided by the student.
4. Asking clarifying questions of documents, information, and testimony provided.
5. Reviewing and discussing any previous interventions and resources that have been implemented or attempted and their outcomes.
6. Reviewing pertinent student records (*i.e.*, academic, behavior, attendance).
7. Maintaining impartiality and modeling expected behavior for all parties throughout the hearing, which means **not**...
 - a. Offering personal opinions
 - b. Lecturing or counseling the student
 - c. Showing favoritism or lack of neutrality
 - d. Badgering or harassing the student and witness
 - e. Asking the same questions repeatedly for the purpose of eliciting a different response
8. Keeping the flow of the hearing focused and on track.

Once the hearing has concluded, the panel must deliberate on their own and provide the SCS Director with their decision. If the decision is that the expulsion recommendation is warranted, then the panel must provide a recommendation for the duration of the expulsion period, the expelled placement, and conditions that should be included in the rehabilitation plan.

Expulsion Decisions

The following are the decisions that both the administrative hearing panel and the Board of Education are required to make:

1. **Duration:** Only when the expulsion is ordered for an act described under EC 48915(c) can the student be expelled for up to one calendar year; otherwise, for all other acts, the period of expulsion is either one semester or two semesters.
2. **Placement.** Typically, the expelled student is placed at a community day school, county community school, or a juvenile court school because of the conditions the placement must meet. If the enforcement of the expulsion is suspended, the expelled student can attend a school or program offered by the District. The parent can decide to enroll the student in a different educational program (*i.e.*, online program, charter school, private school); in which case, the SCS Director should review the program with the parent to ensure that the student will be able to successfully

meet the conditions of the rehabilitation plan during the period of expulsion so as not to jeopardize the student's opportunity to be readmitted after the term of expulsion

3. *Rehabilitation Plan.* The plan details the conditions that must be met in order for the student to be readmitted after the period of expulsion. The conditions should be reasonable and appropriate based on the reason for the expulsion.

Note: Because the Board of Education renders the final decision, they do not have to completely agree with the panel's recommendations.

Required Notices and Timelines

Required Notices	Author and Recipient(s)	Timeline
Notice of suspension	Principal/designee to: <ul style="list-style-type: none"> • Parent 	First day of suspension
Recommendation to expel	Principal to: <ul style="list-style-type: none"> • Superintendent • Parent 	Within 2-3 calendar days from the date of suspension to allow time for the manifestation determination review (<i>if applicable</i>) and extension of suspension meeting to be held prior to the end of the 5 th school day of suspension
Invitation to attend a manifestation determination meeting (<i>only for students with IEP/Section 504 Plan</i>)	SCS Director to: <ul style="list-style-type: none"> • Parent • If foster youth, their attorney and social worker* • If homeless, the designee of the district's homeless liaison* 	Before the 5 th school day of suspension – must be held before the extension of suspension meeting
Invitation to attend an extension of suspension meeting*	SCS Director to: <ul style="list-style-type: none"> • Parent • Applicable staff • If foster youth, their attorney and social worker 	Before the 5 th school day of suspension
Notice to extend the suspension	SCS Director to: <ul style="list-style-type: none"> • Parent • Principal 	Following the extension of suspension meeting, if continuing with the expulsion proceedings
Notice of the expulsion hearing before the administrative hearing panel	SCS Director to: <ul style="list-style-type: none"> • Parent • If foster youth, their attorney and social worker* • If homeless, the designee of the district's homeless liaison* • Principal* 	At least 10 calendar days before the date of the hearing; parent should be provided with time frame to inform the district if they are bringing an attorney to the hearing, requesting a postponement, and/or requesting a hearing in open session
Notice of the Board Meeting to determine final outcome	SCS Director to: <ul style="list-style-type: none"> • Parent • Principal 	Within 3 school days from the date of the hearing before the administrative hearing panel
Notice of the final action ordered by the Board	SCS Director to: <ul style="list-style-type: none"> • Parent • Principal 	Following the Board Meeting; if the student is expelled, include the rehabilitation plan

* Invitations/notifications can be provided through the most cost-effective method possible (e.g., email, phone call).

Frequently Asked Questions

Can a parent prohibit the school from questioning their child?

No. At school and at school-sponsored activities, the doctrine of *in loco parentis* – treating school administrators as standing in the place of parents under circumstances where the parents cannot protect, guide, and discipline their children – would apply. As such, it is well within the rights of a school administrator to question students without prior parent consent or presence.

Before conducting a search of the student, does the parent need to give consent?

No. The doctrine of *in loco parentis* applies in this situation as well. However, per BP 5145.12 (Search and Seizure), the principal must notify the parent of a student subjected to an individualized search as soon as possible after the search.

How many staff members must be present when searching a student?

Per BP 5145.12, searches must be conducted in the presence of at least two district employees, which includes the individual conducting the search.

Does the parent have the right to participate in the informal conference?

No. EC 48911(b) provides that only the following individuals – other than the student and the principal, principal's designee, or superintendent – may participate in the informal conference: teacher, supervisor, or school employee who referred the student for disciplinary action.

Who can suspend a student from school?

Only the principal, principal's designee or superintendent can suspend a student from school. A letter listing the designees, as specified under EC 48911(h), must be on file in the principal's office and with the Student Services Department.

What is the difference between EC 48900 and 48915?

EC 48900, 48900.2, 48900.3, 48900.4, and 48900.7 are statutory offenses that are grounds for suspension and expulsion; statutory offenses may also include the acts described under EC 48915(a)(1). Citing the applicable statutory offense identifies the *actions* of the student. Identifying the applicable EC 48915(b), (c), or (e) provides the *reason* for which the student is being recommended for expulsion – meaning, the principal has determined based on the evidence gathered in the investigation that one of the following is true:

1. The student committed an offense that requires a recommendation to expel. [EC 48915(c)]
2. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct. [EC 48915(b)(1) or (e)(1)]
3. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others. [EC 48915(b)(2) or (e)(2)]

Can a teacher or an administrator suspend a student for an act that is not considered a statutory offense?

No other acts (e.g., gambling, trespassing, cheating/plagiarism, truancy) can be added. Students can only be suspended for acts that are described under EC 48900, 48900.2, 48900.3, 48900.4, and 48900.7. (Note: Teachers may only suspend students from their class for acts described under EC 48900.)

Can a school or district add other reasons that would require mandatory expulsion of a student?

No. Only the acts that are provided under EC 48915(c) require that a student be suspended and recommended for expulsion.

If the administrative hearing panel determines that the student should not be expelled, does that decision need to be Board-approved?

No. The administrative hearing panel's decision to not expel a student is final.

Can a student be involuntarily transferred to another district school if the administrative hearing panel decides not to recommend expulsion?

Only a student who was not recommended expulsion for having committed an act described under EC 48915(c) can be involuntarily transferred to another district school. If the transfer is to a continuation school, the procedures must follow what is established under EC 48432.5. For all other acts and reasons that resulted in an expulsion hearing before an administrative hearing panel, if the panel decides not to recommend expulsion, the student is to return to the instructional program from which the expulsion referral was made – only the parent can request another school placement.

What is the difference between an expulsion and an expulsion under suspended enforcement?

Under both circumstances, the student is expelled by the governing board. However, when an expulsion order is suspended, the student is allowed to attend a district-operated school or program, rather than attending a school outside of the district – such as a county community school or charter school.

What happens if it's discovered – whether at the time of enrollment or after the student had already been in attendance – that the student had been expelled from another school district?

If the student committed an act that's described under EC 48915(a)(1) or 48915(c), the student must be referred to a county community school, a community day school, or a juvenile court school. For all other acts and reasons that resulted in the expulsion, an expulsion hearing must be held to provide the governing board with a recommendation to: (1) deny enrollment; (2) permit enrollment; or (3) permit conditional enrollment in a district school or program.

Can a student's expulsion order be extended?

An expulsion order can only be extended at the time of the readmission review under one or both of the following circumstances:

1. If the student did not meet the conditions of the rehabilitation plan during the period of expulsion.
2. If the Board determines that the student continues to pose a continuing danger to campus safety or others.

Otherwise, the expectation is that the student will return to the school that initiated the recommendation for expulsion or to another comprehensive school.

Grounds for Suspension and Expulsion

Students in Grades TK-8

EC 48900

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a)(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

- (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stole or attempted to steal school property or private property.
 - (h) Possessed or used tobacco, or products containing tobacco or nicotine products.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia.
 - (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (*Note:* Only available to teachers for suspension from class.)
 - (l) Knowingly received stolen school property or private property.
 - (m) Possessed an imitation firearm.
 - (n) Committed or attempted to commit a sexual assault or committed a sexual battery.
 - (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
 - (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
 - (q) Engaged in, or attempted to engage in, hazing.
 - (r) Engaged in an act of bullying.
 - (t) A pupil who aids or abets the infliction or attempted infliction of physical injury to another person.
- EC 48900.7* Made terroristic threats against school officials or school property, or both.

Students in Grades 4-8

EC 48900.2 Committed sexual harassment.

EC 48900.3 Caused, attempted to cause, threatened to cause, or participated in an act of, hate violence.

EC 48900.4 Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils.

Additional Grounds for Suspension & Expulsion

EC 48915(a)(1)

- (A) Causing serious physical injury to another person, except in self-defense.
- (B) Possession of any knife or other dangerous object of no reasonable use to the pupil.
- (C) Unlawful possession of any controlled substance, except for either of the following:
 - (i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
- (D) Robbery or extortion.
- (E) Assault or battery upon any school employee.

Mandatory Recommendation for Expulsion

EC 48915(c)

- (1) Possessing, selling, or otherwise furnishing a firearm (not imitation firearm).
- (2) Brandishing a knife at another person.
- (3) Unlawfully selling a controlled substance.
- (4) Committing or attempting to commit a sexual assault or committing a sexual battery.
- (5) Possession of an explosive.

Important Note: When referencing/citing any of the violations in the Education Code, as listed above, do not make any alterations.

Example 1: If a student committed sexual assault, the appropriate citation would be EC 48900(n) – not EC 48900(N) or EC 48900(n)(1).

Example 2: If a student committed an act of bullying via an electronic act, the appropriate citation would be EC 48900(r) – not EC 48900(r)(2). These codes either do not exist or are inaccurate.

Alternatives to Suspension or Expulsion

EC 48900(v)-(w), 48900.5; BP/AR 5144

Suspension, including on campus suspension, can be imposed only when other means of correction have failed to correct the student's specific misbehavior. A student may only be suspended on a first offense:

- For committing an act described in EC 48900(a)-(e), or
- If determined that the student's presence causes a danger to persons

For either of the two circumstances, there needs to be documented evidence to support the imposition of a suspension. For example, if a student was found to be in possession of an imitation firearm, an act described in EC 48900(m), and there are no prior incidents related to this act, in order to suspend the student on this first offense, there needs to be evidence that having the student on campus would pose a danger to others -- such as a threat assessment report or witness statement(s) indicating intent to use the imitation firearm in a harmful manner. The mere possession of the imitation firearm is not in itself a sufficient reason to impose suspension.

Alternatives to suspension or expulsion provided should be age-appropriate and designed to address and correct the student's specific misbehavior, using a research-based framework with strategies that improve behavioral and academic outcomes. Ultimately, the Legislative intent is for Multi-Tiered System of Supports (e.g., restorative justice practices, trauma-informed practices, social and emotional learning, and positive behavior interventions and supports) to be used to do all of the following:

- Help students gain critical social and emotional skills
- Receive support to help transform trauma-related responses
- Understand the impact of their actions
- Develop meaningful methods for repairing harm to the school community

If any of the following are utilized as other means of correction, the student needs to have a clear understanding of the student's misbehavior: time-out, detention, restricted activity, loss of privilege, or Saturday school. An activity should be occurring at the time to help the student reflect upon the misbehavior and how to refrain from committing the same acts in the future; otherwise, such disciplinary action is considered punitive rather than corrective.

Recess Restriction

EC 44807.5; BP/AR 5144

A teacher may restrict a student's recess time when the teacher believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher must try other disciplinary measures before imposing the restriction. Recess restriction is subject to the following conditions:

1. The student must be given adequate time to use the restroom and get a drink or eat lunch.
2. The student must remain under a certificated employee's supervision during the period of restriction.
3. Teachers must inform the principal of any recess restrictions they impose.

Detention After School

5 CCR 353; BP/AR 5144

Students may be detained for disciplinary reasons up to one hour after school, and must remain under the supervision of a certificated employee during the period of detention.

The student cannot be detained unless the principal or designee notifies the parent. If a student will miss the school bus, or other arranged transportation, on account of being detained after school, the principal or designee must notify parents of the detention at least one day in advance so that alternative transportation arrangements may be made.

If Saturday school is available, students may be offered the choice of serving their detention on Saturday rather than after school.

Community Service

EC 48900.6; BP/AR 5144

A student may be required to perform community service on school grounds or, with written permission of the student's parent, off school grounds, during non-school hours. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. This option is not available for a student who is pending expulsion.

Manifestation Determination Review

300 CFR 300.536; AR 5144.2

A manifestation determination review is required whenever there is a significant change in placement. According to the Office of Civil Rights (OCR), the exclusion of a student for more than 10 consecutive school days, the exclusion for an indefinite period, or the permanent exclusion of a student – such as through an expulsion order – constitutes a significant change of placement under IDEA and Section 504.

Specifically, a manifestation determination review must be conducted:

1. When the student first reaches ten or more days of suspension from school
2. Any subsequent suspensions after the first ten days of suspension
3. As part of the expulsion proceedings

If a student with an IEP or Section 504 Plan is a foster child or youth, the district must invite the student's attorney and the appropriate representative of the county child welfare agency to participate in the manifestation determination review. [EC 48915.5(d)]

If a student with an IEP or Section 504 plan is a homeless child or youth, the district's homeless liaison must be invited to participate in the manifestation determination review. If the district's homeless liaison is also the person designated to process expulsion cases, the district should designate another personnel to provide the student with the appropriate support and advocacy that they are entitled to as a homeless child or youth. [EC 48915.5(e)]

The team is comprised of staff, the parent, and relevant members of the student's IEP or Section 504 Team (as determined by the parent and the LEA). The team is to look at the existing Plan, teacher observations, and any relevant information provided by the parent, to determine whether the conduct was either:

1. Caused by, or had a direct and substantial relationship to, the student disability; and/or
2. The direct result of the district's failure to implement the plan

If the Team finds that the conduct was not a manifestation of the student's disability (by finding that neither #1 nor #2 above is the case), then the expulsion proceedings continue to move forward. If the Team finds that the conduct was a manifestation of the student's disability (by finding that either #1 or #2 above is true), then no further disciplinary measures can be imposed that are relative to the incident. The team would then have to determine if the plan or placement warrants an amendment or adjustment to specifically address the behavior.

SECTION 504

Definitions

Child Find. AN LEA's obligation to identify, locate, and conduct a free evaluation of any student who because of a disability "needs or is believed to need" special education or related services. The purpose is to consider, based on the information that is available at the time, whether a student should be *referred* for an evaluation, not whether the student will *qualify* for services.

Episodic Impairments. An impairment that occurs periodically (e.g., episodic) or is in remission. It is a disability under Section 504 if, when in an active phase, the impairment would substantially limit a major life activity.

Equal Access. An equal opportunity for a qualified individual with a disability to participate in or benefit from educational aids, benefits, or services.

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

Free Appropriate Public Education (FAPE). Refers to the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities and is based upon adherence to procedures that satisfy the requirements pertaining to educational setting, evaluation and placement, and procedural safeguards. LEAs must provide FAPE to each qualified disabled person in its jurisdiction without cost.

Individual with a Disability. A student who meets one of the following criteria:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such an impairment (e.g., student either has a history of a disability or has been misclassified as having a mental or physical impairment that substantially limits one or more life activities); or
3. Is regarded as having such an impairment (e.g., student does not have any impairment, but is treated by others as having a disability).

An individual with a disability may or may not need special education or related aids and services; however, any student who meets the Section 504 definition of an individual with a disability is protected from disability-based discrimination under Section 504's general non-discrimination requirements.

Major Bodily Functions. Functions of the bowel, bladder, and brain; normal cell growth; and the immune, endocrine (e.g., thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems. This list is not exhaustive.

Major Life Activities. An everyday act an average person can perform with little or no difficulty that includes, but is not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communication, and working.

Manifestation Determination. Evaluation of the relationship between a student's disability and act of misconduct that must be undertaken when the LEA proposes to change the student's placement by imposing disciplinary removals.

Mitigating Measures. Adjustments, accommodations, or services that eliminate or reduce the symptoms of an impairment (e.g., medication, medical equipment, prosthetics, hearing aids, therapy, or treatment). Does not include ordinary eyeglasses or contact lenses. The ameliorative effects of mitigating measures must be disregarded when determining how the impairment impacts the major life activities under consideration.

Parent. Natural or adoptive parent or guardian, the person having legal custody, surrogate parent, or other education rights holder.

Physical or Mental Impairment. 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. Also includes any mental or psychological disorder.

Procedural Safeguards. A system of procedures established and implemented by the LEA to address FAPE concerns specifically, such as the identification, evaluation, and educational placement of students with disabilities. Procedural safeguards include notice; an opportunity for records review by parents; an impartial due process hearing, with an opportunity for participation by the student's parents and representation by counsel; and a review procedure.

Related Services. Developmental, corrective, and other supportive services, including psychological, counseling and medical diagnostic services and transportation.

Section 504 Coordinator. Designated employee to coordinate the LEA's efforts to comply with Section 504.

Section 504 Service Plan. A written document developed by a Section 504 team that states the nature of the concern, the specific modifications, and the related support services to be provided to an eligible student.

Section 504 Team. A group of persons knowledgeable about the student, knowledgeable about the meaning of the evaluation data, the placement options, the legal requirements to place a disabled student in the least restrictive environment, and the legal obligation to provide comparable facilities to disabled students. The team should include the Section 504 coordinator or designee, parents, and professionals knowledgeable about the student.

Significant Change in Placement. A substantial and fundamental change in a student's educational program. Whether a change in facilities is a significant change in placement must be determined on a case-by-case basis. If a student is receiving the same services and programming in substantially the same environment, there has not been a significant change in placement. Transfers made due to age considerations, including graduation, are significant changes in placement.

Substantially Limits. Not defined under Section 504. However, on a case-by-case basis, the LEA is to determine if the impairment substantially limits the ability of an individual to perform a major life activity as compared to the condition, manner, or duration which the average same age, nondisabled person in the general population can perform that same major life activity. The impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity to be considered substantially limiting.

Temporary Impairments. A temporary impairment is a disability under Section 504 if it is severe enough that it substantially limits a major life activity for a student. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both, the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

Transitory Impairments. Impairment with an actual or expected duration of six (6) months or less. In the ADAAA, Congress clarified that an individual is not “regarded as” an individual with a disability if the impairment is transitory or minor.

Roles & Responsibilities

Section 504 Coordinator

The Section 504 Coordinator must be designated and identified in the District’s policy and in all 504 related notices. Generally, the Coordinator oversees the implementation of Section 504, which includes, but is not limited to the following:

1. Ensure that the District’s policy is up-to-date and well-communicated to all staff
2. Disseminate awareness materials to facilitate the District’s child find obligations
3. Conduct workshops for staff and families; provide resources and supports
4. Plan and facilitate the Section 504 meetings
5. Monitor the implementation of existing plans
6. Collect, analyze and report on data; identify trends, consider implications, and address needs
7. Coordinate grievance procedures; serve as the liaison to OCR

Section 504 Team

Determination of Eligibility

Referral

Any student who has, or is suspected of having, a physical or mental impairment and who needs or may need educational and related aids and services in order to receive a free appropriate public education should be referred for an evaluation. The referral can be submitted by anyone, including a parent, teacher, other school employee, educational monitoring team, or a community agency. A student does not have to exhibit academic challenges, but may only exhibit those that are behavior-related, in order to be referred for evaluation.

Verbal or written (preferred) referral submitted to a site administrator, school counselor, or the District’s Section 504 Coordinator. The referral should explain the reason(s) for the referral, including information pertaining to the identified or suspected mental or physical impairment and the impairment’s impact on any major life activities.

Evaluation

Once a referral has been received, the principal or Section 504 Coordinator reviews the referral and gathers any relevant information to determine if an evaluation conducted by the Section 504 Team is necessary. If the Team must be convened, then the parent is to be notified, and their consent must be obtained in order to conduct the initial evaluation. A copy of the procedural safeguards must be included with the notice.

If consent is not given, the Section 504 Coordinator will need to consider the student’s best interest and determine if moving forward to a due process hearing is necessary to meet the needs of the student.

If consent is given, the Team is convened to determine eligibility. Conducting an evaluation is not an indication of automatic eligibility. In determining eligibility and identifying the appropriate and necessary accommodations and supports to include in a Section 504 Service Plan, data and information from a variety of sources need to be gathered and reviewed. The following are examples of what should be considered, where available and applicable at the time of review.

Input and Recommendations

- Section 504 referral form
- Teacher observations
- Other staff observations
- Parent questionnaire
- Student questionnaire
- Diagnosis or assessment from a medical professional (*Note: Cannot be a requirement or a condition for eligibility.*)

Assessment Tools

- Sample classwork, projects, and tests of student
- Results from CAASP and/or ELPAC
- Results from the Physical Fitness Test (Grades 5 and 7)
- Results of achievement tests

Student Records

Include records that can be found in the following locations: central cumulative file, confidential files, specific departments/offices, and the student information system (Aeries).

Academic	Behavior	Attendance
<ul style="list-style-type: none"> • Transcript • Current grades/progress • Current class schedule • History of retention/acceleration/early admittance • Interventions attempted 	<ul style="list-style-type: none"> • Statutory offenses committed and the incident result(s) documented • Behavior assessments • Behavior plan • Juvenile court records • Interventions attempted 	<ul style="list-style-type: none"> • Attendance report • Absence verifications • Truancy or chronic absenteeism notices • SART/SARB contracts
Personal Information	Health	Other
<ul style="list-style-type: none"> • Educational rights holder • Living situation • Classification as homeless, in foster care, child of military family, former juvenile court school student, migratory child, English learner • Race/ethnicity • Sex, gender, gender identity, gender expression 	<ul style="list-style-type: none"> • Immunization records or exemptions • Screening results • Health inventory • Emergency card information • Medication regimen & other mitigating measures • Individual healthcare plan • Psychological evaluation 	<ul style="list-style-type: none"> • Participation in school-sponsored athletics/extracurricular activities • Entries by school counselor • Special education records • Results of home visits or wellness checks • Involvement of, referral to county or community agencies (<i>i.e.</i>, social services, probation, health department)

The general timeline is to complete the identification, evaluation, and placement process within a reasonable time frame, regardless of any extended school breaks or times that school is otherwise not in session. Since the 504 provisions do not specify, complying with the IDEA 60-day timeline has been found to be “reasonable”.

Eligibility for a Section 504 Service Plan

In order to be eligible for a Section 504 Service plan, a student must meet the two-prong eligibility criteria, answering “yes” to all of the questions:

1. Does the student have a disability under Section 504?
 - a. Does the student have a physical or mental impairment?
 - b. Does the impairment impact one or more major life activities (or major bodily functions)?
 - c. Is the degree of impairment substantial compared to same age, nondisabled peers in the general population and without benefit of medication or other mitigating measures?
2. If so, does the student need regular or special education under Section 504, related aids and services, or supplementary aids and services because of the disability, and in what setting should the student receive them?

If the answer is “no” to any of the questions under the first prong, then the student is not an individual with a disability. If the answer is “no” to the second prong, then the student is an individual with a disability that is entitled to Section 504 nondiscrimination protections, but does not need a service plan, detailing any accommodations. In either case, the parent is to be provided with:

- Documentation indicating that the student was found to be ineligible for Section 504
- Information regarding how eligibility is determined
- Notice of procedural safeguards

Scope of Accommodations

Accommodations and services are not limited to the classroom, but must be considered in any of the applicable settings or events:

Context	Considerations/Examples
School campus	Ability to move throughout the campus with little to no difficulty
School facilities	Access to buildings, classrooms, bathrooms, cafeteria, auditorium, etc.
Furniture	Size or type of tables and chairs in the classrooms; seating in the auditorium, bleachers, and cafeteria
Specific courses	Requirement of specific physical abilities, such as physical education, lab science, visual and performing arts
Field trips	Location, activity, and duration of the field trip; need for supervision, one-on-one assistance, health care or medication; transportation
Extracurricular Activities	Requirement of specific physical abilities, such as athletics, marching band; access to location of activities; transportation, if applicable
Afterschool Programs	Access to facilities; need for supervision, one-on-one assistance, health care or medication
Disaster Response	Evacuation route and plan; need for health care or medication
Transportation	Ability to get on and off the vehicle; seating; need for health care or medication

The intent of Section 504 is to provide equal access by “leveling the playing field” and to ensure that students with disabilities are not automatically excluded from, or denied the benefit of, participation in district programs and activities. Accommodations should not fundamentally alter the nature of a program or activity.

Annual Review

An annual review needs to be conducted with the 504 Team. The purpose is to consider any changes (whether actual or anticipated) in the new school year – with new teachers, courses, and/or social and physical settings. The Team is to still consider all the different settings and events.

Reevaluation & Exit

The statutory language provides that reevaluations are to be done periodically, with no specific timelines; therefore, it is appropriate to follow IDEA's timeline of assessing every three years. Reevaluation should be conducted if there is reason to believe that the student may have new or additional needs that were not previously evaluated. Reevaluation must be conducted:

- If services are to be terminated or significantly reduced
- Whenever there is a significant change in placement
- When a student is being considered for exit

Students do need to be formally exited from Section 504 after a reevaluation to ensure that the student is no longer an individual with a disability and/or in need of aids and services.

Individual Healthcare Plans

An individual healthcare plan (IHP) is designed to address a student's medical issues that do not impact their learning. It outlines the student's needs and a plan for addressing those needs – such as, clarifying how medication is to be administered, how the student's health status will be monitored, the location where care will be provided, who will be providing the care, and direction and authorization should a health need arise suddenly. If staff training is a necessary component, the IHP will specify the individuals that need training and the person or entity who will provide the training. The IHP is typically developed by a school nurse in collaboration with the student, parents, and the student's licensed health care provider.

A Section 504 Service Plan ensures that the District is focusing on all of the student's needs. It goes beyond just the health needs of the student and involves the provision of aids and services by not only the school nurse but other staff as well. An IHP can be used in conjunction with a 504 Plan, but it cannot be used in place of it because an IHP is an agreement and not a legally binding document like the 504 Plan. The student and parent are not guaranteed any rights and there would be no legal recourse if the District does not comply with an IHP.

OCR considers an IHP as a mitigating measure; therefore, it cannot replace an initial evaluation and it cannot be considered in determining eligibility. IHP would serve as one of the many sources of information that a 504 Team would review as part of the evaluation process.

To determine if a student with an existing IHP needs a 504 Plan, go through the two-prong criteria:

1. Does the student have physical or mental impairment that substantially limits one or more major life activities?
2. Does the student need aids, services or accommodations to allow the student the same opportunities to academic and nonacademic areas as their nondisabled peers?

The student would be eligible for a Service Plan if the 504 Team determines that the answer to both questions is a “yes”.

Specialized Aids & Services

Medication on Campus

Any medication prescribed for a student with a disability must be administered in accordance with the student's Section 504 Service Plan.

The parent is responsible for providing the school with an authorized health care provider's written statement that includes: [EC 49423, 49423.1; 5 CCR 602]

1. Clear identification of the student
2. The name of the medication
3. The method, amount, and time schedules by which the medication is to be taken
4. If a parent has requested that the student be allowed to self-administer medication, confirmation that the student is able to self-administer the medication
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel
6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
7. Possible side effects of the medication
8. Name, address, telephone number, and signature of the student's authorized health care provider

Medications must be provided in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container must also bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider.

Administered by Staff

When allowed by law, prescription medication may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training.

At a minimum, the training must cover how and when medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel must be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

Epinephrine auto-injectors must be made available at each school to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. [EC 49414]

If the District chooses to, naloxone hydrochloride or another opioid antagonist are to be made available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose. [EC 49414.3]

Medicinal Cannabis

Although federal law prohibits the possession of cannabis, as it is still a schedule 1 substance, California law allows for the use and possession of cannabis for medical use. LEAs have the option to

adopt a policy, under BP 5141.21 (Administering Medication and Monitoring Health Conditions), that allows parents the ability to administer medicinal cannabis to their child at school. [EC 49414.1]. Currently, it is presumed that the District prohibits the administration of medicinal cannabis to students on school grounds by parents or school personnel.

If the District decides to adopt a policy allowing for the administration of medicinal cannabis to a student during school hours, the following applies:

1. Parent must first provide the principal or designee a valid written medical recommendation for the student to be given medicinal cannabis.
 - a. The student is a qualified patient pursuant to HSC 11362.7-11362.85.
 - b. The recommendation is to be kept on file at the school.
2. The parent is responsible for bringing and administering the medicinal cannabis on campus.
 - a. The parent must sign in at the school site before administering the medication.
 - b. Administration of the medication must be done in a manner that does not disrupt the educational environment or expose other students.
 - c. After the administration, the parent must remove any remaining medicinal cannabis from the school site.
3. The medicinal cannabis or cannabis product cannot be in a smokable or vapeable form.
4. Staff are not required to administer medicinal cannabis and store it on campus.

Specialized Health Care Services

“Specialized physical health services” means those health services prescribed by the student’s licensed physician requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the student to attend school. These services include catheterization, gastric tube feeding, suctioning, or other services that require medically related training. [EC 49423.5]

A student with disabilities who requires specialized health care services during the school day, as identified in their Section 504 Service Plan, may be assisted by any of the following individuals:

1. School personnel who possess the appropriate credential or a valid certificate of public health nursing issued by the Board of Registered Nursing
2. Designated school personnel trained in the administration of specialized physical health care if they perform those services under the supervision of a credentialed school nurse, public health nurse, or licensed physician and the services are determined by the credentialed school nurse or licensed physician, in consultation with the physician treating the student, to meet all of the following criteria:
 - a. Is routine for the student
 - b. Poses little potential harm for the student
 - c. Performed with predictable outcomes, as defined in the student’s 504 plan
 - d. Does not require a nursing assessment, interpretation, or decision-making by the designated school personnel

Service Animals

A service animal is an animal that is individually trained to do work or perform tasks related to the individual’s disability and for their benefit. The service animal may accompany a student with a disability on school premises and on school transportation.

The District cannot require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. However, the District can ask if the animal is required because of a disability and what work or task the animal has been trained to perform.

A service animal may be removed from school premises or transportation if the animal is:

1. Out of control and the individual does not take effective action to control it, or
2. Not housebroken

When a student's service animal is excluded, the student must be given an opportunity to participate in the service, program, or activity without having the service animal present.