CONCEPTS AND ROLES

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

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

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

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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

Legal Reference:

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

The Board of Trustees recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

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

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

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

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

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

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

(cf. 5145.6 - Parental Notifications)

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

Legal Reference: (see next page)
PARENT RIGHTS AND RESPONSIBILITIES (continued)

Legal Reference:
EDUCATION CODE
33126 School accountability report card
35291 Disciplinary rules
48070.5 Promotion and retention of students
48985 Notice to parent in language other than English
49091.10-49091.19 Parental review of curriculum and instruction
49602 Confidentiality of pupil information
51100-51102 Parent/guardian rights
51513 Personal beliefs
60510 Disposal of surplus instructional materials
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of pupil rights

Management Resources:
WEB SITES
CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov
Students

PARENT RIGHTS AND RESPONSIBILITIES

Parent/Guardian Rights

The rights of parents/guardians of district students include, but are not limited to, the following:

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

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

   (cf. 6116 - Classroom Interruptions)

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal (Education Code 51101)

3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)

4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)

   (cf. 5113 - Absences and Excuses)

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

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

   (cf. 0500 - Accountability)
   (cf. 0510 - School Accountability Report Card)
   (cf. 6162.51 - State Academic Achievement Tests)
   (cf. 6174 - Education for English Learners)
PARENT RIGHTS AND RESPONSIBILITIES  (continued)

6. To request a particular school for their child and to receive a response from the district (Education Code 51101)
   (cf. 5116.1 - Intradistrict Open Enrollment)
   (cf. 5117 - Interdistrict Attendance)

7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)
   (cf. 0450 - Comprehensive Safety Plan)
   (cf. 3515 - Campus Security)
   (cf. 5131 - Conduct)
   (cf. 5137 - Positive School Climate)
   (cf. 5142 - Safety)

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

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

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

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

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

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)
   (cf. 5121 - Grades/Evaluation of Student Achievement)
   (cf. 6020 - Parent Involvement)

10. For parents/guardians of English learners, to support their child’s advancement toward literacy (Education Code 51101.1)
PARENT RIGHTS AND RESPONSIBILITIES  (continued)

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

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

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

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

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

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

(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

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

(cf. 1250 - Visitors/Outsiders)
(cf. 5132 - Dress and Grooming)
(cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)

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

(cf. 5123 - Promotion/Acceleration/Retention)

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

(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

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

(cf. 5022 - Student and Family Privacy Rights)

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

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

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6171 - Title I Programs)
(cf. 6175 - Migrant Education Program)

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

(cf. 5125.3 - Challenging Student Records)

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

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.3 - Health Examinations)

Parent Responsibilities

Parents/guardians may support the learning environment of their child by: (Education Code 51101)
PARENT RIGHTS AND RESPONSIBILITIES (continued)

1. Monitoring attendance of their child

2. Ensuring that homework is completed and turned in on time
   (cf. 6154 - Homework/Makeup Work)

3. Encouraging their child to participate in extracurricular and cocurricular activities
   (cf. 6145 - Extracurricular and Cocurricular Activities)

4. Monitoring and regulating the television viewed by their child

5. Working with their child at home in learning activities that extend the classroom learning

6. Volunteering in their child's classroom(s) or for other school activities
   (cf. 1240 - Volunteer Assistance)

7. Participating in decisions related to the education of their own child or the total school program as appropriate
NONCUSTODIAL PARENTS

The Board of Trustees recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the district's need to ensure the safety of students while at school.

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

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

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5111.1 - District Residency)
(cf. 5125 - Student Records)
(cf. 5141 - Health Care and Emergencies)
(cf. 5142 - Safety)
(cf. 6159 - Individualized Education Program)

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

Legal Reference: (see next page)
NONCUSTODIAL PARENTS  (continued)

Legal Reference:

EDUCATION CODE
48204  Residency requirements
49061  Definitions
49069 Absolute right to access
49091, 10-49091.19 Parental review of curriculum and instruction
49408 Emergency information
56028 Definition, parent for special education
51100-51102 Parent/guardian rights

FAMILY CODE
3002 Joint legal custody, definition
3006 Sole legal custody, definition
3025 Parental access to records
6550-6552 Caregivers

GOVERNMENT CODE
810-996.6 Government Claims Act
6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
STUDENT AND FAMILY PRIVACY RIGHTS

The Board of Trustees respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

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

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

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

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

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

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

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)
STUDENT AND FAMILY PRIVACY RIGHTS  (continued)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose

2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families

3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
   a. Survey instruments requesting information about their personal beliefs and practices or those of their children
   b. Instructional materials used as part of their children's educational curriculum
   c. Instruments used in the collection of personal information for the purpose of marketing or sale

4. Any nonemergency physical examinations or screenings that the school may administer

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

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Legal Reference: (see next page)
STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Legal Reference:

**EDUCATION CODE**
- 234.7 Student protections relating to immigration and citizenship status
- 49076.7 Privacy of student records; social security numbers
- 49450-49458 Physical examinations
- 49602 Confidentiality of personal information received during counseling
- 51101 Parents Rights Act of 2002
- 51513 Test, questionnaire, survey, or examination concerning personal beliefs
- 51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity
- 51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

**UNITED STATES CODE, TITLE 20**
- 1232g Family Educational Rights and Privacy Act
- 1232h Protection of pupil rights

Management Resources:

**WEB SITES**
- CSBA: http://www.csba.org
- California Department of Education: http://www.cde.ca.gov
STUDENT AND FAMILY PRIVACY RIGHTS

Surveys Requesting Information about Beliefs and Practices

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

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

(cf. 3553 - Free and Reduced Price Meals)
(cf. 5148 - Child Care and Development)

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

(cf. 6162.8 - Research)

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

If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)
STUDENT AND FAMILY PRIVACY RIGHTS  (continued)

Parent/Guardian Access to Surveys and Instructional Materials

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

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices

2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

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

(cf. 1340 - Access to District Records)

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

Health Examinations

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

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

(cf. 5131.61 - Drug Testing)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.3 - Health Examinations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)
STUDENT AND FAMILY PRIVACY RIGHTS (continued)

1. The district's policy regarding student privacy

2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Board policy

3. The specific or approximate dates during the school year when the following activities are scheduled:
   a. Survey requesting personal information
   b. Physical examinations or screenings
   c. Collection of personal information from students for marketing or sale

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

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

(cf. 5145.6 - Parental Notifications)
The Board of Trustees recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

(c.f. 1020 - Youth Services)
(c.f. 3513.3 - Tobacco-Free Schools)
(c.f. 3514 Environmental Safety)
(c.f. 5131.5 - Alcohol and Other Drugs)
(c.f. 5131.61 - Drug Testing)
(c.f. 5131.62 - Tobacco)
(c.f. 5131.63 - Steroids)
(c.f. 5141 - Health Care and Emergencies)
(c.f. 5141.22 - Infectious Diseases)
(c.f. 5141.3 - Health Examinations)(c.f. 5141.31 - Immunizations)
(c.f. 5141.32 - Health Screening for School Entry)
(c.f. 5146.6 - School Health Services)
(c.f. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
(c.f. 6164.2 - Guidance/Counseling Services)

District Wellness Committees and School Site Wellness Councils

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b; 7 CFR 210.30)

To fulfill this requirement, the Superintendent or designee shall appoint a district wellness committee and a wellness committee coordinator that will meet a minimum of three times a year. The district committee and school site councils may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before- and after- school program staff, Social Emotional Liaisons (SEL), school psychologist, Parent Community Liaisons (PCL), health services staff, health practitioners, and/or others interested in school health issues. Schools are encouraged to create school site wellness committees to support the work of the district's wellness committee.

(c.f. 1220 - Citizen Advisory Committees)
(c.f. 9140 - Board Representatives)

The district wellness committee shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the
STUDENT WELLNESS (continued)

committee may also include the planning, implementation, and evaluation of activities to promote health within the school or community. The committee will act as the Palmdale School District's Wellness Policy Committee (as provided in Federal Legislation) and assist in developing, implementing, monitoring, reviewing, and, as necessary, revising school nutrition and physical activity policies. The committee will serve as resources to school sites for implementing those policies.

Goals for Nutrition, Physical Activity, and Other Wellness Activities

The Board shall adopt specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 1758b; 7 CFR 210.30)

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

The district's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy and active lifestyle.

(cf. 6011 - Academic Standards)  
(cf. 6142.7 - Physical Education and Activity)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program in grades K-8 and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

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

All students, including students with disabilities, special health-care needs, and in alternative educational settings, shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.
All physical education will be delivered by a certified/licensed teacher who is endorsed to teach physical education (Education Code Section 44203). Elementary school should provide 150 minutes per week of physical education instruction. Middle schools should provide 225 minutes per week of physical education instruction. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity. Schools may not all students to be exempt for required physical education class time or credit. There will be no substitutions allowed for the physical education time requirement.

Schools shall provide at least 20 minutes of active recess daily to all elementary school students. Middle schools must schedule a twenty minute mid-morning break each day to provide students with physical activity opportunities. Teachers should provide students with physical activity breaks, not counting the transitions between classes. Schools shall aim to promote physical activity opportunities for all students and encourage participation in after-school sports, intramurals, and other, non-competitive physical activity programs via school announcements, newsletters, posters, etc.

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

Professional development shall be regularly offered to health education and physical education teachers, coaches, activity supervisors, food services staff, and other staff as appropriate to enhance their health knowledge and skills. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors. Professional development for food service personnel shall include nutrition education and safe food handling.

The Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.
STUDENT WELLNESS (continued)

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

The Superintendent or designee shall encourage staff to serve as positive role models, displaying healthy eating and physical activity. He/she may also promote and provide opportunities and programs that support healthy eating and regular physical activity among employees.

Nutritional Guidelines for Foods Available at School

For all foods and beverages available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1758, 1766, 1773 and 1779 and federal regulations supporting the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

The Board recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. To reinforce the district's nutrition education program, food available on school premises shall:
STUDENT WELLNESS (continued)

1. Be carefully selected so as to contribute to student's nutritional well-being and the prevention of disease.
2. Meet or exceed nutritional standards specified in law and administrative regulation.
3. Be prepared in ways which will appeal to students, retain nutritive quality and foster lifelong healthy eating habits.
4. Be served in age-appropriate quantities.
5. Be sold at reasonable prices.

The Board desires to provide students with adequate space and time to eat meals. To the extent possible, school and transportation schedules be designed to encourage participation in school meal programs.

The Superintendent or designee shall provide access to free, potable water in the food service area during meal times, in accordance with Education Code 38086 and 42 USC 1758. He/she shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner. Students and staff will have access to free, safe, and fresh drinking water throughout the school day.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's food services program, should support the health curriculum and promote optimal health. Nutritional standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutritional standards. See Appendix A for complete details of the California Department of Education's Competitive Food Regulations Summary.

(cf. 3312 - Contracts)
(cf. 3554 - Other Food Sales)

The Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation. School cafeterias shall comply with the sanitation and safety requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

The Superintendent or designee shall encourage school organizations to avoid the use of non-nutritious foods for fundraising purposes and utilize healthy food items, non-food items, or physical activity events instead. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)
STUDENT WELLNESS (continued)

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

School staff shall encourage and educate parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Only foods or beverages that meet nutritional standards may be provided. Only foods and beverages that are purchased and pre-packed may be donated. No homemade foods may be provided or donated. Foods provided must be compliant with the California Department of Education's Competitive Food Regulations. The Competitive Food Regulations Summary can be found in Appendix A.

The Board authorizes the Superintendent or designee to approve the sale of foods and beverages outside the district's food service program, including sales by students or adult organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes sold during the school day, from midnight before to one-half hour after the end of the school day. It is recommended that schools avoid participation in fundraising or corporate incentive programs that promote a message inconsistent with our goals for a healthy school community.

(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 3554 - Other Food Sales)  
(cf. 3312 - Contracts)  
(cf. 5148 - Child Care and Development)  
(cf. 6300 - Preschool/Early Childhood Education)

Foods shall not be sold on districts school premises by outside commercial food vendors during school hours. The profits from all food sales must benefit the school, the school food service program, or students groups sponsoring the sales.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet the Federal and State Competitive Food Rule, for the sale of foods and beverages on campus during the school day. The marketing of products in areas where food is purchased, through posters, menu boards, coolers, trash cans, and other food service equipment, and are all subjects to meet this rule. (7 CFR 210.30)

(cf. 1325 - Advertising and Promotion)
STUDENT WELLNESS (continued)

Program Implementation and Evaluation

The Superintendent designates the individual identified below as the wellness coordinator, the individual responsible for ensuring that each school site complies with this policy. (42 USC 1758b; 7 CFR 210.30)

Director of Child Nutrition
661-789-6565
wellness@palmdaesd.org

(cf. 0500 - Accountability)
(cf. 3555 - Nutrition Program Compliance)

The Superintendent or designee shall assess the implementation and effectiveness of this policy every two-three years. (42 USC 1758b; 7CFR 210.30)

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Superintendent or designee shall invite feedback on district and school wellness activities from food services personnel, school administrators, the wellness committee, parents/guardians, students, teachers, before- and after- school program staff, and/or other appropriate persons.

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements

2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records

3. Student participation rates in all school meal and/or snack programs

4. Extent to which foods and beverages sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutritional standards
STUDENT WELLNESS (continued)

5. Results of the state's physical fitness test at applicable grade levels

6. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity

7. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program

8. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

9. Quantitative assessments of policy implementation using the School Health Index or other assessments deemed appropriate.

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the content and implementation of this policy and assessment results. (42 USC 1758b)

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Notifications

The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available to the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. This information will be posted on the Palmdale School District's health and wellness webpage (https://www.palmdalesd.org/domain/2014). (Education Code 49435; 42 USC 1758b; 1 CFR 210.30)

(cf. 5145.6 - Parent Notifications)
The Superintendent or designee shall distribute this information through the most effective methods of communication, including, but not limited to, district or school newsletters, district and school web sites, handouts, parent/guardian meetings, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Each school may also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Records

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public through the Palmdale School District website. (7 CFR 210.30)
STUDENT WELLNESS (continued)

Legal Reference:

EDUCATION CODE
33350-33354 CDE responsibilities re: physical education
38086 Free fresh drinking water
49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49562 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act
51210 Course of study, grades 1-6
51210.1-51210.2 Physical education, grades 1-6
51210.4 Nutrition education
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-51798 School instructional gardens
51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5
15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42
1751-1769] National School Lunch Program, especially:
1758b Local wellness policy
1771-1793 Child Nutrition Act, especially:
1773 School Breakfast Program
1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.33 National School Lunch Program, especially:
210.31 Wellness policy
220.1-220.22 National School Breakfast Program

COURT DECISIONS

Management Resources: (see next page)
STUDENT WELLNESS (continued)

Management Resources:

CSBA PUBLICATIONS
Integrating Physical Activity into the School Day. Governance Brief April 2016
Increasing Access to Drinking Water in Schools, Policy Brief April 2013
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief rev. April 2012
Physical Activity and Physical Education in California Schools, Research Brief April 2010
Physical Education and California Schools, Policy Brief rev. October 2007
School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief March 2006
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003
CALIFORNIA PROJECT LEAN PUBLICATIONS
Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
CENTER FOR COLLABORATIVE SOLUTIONS
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
FEDERAL REGISTER
Rules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170
NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS
Fit, Healthy and Ready to Learn, rev. 2012
U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Dietary Guidelines for Americans, 2016
WEB SITES
CSBA: http://www.csba.org
Action for Healthy Kids: http://www.actionforhealthykids.org
Alliance for a Healthier Generation: http://www.healthiergeneration.org
California Department of Education, Nutrition Services Division: http://www.cde.ca.gov/ls/nu
California Department of Public Health: http://www.cdph.ca.gov
California Healthy Kids Resource Center: http://www.caliiforniahealthykids.org
California Project LEAN (Leaders Encouraging Activity and Nutrition): http://www.californiaprojectlean.org
California School Nutrition Association: http://www.calsna.org
Center for Collaborative Solutions: http://www.ccscenter.org
Centers for Disease Control and Prevention: http://www.cdc.gov
Dairy Council of California: http://www.dairycouncilofca.org

Management Resources continued: (see next page)
STUDENT WELLNESS (continued)

Management Resource continued:

WEB SITES (continue)
National Alliance for Nutrition and Activity:  http://www.cspinet.org/nutritionpolicy/nana.html
National Association of State Boards of Education:  http://www.nasbe.org
School Nutrition Association:  http://www.schoolnutrition.org
Society for Nutrition Education:  http://www.sne.org
U.S. Department of Agriculture, Food Nutrition Service, wellness policy:
http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html
APPENDIX A
COMPETITIVE FOOD REGULATIONS SUMMARY

A COMPETITIVE FOOD IS ANY FOOD THAT "COMPETES" WITH THE SCHOOL MEAL PROGRAM. IT IS A FOOD OR BEVERAGE THAT IS SERVED TO A STUDENT ON CAMPUS, DURING THE SCHOOL DAY, OUTSIDE OF THE SCHOOL CAFETERIA BREAKFAST OR LUNCH. THE RULES LISTED BELOW ARE BOTH STATE AND FEDERALLY MANDATED FOR DISTRICTS PARTICIPATING IN THE NATIONAL SCHOOL LUNCH PROGRAM.

ELEMENTARY SCHOOL — FOOD RESTRICTIONS

References: Education Code sections 49430, 49431, 49431.7; California Code of Regulations sections 15575, 15577, 15578; Code of Federal Regulations sections 210.11, 220.12

An elementary school contains no grade higher than grade 6. Effective from midnight to one-half hour after school. Applies to ALL foods sold to students by any entity. Sold means the exchange of food for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.

Compliant foods:

1. MUST meet the following:
   a. Less than or equal to 35% calories from fat (except nuts, nut butters, seeds, reduced-fat cheese, dried fruit, nut/seed combo with no added fat/sugar, fruit, non-fried veggies), and
   b. Less than 10% calories from saturated fat (except reduced-fat cheese, dried fruit, nut/seed combo with no added fat/sugar), and
   c. Less than or equal to 35% sugar by weight (except fruit*, non-fried veggies, dried fruit, nut/seed combo with no added fat/sugar), and
   d. Less than 0.5 grams trans fat per serving (no exceptions), and
   e. Less than or equal to 200 milligrams sodium (no exceptions), and
   f. Less than or equal to 175 calories per item/container (no exceptions)

AND
STUDENT WELLNESS (continued)

2. MUST meet ONE of the following:
   a. Fruit
   b. Non-fried vegetable
   c. Dairy food
   d. Nuts, Seeds, Legumes, Eggs, Cheese (allowable protein foods)
   e. Whole grain item**

If exempt food(s) combine with nonexempt food(s) or added fat/sugar they must meet ALL nutrient standards above.

* Dried blueberries cranberries, cherries, tropical fruit, chopped dates or figs that contain added sugar are exempt from fat and sugar standards. Canned fruit in 100% juice only.

** A whole grain item contains:
   a. The statement "Diets rich in whole grain foods... and low in total fat... may help reduce the risk of heart disease...," or
   b. A whole grain as the first ingredient, or
   c. A combination of whole grain ingredients comprising at least 51% of the total grain weight (manufacturer must verify), or
   d. At least 51% whole grain by weight.

Non-compliant foods may be sold from one-half hour after school through midnight.

CHECK YOUR DISTRICT'S WELLNESS POLICY FOR STRICTER RULES.

Groups or individuals selling foods/beverages to students must keep their own records as proof of compliance.

ELEMENTARY SCHOOL — BEVERAGE RESTRICTIONS

References: Education Code Section 49431.5,
California Code of Regulations Section 15576,
STUDENT WELLNESS (continued)

An elementary school contains no grade higher than grade 6.
Effective from midnight to one-half hour after school.
Applies to ALL beverages sold to students by any entity.
Sold means the exchange of beverages for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.

A compliant beverage must be marketed or labeled as a fruit and/or vegetable juice, milk, non-dairy milk, or water AND meet all criteria under that specific category.

Compliant beverages:

1. Fruit or Vegetable juice:
   a. Greater than or equal to 50% juice and
   b. No added sweeteners
   c. Less than or equal to 8 fl. oz. serving size

2. Milk:
   a. Cow's or goat's milk, and
   b. 1% (unflavored), nonfat (flavored, unflavored), and
   c. Contains Vitamins A & D, and
   d. Greater than or equal to 25% of the calcium Daily Value per 8 fl. oz, and
   e. Less than or equal to 2 8 grams of total sugar per 8 fl. oz.
   f. Less than or equal to 5 8 fl. oz. serving size

3. Non-dairy milk:
   a. Nutritionally equivalent to milk (see 7 CFR 210.10(d)(3), 220 8(i)(3)), must contain per 8 11. oz.:
      • Greater than or equal to 276 mg calcium
      • Greater than or equal to 8 g protein
      • Greater than or equal to 500 IU Vit A
      • Greater than or equal to 100 IU Vit D
      • Greater than or equal to 24 mg magnesium
STUDENT WELLNESS (continued)

- Greater than or equal to 222 mg phosphorus
- Greater than or equal to 349 mg potassium
- Greater than or equal to 0.44 mg riboflavin
- Greater than or equal to 1.1 mcg Vit B12, and

  b. Less than or equal to 28 grams of total sugar per 8 fl. oz, and

  c. Less than or equal to 5 grams fat per 8 fl. oz.

  d. Less than or equal to 5 8 fl. oz. serving size

4. Water:
   
   a. No added sweeteners

   b. No serving size

Non-compliant beverages may be sold from one-half hour after school through midnight

ELEMENTARY SCHOOL — STUDENT ORGANIZATIONS

Reference: California Code of Regulations Section 15500

Effective from midnight to one-half hour after school.
Applies to food and beverage sales by student organizations.

Student organization sales must meet all of the following:

1. Only one food or beverage item per sale.

2. The food or beverage item must be pre-approved by the governing board of the school district.

3. The sale must occur after the lunch period has ended.

4. The food or beverage item cannot be prepared on campus.

5. Each school is allowed four sales per year.

6. The food or beverage item cannot be the same item sold in the food service program at that school during the same school day.

California Department of Education, Nutrition Services Division

Revised 7/7/2016   EFFECTIVE 7/1/2014
STUDENT WELLNESS (continued)

MIDDLE/HIGH SCHOOL — FOOD RESTRICTIONS


A middle/junior high contains grades 7 or 8, 7 to 9, 7 to 10. A high school contains any of grades 10 to 12. Effective from midnight to one-half hour after school. Applies to ALL foods sold to students by any entity. Sold means the exchange of food for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.

Compliant foods:

1. "Snack" food items must be:
   a. Less than or equal to 35% calories from fat (except nuts, nut butters, seeds, reduced-fat cheese, dried fruit, nut/seed combo), and
   b. Less than 10% calories from saturated fat (except reduced-fat cheese, dried fruit, nut/seed combo), and
   c. Less than or equal to 35% sugar by weight (except fruit', non-fried veggies, dried fruit, nut/seed combo), and
   d. Less than 0.5 grams trans fat per serving (no exceptions), and
   e. Less than or equal to 200 milligrams sodium (no exceptions), and
   f. Less than or equal to 200 calories per item/container (no exceptions)
   AND must meet one of the following
   g. Be a fruit, vegetable, dairy, protein, or whole grain item** (or have one of these as the first ingredient), or
   h. Be a combination food containing at least 1/4 cup fruit or vegetable.

2. "Entrée" food items must be:
   a. Meat/meat alternate and whole grain rich food; or
   b. Meat/meat alternate and fruit or non-fried vegetable; or
STUDENT WELLNESS (continued)

c. Meat/meat alternate alone (cannot be yogurt, cheese, nuts, seeds, or meat snacks = these are considered a “snack”),

AND

An individual entrée sold by District/School Food Service the day of or the day after it appears on the reimbursable meal program menu must be:

a. Less than or equal to 400 calories, and
b. Less than or equal to 4 grams of fat per 100 calories
c. Less than 0.5 grams trans fat per serving

An entrée sold by Food Service if not on the menu the day of or day after or any other entity (PTA, student organization, etc.) must be:

a. Less than or equal to 35% calories from fat, and
b. Less than or equal to 10% calories from saturated fat, and
c. Less than or equal to 35% sugar by weight, and
d. Less than or equal to 0.5 grams trans fat per serving, and
e. Less than or equal to 480 milligrams sodium, and
f. Less than or equal to 350 calories

AND must meet one of the following

g. A fruit, vegetable, dairy, protein, or whole grain item (or have one of these as the first ingredient), or
h. Be a combination food containing at least 1/4 cup fruit or vegetable

If exempt food(s) combine with nonexempt food(s) or added fat/sugar they must meet ALL nutrient standards above.

* Dried blueberries cranberries, cherries, tropical fruit, chopped dates or figs that contain added sugar are exempt from fat and sugar standards. Canned fruit in 100% juice only.

** A whole grain item contains:
STUDENT WELLNESS (continued)

a. The statement "Diets rich in whole grain foods... and low in total fat... may help reduce the risk of heart disease...," or

b. A whole grain as the first ingredient, or

c. A combination of whole grain ingredients comprising at least 51% of the total grain weight (manufacturer must verify), or

d. At least 51% whole grain by weight.

Non-compliant foods may be sold from one-half hour after school through midnight.

CHECK YOUR DISTRICT'S WELLNESS POLICY FOR STRICTER RULES.

Groups or individuals selling foods/beverages to students must keep their own records as proof of compliance.

MIDDLE/HIGH SCHOOL — BEVERAGE RESTRICTIONS


A middle/junior high contains grades 7 or 8, 7 to 9, 7 to 10. A high school contains any of grades 10 to 12. Effective from midnight to one-half hour after school.

Applies to ALL beverages sold to students by any entity. Sold means the exchange of food for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.

A compliant beverage must be marketed or labeled as a fruit and/or vegetable juice, milk, non-dairy milk, water, or electrolyte replacement beverage/sports drink AND meet all criteria under that specific category.

Compliant beverages:

1. Fruit or Vegetable juice:
   a. Greater than or equal to 50% juice and
   b. No added sweeteners
   c. Less than or equal to 12 fl. oz. serving size
STUDENT WELLNESS (continued)

2. Milk:
   a. Cow's or goat's milk, and
   b. 1% (unflavored), nonfat (flavored, unflavored), and
   c. Contains Vitamins A & D, and
   d. Greater than or equal to 25% of the calcium Daily Value per 8 fl. oz, and
   e. Less than or equal to 28 grams of total sugar per 8 fl. oz.
   f. Less than or equal to 12 fl. oz. serving size

3. Non-dairy milk:
   a. Nutritionally equivalent to milk (see 7 CFR 210.10(d)(3), 220.8(i)(3)), and
   b. Less than or equal to 28 grams of total sugar per 8 fl. oz, and
   c. Less than or equal to 5 grams fat per 8 fl. oz.
   d. Less than or equal to 12 fl. oz. serving size

4. Water:
   a. No added sweeteners
   b. No serving size limit

5. No-calorie Electrolyte Replacement Beverages
   (NOT ALLOWED IN MIDDLE SCHOOLS)
   a. Water as first ingredient
   b. Less than or equal to 16.8 grams added Sweetener/8 fl. oz.
   c. Less than or equal to 5 calories/8 fl. oz. (or 5 10 cal/20 fl. oz.)
   d. 10-150 mg Na+/8 fl. oz.
   e. 10-90 mg K+/8 fl. oz.
STUDENT WELLNESS (continued)

f. No added caffeine

g. Less than or equal to 20 fl. oz. serving size

6. Low-calorie Electrolyte Replacement Beverages
   (NOT ALLOWED IN MIDDLE SCHOOLS)
   
a. Water as first ingredient
   b. Less than or equal to 16.8 grams added sweetener/8 fl. oz.
   c. Less than or equal to 40 calories/8 fl. oz.
   d. 10-150 mg Na+/8 fl. oz.
   e. 10-90 mg K+/8 fl. oz.
   f. No added caffeine
   g. Less than or equal to 12 fl. oz. serving size

Non-compliant beverages may be sold from one-half hour after school through midnight.

MIDDLE/HIGH SCHOOLS — STUDENT ORGANIZATIONS

Reference: California Code of Regulations Section 15501

Effective from midnight to one-half hour after school.  Applies ONLY to food and beverage sales by student organizations.

1. Up to three categories of foods or beverages may be sold each day (e.g., chips, sandwiches, juices, etc.).

2. Food or beverage item(s) must be pre-approved by governing board of school district.

3. Only one student organization is allowed to sell each day.

4. Food(s) or beverage(s) cannot be prepared on the campus.

5. The food or beverage categories sold cannot be the same as the categories sold in the food service program at that school during the same school day.
STUDENT WELLNESS (continued)

6. In addition to one student organization sale each day, any and all student organizations may sell on the same four designated days per year. School administration may set these dates.

California Department of Education, Nutrition Services Division

Revised 7/7/2016 EFFECTIVE 7/1/2014
ADMISSION

The Board of Trustees encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children seeking admission to a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall announce and publicize the timeline and process for registration of students at district schools. Applications for intradistrict or interdistrict enrollment shall be subject to the timelines specified in applicable Board policies and administrative regulations.

All appropriate staff shall receive training on district admission policies and procedures, including information regarding the types of documentation that can and cannot be requested.

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family. (Education Code 49452.9)

Verification of Admission Eligibility

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

The district shall not inquire into or request documentation of a student's social security number or the last four digits of the social security number or the citizenship or immigration status of the student or his/her family members. (Education Code 234.7, 49076.7)
However, such information may be collected when required by state or federal law or to comply with requirements for special state or federal programs. In any such situation, the information shall be collected separately from the school enrollment process and the Superintendent or designee shall explain the limited purpose for which the information is collected. Enrollment in a district school shall not be denied on the basis of any such information of the student or his/her parents/guardians obtained by the district, or the student's or parent/guardian's refusal to provide such information to the district.

School registration information shall list all possible means of documenting a child's age for grades K-1 as authorized by Education Code 48002 or otherwise prescribed by the Board. Any alternative document allowed by the district shall be one that all persons can obtain regardless of immigration status, citizenship status, or national origin and shall not reveal information related to citizenship or immigrant status.

The Superintendent or designee shall immediately enroll a homeless student, foster youth, student who has had contact with the juvenile justice system, or a child of a military family regardless of outstanding fees or fines owed to the student's last school, lack of clothing normally required by the school, such as school uniforms, or his/her inability to produce previous academic, medical, or other records normally required for enrollment. (Education Code 48645.5, 48850, 48852.7, 48853.5, 49701; 42 USC 11432)

Legal Reference: (see next page)
ADMISSION (continued)

Legal Reference:

EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten
46600 Agreements for admission of students desiring interdistrict attendance
48000 Minimum age of admission (kindergarten)
48002 Evidence of minimum age required to enter kindergarten or first grade
48010 Minimum age of admission (first grade)
48011 Admission from kindergarten or other school; minimum age
48050-48053 Nonresidents
48200 Children between ages of 6 and 18 years (compulsory full-time education)
48350-48361 Open Enrollment Act
48645.5 Enrollment of former juvenile court school students
48850-48859 Educational placement of homeless and foster youth
49076 Access to records by persons without written consent or under judicial order
49076.7 Student records; data privacy; social security numbers
49408 Information of use in emergencies
49452.9 Health care coverage options and enrollment assistance
49700-49703 Education of children of military families

HEALTH AND SAFETY CODE
120325-120380 Education and child care facility immunization requirements
121475-121520 Tuberculosis tests for students

CODE OF REGULATIONS, TITLE 5
200 Promotion from kindergarten to first grade
201 Admission to high school

CODE OF REGULATIONS, TITLE 17
6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 5
552a Note Refusal to disclose social security number

UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Management Resources: (see next page)
ADMISSION (continued)

Management Resources:

**CSBA PUBLICATIONS**
Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

**CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS**
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, April 2018

**U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS**
Dear Colleague Letter: School Enrollment Procedures, May 8, 2014
Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014

**WEB SITES**
CSBA: http://www.csba.org
California Department of Education, Health Care Coverage and Enrollment Assistance: http://www.cde.ca.gov/ls/he/hc
U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/about/offices/list/ocr
U.S. Department of Justice: https://www.justice.gov
Students

AR 5111(a)

ADMISSION

Age of Admittance to Kindergarten and First Grade

At the beginning of each school year, the Superintendent or designee shall enroll any eligible child who will have his/her fifth or sixth birthday on or before September 1 of that year into kindergarten or first grade, as applicable. (Education Code 48000, 48010)

Any child who will have his/her fifth birthday from September 2 through December 2 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and Board policy. (Education Code 48000)

(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6170.1 - Transitional Kindergarten)

On a case-by-case basis, a child who will turn five years old in a given school year may be enrolled in kindergarten or TK at any time during that school year with the approval of the child's parent/guardian, provided that: (Education Code 48000)

1. The Board of Trustees determines that admittance is in the best interest of the child.
2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall make a recommendation to the Board regarding whether a child should be granted early entry to kindergarten. In doing so, the Superintendent or designee shall consider various factors including the availability of classroom space and any negotiated maximum class size.

(cf. 6151 - Class Size)
(cf. 7111 - Evaluating Existing Buildings)

Documentation of Age/Grade

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age. (Education Code 48002)

Evidence of the child's age may include: (Education Code 48002)

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth
2. A duly attested baptism certificate
3. A passport
ADMISSION (continued)

4. When none of the above documents is obtainable, an affidavit of the parent/guardian

5. Other means prescribed by the Board
Students

BP 5111.1(a)

DISTRICT RESIDENCY

The Board of Trustees desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

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

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)
(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)
(cf. 5125 - Student Records)

When establishing students' residency for enrollment purposes, the Superintendent or designee shall not inquire into the citizenship or immigration status of students or their family members.

(cf. 5145.13 - Response to Immigration Enforcement)

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets 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. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.
DISTRICT RESIDENCY (continued)

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal of the Superintendent's determination that district residency requirements were not met, the Board shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision at its next regularly scheduled meeting following the parent/guardian's request for the appeal. The Board's decision shall be final.

Enrollment Not Requiring District Residency

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.
DISTRICT RESIDENCY (continued)

(cf. 5111.2 - Nonresident Foreign Students)
(cf. 6145.6 - International Exchange)

The district may enroll a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.

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

(cf. 6178.2 - Regional Occupational Center/Program)

Legal Reference:

EDUCATION CODE
220 Prohibition of discrimination
234.7 Student protections relating to immigration and citizenship status
35160.5 Intradistrict open enrollment
35351 Assignment of students to particular schools
46600-46611 Interdistrict attendance permits
48050-48054 Nonresidents
48200-48208 Compulsory education law, especially:
48204 Residency requirements
48204.1-48204.4 Evidence of residency
48300-48317 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act transfers
48645.5 Former juvenile court school students, enrollment
48852.7 Education of homeless students; immediate enrollment
48853.5 Education of foster youth; immediate enrollment
48980 Notifications at beginning of term
52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE
6550-6552 Caregivers

GOVERNMENT CODE
6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5
432 Retention of student records

UNITED STATES CODE, TITLE 8
1229c Immigration and Nationality Act

UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Management Resources: (see next page)
DISTRICT RESIDENCY (continued)

Management Resources:

CSBA PUBLICATIONS
Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

CALIFORNIA ATTORNEY GENERAL’S OFFICE PUBLICATIONS
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, April 2018

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014
Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Secretary of State, Safe at Home Program: http://www.sos.ca.gov/safeathome
U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/ocr
U.S. Department of Justice: https://www.justice.gov
**DISTRICT RESIDENCY**

**Criteria for Residency**

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

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)

2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

3. The student is admitted through an interdistrict attendance option. (Education Code 46600, 48204, 48301, 48356)

(cf. 5117 - Interdistrict Attendance)
(cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)

9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. (Education Code 48204.3)

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

10. The student's parent/guardian was a resident of California who departed the state against his/her will due to a transfer by a government agency that had custody of the
**DISTRICT RESIDENCY** (continued)

parent/guardian, a lawful order from a court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of his/her parent/guardian's departure. (Education Code 48204.4)

(cf. 5145.13 - Response to Immigration Enforcement)

**Residency Based on Parent/Guardian Employment (Allen Bill Transfers)**

District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204)

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 of Trustees.

3. Other circumstances exist that are not arbitrary.

   Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)
DISTRICT RESIDENCY (continued)

Proof of Residency

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7)

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

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

(cf. 5141 - Health Care and Emergencies)

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)
DISTRICT RESIDENCY (continued)

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if he/she provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. (Education Code 48204.4)

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.3 - Education for Juvenile Court School Students)

Safe at Home/Confidential Address Program

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

(cf. 3580 - District Records)
RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT IN THE PALMDALE SCHOOL DISTRICT

District residency status may be granted to an elementary grade student if the student's parent/guardian works as an employee at the Palmdale School District. Proof of the parent/guardian's employment within the district shall be required prior to initial enrollment. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

Students enrolled in the district on the basis of parent/guardian employment in the Palmdale School District shall not be obliged to reapply for enrollment the next school year. They may continue to attend school in the district through the eighth grade, subject to restrictions specified in law related to excess costs and negative impact on desegregation plans. (Education Code 48204)

Legal Reference:
Education Code
48200-48204 Persons included (compulsory education law)
48980 Notification of parent or guardian

Management Resources:
CDE MANAGEMENT ADVISORIES
1222.86 Enrollment Based on Parental Employment 86-09
RESIDENCY FOR HOMELESS CHILDREN

Children living in the district who do not reside in a permanent, fixed residence shall be admitted to district schools upon presentation of any of the following:

1. Hotel or motel receipts
2. A letter from a social service agency verifying that the child lives within the district
3. An affidavit from the parent/guardian stating that the family lives within the district with the intent of remaining there

A reasonable effort shall be made to secure an address, phone number and medical release from the parent/guardian when a child is placed in a classroom.

Legal Reference:
EDUCATION CODE
1981 Enrollment of pupils
1981.2 Homeless children defined
1982 Administration; apportionments
2558.2 Use of revenue limits to determine average daily attendance of homeless children
TITLE VII, SUBTITLE B, THE MCKINNEY ACT OF 1987

Management Resources:
CDE LEGAL ADVISORIES
1115.88 Application of residency requirements for homeless children & youth, LO:5-88
NONRESIDENT FOREIGN STUDENTS

The Superintendent or designee shall, on behalf of the district, seek and obtain from the U.S. Department of Homeland Security's (DHS) Student and Exchange Visitor Program (SEVP) certification of eligibility to enroll nonimmigrant foreign students in district schools and recertification for the continuing eligibility of the district every two years. (8 CFR 214.3)

(cf. 6145.6 - International Exchange)

On a case-by-case basis, the Superintendent or designee may accept for admission into any of grades 9-12 any nonimmigrant foreign student with or seeking an F-1 visa. Any such student shall be admitted for a maximum of one year and shall pay the district the full, unsubsidized per-student cost of attendance at the school. (8 USC 1184)

(cf. 5111.1 - District Residency)

In determining whether to admit a student, the Superintendent or designee shall consider whether the following conditions exist: (8 CFR 214.3; 22 CFR 41.61)

1. A suitable program exists at the school the student has selected.
2. The student's English proficiency is sufficient for successful study at that school.
3. Space is available at the school.
4. The student has provided proof of financial responsibility.

In addition to fulfilling all other requirements for school entry, the student shall submit evidence that he/she has been fully immunized in accordance with California law.

(cf. 5141.31 - Immunizations)

In accordance with law, the Superintendent or designee shall retain and, when required, report to DHS any records for nonimmigrant foreign students required for the operation of the SEVP. Upon request, he/she also shall furnish to DHS representatives other records maintained by the district for nonimmigrant foreign students. (8 CFR 214.3)

(cf. 5125 - Student Records)

The Superintendent or designee shall ensure that any individual dealing with enrollment of nonimmigrant foreign students is trained on the use of the Student Exchange Visitor Information System.

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

Legal Reference: (see next page)
NONRESIDENT FOREIGN STUDENTS  (continued)

Legal Reference:

EDUCATION CODE
48050-48054  Nonresidents

UNITED STATES CODE, TITLE 8
1184  Foreign students
1372  Reporting requirements, nonimmigrant foreign students

CODE OF FEDERAL REGULATIONS, TITLE 8
214.3  Petition for school approval
214.4  Withdrawal of school approval

CODE OF FEDERAL REGULATIONS, TITLE 22
41.61  Students; academic and nonacademic

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97

U.S. DEPARTMENT OF STATE PUBLICATIONS
Foreign Students (F-1) in Public Schools

WEB SITES
U.S. Department of Homeland Security, Student and Exchange Visitor Program:
http://www.ice.gov/sevis
U.S. Department of State: http://travel.state.gov/visa/temp/types/types_1269.html#1
U.S. Immigration and Customs Enforcement: http://www.ice.gov
EXEMPTIONS FROM ATTENDANCE

Each student between the ages of 6 and 18 shall be subject to compulsory full-time education. (Education Code 48200)

(cf. 5113.1 - Chronic Absence and Truancy)

However, the Superintendent or designee may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student from the school for disciplinary purposes.

(cf. 5111 - Admission)
(cf. 5111.2 - Exclusions from Attendance)
(cf. 5112.3 - Student Leave of Absence)
(cf. 5113.2 - Work Permits)
(cf. 5141.22 - Infectious Diseases)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)
(cf. 6158 - Independent Study)
(cf. 6172.1 - Concurrent Enrollment in College Classes)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)
(cf. 6200 - Adult Education)

As needed, the Superintendent or designee may require a student or his/her parent/guardian to submit written documentation that the student fulfills one of the conditions specified in law and administrative regulation for which exemption is authorized.

(cf. 5125 - Student Records)

Legal Reference: (see next page)
EXEMPTIONS FROM ATTENDANCE (continued)

Legal Reference:
EDUCATION CODE
33190 Affidavit by persons conducting private school instruction
46100-46147 Minimum school day
46170 Minimum school day, continuation education
48200-48341 Compulsory education law
48400-48454 Compulsory continuation education
48800-48802 Attendance at community college
49110-49119 Permits to work
49130-49135 Permits to work full time
LABOR CODE
1285-1312 Employment of minors
1390-1399 Employment of minors
CODE OF REGULATIONS, TITLE 5
11522 Parental consent for exemption based on high school proficiency certificate
UNITED STATES CODE, TITLE 20
1681-1688 Title IX, discrimination
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
CODE OF FEDERAL REGULATIONS, TITLE 34
106.40 Marital or parental status
COURT DECISIONS

Management Resources:
WEB SITES
California Department of Education, Attendance Improvement: http://www.cde.ca.gov/ls/ai/
EXEMPTIONS FROM ATTENDANCE

Exemptions from Regular Education Program

A student may be exempted from full-time attendance in the district's regular education program if he/she:

1. Is being instructed in a private full-time school and the Superintendent or designee verifies that the private school has filed an affidavit pursuant to Education Code 33190 (Education Code 48222, 48223)

2. Is being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year (Education Code 48224)

3. Holds a work permit to work temporarily in the entertainment or allied industries (Education Code 48225, 48225.5)  
   (cf. 5113.2 - Work Permits)

4. Holds a work permit and attends part-time classes (Education Code 48230)

5. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term (Education Code 48231)

6. Is at least age 15 and is taking a leave of absence for up to one semester for the purpose of supervised travel, study, training, or work not available to the student under another educational option (Education Code 48232)  
   (cf. 5112.3 - Student Leave of Absence)

7. Attends a community college as a special full-time student on the grounds that he/she would benefit from advanced scholastic or vocational work (Education Code 48800.5)  
   (cf. 6172.1 - Concurrent Enrollment in College Classes)

Exemptions from Continuation Education

A student who would otherwise be subject to compulsory continuation education pursuant to Education Code 48400 or 48402 may be exempted if he/she: (Education Code 48410)

1. Has graduated from a public high school maintaining a four-year course above grade 8 or has had an equal amount of education in a private school or from a private tutor
EXEMPTIONS FROM ATTENDANCE (continued)

In the case of a private school, the exemption shall be granted only if the Superintendent or designee has verified that the private school has filed an affidavit pursuant to Education Code 33190. (Education Code 48415)

2. Has successfully demonstrated proficiency equal to or greater than standards established by the California Department of Education and has verified approval submitted by his/her parent/guardian

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

3. Is attending a public or private full-time day school or satisfactory part-time classes maintained by other agencies

4. Is attending adult school for not less than four hours per calendar week

(cf. 6200 - Adult Education)

5. Is attending a regional occupational program or center pursuant to Education Code 48432

(cf. 6178.2 - Regional Occupational Center/Program)

6. Is disqualified because of his/her physical or mental condition or because of personal services that must be rendered to his/her dependents

(cf. 5141.22 - Infectious Diseases)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6158 - Independent Study)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)

7. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term pursuant to Education Code 48231

In addition, a student who is between the ages of 16 and 18 may be exempted from continuation education if he/she is taking a leave of absence for up to two semesters for the purpose of supervised travel, study, training, or work not available to the student under another educational option. (Education Code 48416)
EXCLUSIONS FROM ATTENDANCE

The Superintendent or designee shall ensure that each child entering a district school at any grade level adheres to district admission requirements and enrollment procedures.

(cf. 5111 - Admission)
(cf. 5111.1 - District Residency)
(cf. 5116 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)
(cf. 5125 - Student Records)
(cf. 5141.3 - Health Examinations)

Mandatory Exclusions

The Superintendent or designee shall not unconditionally admit any student to an elementary or secondary school, preschool, or child care and development program for the first time, nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized in accordance with Health and Safety Code 120335 and BP/AR 5141.31 - Immunizations or is exempted by law.

If a conditionally admitted student has not received required immunizations within 10 days after his/her parent/guardian has been notified of the need to do so, the student shall be excluded until he/she provides written evidence that he/she has received the vaccines due at that time. (Education Code 48216; Health and Safety Code 120335, 120370; 17 CCR 6055)

(cf. 5141.31 - Immunizations)
(cf. 5141.22 - Infectious Diseases)

The Superintendent or designee shall not admit a student who is reasonably suspected of having active tuberculosis. He/she shall be denied admission until the local health officer or licensed medical practitioner informs the district, in writing, that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 121485, 121495, 121505)

(cf. 5141.26 - Tuberculosis Testing)

The Superintendent or designee shall exclude a student who is infected with any contagious or infectious disease. The student shall be permitted to return to school when a medical provider informs the Superintendent or designee in writing that he/she is satisfied that the contagious or infectious disease no longer exists. (Education Code 49451; 5 CCR 202)

The Superintendent or designee shall exclude a student who resides where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed and who is subject to strict isolation or quarantine of contacts, unless written permission of the health officer is provided. (Health and Safety Code 120230)
EXCLUSIONS FROM ATTENDANCE  (continued)

Permissive Exclusions

A student may be excluded from attendance at a district school under either of the following circumstances:

1. If there is good cause to believe that the student has been exposed to any disease stated in Health and Safety Code 120335 and his/her documentation of immunization does not show proof of immunization against that disease, the student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120335, 120370)

2. If the student has not had the health screening specified in Health and Safety Code 124040 before or within the first 90 days of attending first grade, he/she may be excluded for up to five days unless the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

(cf. 5141.32 - Health Screening for School Entry)

Notifications to Parents/Guardians

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded for any of the following reasons: (Education Code 48213)

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230.

2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.

3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

(cf. 5145.6 - Parental Notifications)
EXCLUSIONS FROM ATTENDANCE (continued)

In all other cases, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion, prior to excluding the student from attendance.

Appeals from Exclusion

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Board of Trustees.

The parent/guardian shall have an opportunity to inspect all documents upon which the district is basing its decision, to challenge any evidence and question any witness presented by the district, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

Legal Reference:
EDUCATION CODE
48210-48216 Persons excluded
49076 Access to records by persons without written consent or under judicial order
49408 Information of use in emergencies
49451 Parent’s refusal to consent
HEALTH AND SAFETY CODE
120230 Exclusion of persons from school
120325-120380 Educational and child care facility immunization requirements
121475-121520 Tuberculosis tests for students
124025-124110 Child Health and Disability Prevention Program
CODE OF REGULATIONS, TITLE 5
202 Exclusion of students with a contagious disease
CODE OF REGULATIONS, TITLE 17
6055 Exclusion for failure to obtain required immunizations

Management Resources:
CSBA PUBLICATIONS
Recent Legislation on Vaccines: SB 277, Fact Sheet, August 2015
WEB SITES
CSBA: http://www.csba.org
California Department of Public Health, Immunization Branch:
http://www.cdph.ca.gov/programs/immunize
California Healthy Kids Resource Center: http://www.californiahealthykids.org
Centers for Disease Control and Prevention: http://www.cdc.gov

Regulation approved: PALMDALE SCHOOL DISTRICT
Palmdale, California
OPEN/CLOSED CAMPUS

Closed Campus

In order to keep students in a supervised, safe, and orderly environment, the Board of Trustees establishes a closed campus at all district schools.

Students shall not leave school grounds at any time during the school day without express permission of school authorities. Students who leave school without authorization shall be considered to have an unexcused absence and be subject to disciplinary action.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5113.11 - Attendance Supervision)
(cf. 5113.12 - District School Attendance Review Board)

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

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE
35160 Authority of the board
35160.1 Broad authority of school district
44808.5 Permission for students to leave school grounds; notice
48980 Annual notification to parents/guardians

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
ABSENCES AND EXCUSES

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

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6154 - Homework/Makeup Work)

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

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

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule medical and other appointments during non-school hours.

Students shall not be absent from school without their parents/guardians' knowledge or consent, except in cases of medical emergency or, as authorized pursuant to Education Code 46010.1, for a confidential medical appointment.

The Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

Legal Reference: (see next page)
ABSENCES AND EXCUSES (continued)

Legal Reference:

EDUCATION CODE
1740 Employment of personnel to supervise attendance (county superintendent)
37201 School month
37223 Weekend classes
41601 Reports of average daily attendance
42238-42250.1 Apportionments
46000 Records (attendance)
46010-46014 Absences
46100-46119 Attendance in kindergarten and elementary schools
46140-46147 Attendance in junior high and high schools
48200-48208 Children ages 6-18 (compulsory full-time attendance)
48210-48216 Exclusions from attendance
48225.5 Work permit; excused absence; entertainment or allied industries
48240-48246 Supervisors of attendance
48260-48273 Truants
48292 Filing complaint against parent
48320-48324 School attendance review boards
48340-48341 Improvement of student attendance
48980 Parental notifications
49067 Unexcused absences as cause of failing grade
49701 Provisions of the interstate compact on educational opportunities for military children
ELECTIONS CODE
12302 Student participation on precinct boards
FAMILY CODE
6920-6929 Consent by minor for medical treatment
VEHICLE CODE
13202.7 Driving privileges; minors; suspension or delay for habitual truancy
WELFARE AND INSTITUTIONS CODE
601-601.4 Habitually truant minors
11253.5 Compulsory school attendance
CODE OF REGULATIONS, TITLE 5
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes
ATTORNEY GENERAL OPINIONS
COURT DECISIONS

Management Resources:

CSBA PUBLICATIONS
Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010
WEB SITES
CSBA: http://www.csba.org

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
Excused Absences

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness (Education Code 48205)

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

(cf. 5112.2 - Exclusions from Attendance)

3. Medical, dental, optometrical, or chiropractic appointment (Education Code 48205)

4. Attendance at funeral services for a member of the student's immediate family (Education Code 48205)

   Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)

5. Jury duty in the manner provided by law (Education Code 48205)

6. Illness or medical appointment of a child to whom the student is the custodial parent (Education Code 48205)

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

7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
   a. Appearance in court
   b. Attendance at a funeral service
   c. Observance of a religious holiday or ceremony
   d. Attendance at religious retreats for no more than four hours per semester
   e. Attendance at an employment conference
   f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
ABSENCES AND EXCUSES (continued)

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

(cf. 6142.3 - Civic Education)

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

Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee. (Education Code 48205)

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

10. Attendance at a naturalization ceremony to become a United States citizen (Education Code 48205)

11. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school (Education Code 46014)

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

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month. (Education Code 46014)

(cf. 6112 - School Day)

12. Work in the entertainment or allied industry (Education Code 48225.5)

Such absence shall be excused provided that the student holds a work permit authorizing such work and is absent for a period of not more than five consecutive days and up to five absences per school year. (Education Code 48225.5)

13. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code 48225.5)

A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)
ABSENCES AND EXCUSES (continued)

14. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code 48205, 48260)

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household. (Education Code 48205)

Method of Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.

2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
   a. Name of student
   b. Name of parent/guardian or parent representative
   c. Name of verifying employee
   d. Date(s) of absence
   e. Reason for absence

(cf. 5113.11 - Attendance Supervision)

3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.
ABSENCES AND EXCUSES  (continued)

4.  Physician's verification.
   a.  When excusing students for confidential medical services or verifying such appointments, district staff shall 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, district staff may require physician verification of any further student absences.

(cf. 5113.1 - Chronic Absence and Truancy)

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

1.  Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination (Education Code 46014, 48980)

2.  Notify students in grades 7-12 and the parents/guardians of all students enrolled in the district that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian (Education Code 46010.1)

3.  Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.6 - Parental Notifications)
(cf. 6154 - Homework/Makeup Work)
CHRONIC ABSENCE AND TRUANCY

The Board of Trustees believes that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

(cf. 5113 - Absences and Excuses)
(cf. 5113.11 - Attendance Supervision)

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district. He/she shall provide the Board with data on school attendance, chronic absence, and truancy rates districtwide, for each school, and disaggregated for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be used in the development of annual goals and specific actions for student attendance and engagement to be included in the district's local control and accountability plan and other applicable school and district plans.

(cf. 0400 - Comprehensive Plans)
(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 0500 - Accountability)

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5126 - Awards for Achievement)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5141.6 - School Health Services)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy.
Interventions for students with serious attendance problems shall be designed to meet the specific needs of the student and may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The Superintendent or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make alternative educational programs and support services available for students and families.

Students who are identified as truant shall be subject to the interventions specified in law and administrative regulation.

The Superintendent or designee shall periodically report to the Board regarding the district's progress in improving student attendance rates for all students and for each numerically significant student population. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

Legal Reference: (see next page)
CHRONIC ABSENCE AND TRUANCY  (continued)

Legal Reference:

EDUCATION CODE
1740-1742 Employment of personnel to supervise attendance (county superintendent)
37223 Weekend classes
46000 Records (attendance)
46010-46014 Absences
46110-46119 Attendance in kindergarten and elementary schools
46140-46147 Attendance in junior high and high schools
48200-48208 Children ages 6-18 (compulsory full-time attendance)
48225.5 Work permits, entertainment and allied industries
48240-48246 Supervisors of attendance
48260-48273 Truants
48290-48297 Failure to comply; complaints against parents
48320-48325 School attendance review boards
48340-48341 Improvement of student attendance
48400-48403 Compulsory continuation education
48900 Suspension and expulsion
49067 Unexcused absences as cause of failing grade
52052 Accountability; numerically significant student subgroups
60901 Chronic absence

GOVERNMENT CODE
54950-54963 The Ralph M. Brown Act

PENAL CODE
270.1 Chronic truancy; parent/guardian misdemeanor
272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy
830.1 Peace officers

VEHICLE CODE
13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE
256-258 Juvenile hearing officer
601-601.4 Habitually truant minors
11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes

COURT DECISIONS

Management Resources: (see next page)
CHRONIC ABSENCE AND TRUANCY  (continued)

Management Resources:

CSBA PUBLICATIONS
Attendance Awareness Month, Fact Sheet, September 2014

ATTENDANCE WORKS PUBLICATIONS
Count Us In! Working Together to Show that Every School Day Matters, 2014
The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early
Outreach for Positive Linkages and Engagement, 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
School Attendance Review Board Handbook: A Road Map for Improved School Attendance and
Behavior, 2015
School Attendance Improvement Handbook, 2000

WEB SITES
CSBA: http://www.csba.org
Attendance Works: http://www.attendanceworks.org
California Department of Education: http://www.cde.ca.gov
California Healthy Kids Survey: http://chks.wested.org
California School Climate, Health, and Learning Survey System: http://www.cal-schls.wested.org
CHRONIC ABSENCE AND TRUANCY

Definitions

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901)

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

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

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260, 48260.5, 48261, 48262, 48263, and 48291. (Education Code 48263.6)

For purposes of classifying a student as a truant, valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5. A valid excuse may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

Addressing Chronic Absence

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

The student may be referred to a student success team or school-site attendance review team to assist in evaluating his/her needs and identifying strategies and programs to assist him/her.
CHRONIC ABSENCE AND TRUANCY  (continued)

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

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

Addressing Truancy

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

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

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of truancies he/she has committed:
CHRONIC ABSENCE AND TRUANCY (continued)

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

(cf. 5145.6 - Parental Notifications)
   c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
   d. The student and, as appropriate, his/her parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)
CHRONIC ABSENCE AND TRUANCY (continued)

e. The Superintendent or designee may notify the district attorney and/or probation officer of the student's name and the name and address of his/her parents/guardians. (Education Code 48260.6)

2. Second truancy

a. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year. (Education Code 48261)

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

c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)

d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and his/her parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)

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

f. The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)

3. Third truancy (habitual truancy)

a. A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. (Education Code 48263, 48264.5)
CHRONIC ABSENCE AND TRUANCY (continued)

(cf. 5113.12 - District School Attendance Review Board)

b. Upon making a referral to the SARB or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)

c. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)

d. If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or his/her parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer. (Education Code 48263)

4. Fourth truancy

a. Upon his/her fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)

5. Chronic truancy (unexcused absence for 10 percent of school days)

a. The Superintendent or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.

b. If a chronically truant student is at least age six years and is in any of grades K-8, the Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.
CHRONIC ABSENCE AND TRUANCY  (continued)

Records

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

(cf. 5125 - Student Records)

The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court. (Education Code 48273)
WORK PERMITS

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

(cf. 6178 - Career Technical Education)

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

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

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

(cf. 5112.1 - Exemptions from Attendance)

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

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

(cf. 6178.1 - Work-Based Learning)
(cf. 6184 - Continuation Education)

Legal Reference: (see next page)
LEGAL REFERENCE:

EDUCATION CODE
48230 Exemption from full-time school attendance for students with work permits
48231 Exemption from compulsory attendance for students entering attendance area near end of term
49100-49101 Compulsory attendance
49110-49119 Permits to work
49130-49135 Permits to work full time
49140-49141 Exceptions
49160-49165 Employment of minors; duties of employers
49180-49183 Violations
51760-51769.5 Work experience education
52300-52499.66 Career technical education

LABOR CODE
1285-1312 Employment of minors
1391-1394 Working hours for minors

CODE OF REGULATIONS, TITLE 5
16023-16027 District records, retention and destruction

CODE OF REGULATIONS, TITLE 8
11701-11707 Prohibited and dangerous occupations for minors
11750-11763 Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29
570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

MANAGEMENT RESOURCES:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS
Child Labor Laws, 2000

WEB SITES
California Department of Education, Work Experience Education: http://www.cde.ca.gov/ci/ct/we
California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development: http://www.cde.ca.gov/ci/ct/wd
California Department of Industrial Relations: http://www.dir.ca.gov

Policy adopted: PALMDALE SCHOOL DISTRICT

Palmdale, California
WORK PERMITS

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

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

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

(cf. 6178.1 - Work-Based Learning)

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

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

Persons Authorized to Issue Work Permits

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

1. The Superintendent

2. An employee holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, when authorized by the Superintendent in writing

3. A principal, or another school administrator designated by the principal, provided that he/she:

   a. Provides a self-certification that he/she understands the requirements of law for issuing a work permit
WORK PERMITS (continued)

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

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

Approval Process

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

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

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

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

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

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

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

(cf. 6184 - Continuation Education)

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

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

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

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

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

Expiration of Work Permits

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

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

Revocation of Work Permits

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

The Superintendent may revoke a work permit issued by a principal of a public or private school located within the district if the Superintendent becomes aware of any grounds upon which the student may be deemed ineligible for a work permit under law. (Education Code 49110)

Retention of Records

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

(cf. 3580 - District Records)
(cf. 5125 - Student Records)
The Board of Trustees shall establish school attendance boundaries in order to maximize the efficient use of district facilities and effective administration of district schools. The Superintendent or designee shall periodically review school attendance boundaries and, as necessary, make recommendations to the Board for boundary adjustments.

When reviewing school attendance boundaries, the Superintendent or designee shall consider the following factors:

1. School enrollment data, including declining enrollment patterns
2. Facility capacity and design, including potential commercial and residential developments
3. School feeder patterns, including maintaining, to the extent practicable, continuity of student attendance
4. Federal, state, or court mandates
5. Community input
6. Student safety
7. Transportation capacity
8. Community and neighborhood identity
9. Geographic features of the district, including traffic patterns
10. Educational programs, such as magnet schools and charter schools

(cf. 7160 - Charter School Facilities)

11. Consistency between municipal boundaries and high school boundaries

12. Other factors

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

Students residing in a community facilities district shall have priority, to the extent provided by law, for attendance at schools financed in whole or in part by the community facilities district. The degree of priority must reflect the proportion of each school's financing provided through the community facilities district. (Government Code 53312.7)

(cf. 7212 - Mello-Roos Districts)
SCHOOL ATTENDANCE BOUNDARIES  (continued)

In order to alleviate overcrowding, the Superintendent or designee may place some students in a school outside of their attendance area. Parents/guardians of students who are attending schools outside of their attendance area shall be notified of the school their child will be attending as soon as possible. If available, transportation shall be provided for such students.

(cf. 3541 - Transportation Routes and Services)

Legal Reference:

EDUCATION CODE
35160  Authority of governing boards
35160.1  Broad authority of school districts
35160.5  District policies; rules and regulations
35291  Rules
35350  Transportation of students
35351  Assignment of students to particular schools

GOVERNMENT CODE
53311-53317.5  Establishment of community facilities district

CALIFORNIA CONSTITUTION
Article I, Section 31 Discrimination based on race, sex, color, ethnicity

COURT DECISIONS
Crawford v. Board of Education (1976) 17 Cal.3d 280
Jackson v. Pasadena City School District (1963) 59 Cal.2d 876

Management Resources:

WEB SITES
California Department of Education:  http://www.cde.ca.gov
Students

BP 5116.1(a)

INTRADISTRICT OPEN ENROLLMENT

The Board of Trustees desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment Act list (Education Code 48354)

(cf. 5118 - Open Enrollment Act Transfers)

2. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

3. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)

4. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)
INTRADISTRICT OPEN ENROLLMENT (continued)

a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist

b. A court order, including a temporary restraining order and injunction

5. Any sibling of a student already in attendance in that school

6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between _______(insert application window dates)____________ of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not 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. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

Transportation

Except as required for students who transferred out of a Title I program improvement school, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

(cf. 3250 - Transportation Fees)
(cf. 3540 - Transportation)

Legal Reference: (see next page)
INTRADISTRICT OPEN ENROLLMENT (continued)

Legal Reference:

**EDUCATION CODE**
- 200 Prohibition against discrimination
- 35160.5 District policies; rules and regulations
- 35291 Rules
- 35351 Assignment of students to particular schools
- 46600-46611 Interdistrict attendance agreements
- 48200 Compulsory attendance
- 48204 Residency requirements for school attendance
- 48300-48316 Student attendance alternatives, school district of choice program
- 48350-48361 Open Enrollment Act
- 48980 Notice at beginning of term

**CODE OF REGULATIONS, TITLE 5**
- 11992-11994 Definition of persistently dangerous schools

**UNITED STATES CODE, TITLE 20**
- 6311 State plans
- 7912 Transfers from persistently dangerous schools

**COURT DECISIONS**

**ATTORNEY GENERAL OPINIONS**

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**
- Public School Choice FAQs
- Every Student Succeeds Act - Update #8, July 14, 2017

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

- Unsafe School Choice Option, May 2004

**WEB SITES**
- CSBA: http://www.csba.org
- California Department of Education: http://www.cde.ca.gov
INTRADISTRICT OPEN ENROLLMENT

All intradistrict transfers are determined on a "space available" basis at the accepting school by the school principal. Any district parent/guardian interested in requesting intra-district Lottery enrollment must complete the Intradistrict Lottery Application via the online application made available via the district website during the designated timeframe. (See selection procedure below.)

Regular intra and interdistrict attendance requests (non Lottery) shall be processed in accordance with AR 5116 (Intradistrict Attendance) and 5117 (Interdistrict Attendance).

Enrollment Priorities

1. The number of Lottery transfers allowed is contingent on the availability of space at the requested site/program.

   If school capacity denotes available space at a school, Lottery can be made on the basis of grade level space availability.

2. No student currently residing within a school's attendance area shall be displaced by another student. (Education Code 35160.5)

3. The Governing Board retains the authority to maintain appropriate racial and ethnic balances among district schools. (Education Code 35160.5)

4. Once enrolled, a student shall not have to apply for readmission to the school. However, transfer paperwork must be renewed on a yearly basis. Students may be subject to displacement due to excessive enrollment of zoned students or failure to adhere to the requirements of the transfer.

5. For schools of choice (i.e. Learning Plaza, Los Amigos, and Dos Caminos), returning students including new kindergarten siblings shall be given enrollment priority. New intra-district students as well as new interdistrict students with siblings already enrolled shall apply for school enrollment through the Lottery application process. New interdistrict requests for students without enrolled siblings shall be considered after Lottery applications have been admitted.

6. Although it is not the intent of the district to separate siblings, Lottery approval for one sibling will be considered approval for other siblings in the same family only at the time of initial approval. However, acceptance for all children is dependent on space availability at each requested grade level.

7. The Lottery Application Process is site specific. Students who lottery in to an elementary school must attend their zoned intermediate school after 6th grade promotion. Acceptance to a non-zoned intermediate school may be accomplished through a new Lottery application or through the intradistrict transfer process.
INTRADISTRICT OPEN ENROLLMENT (continued)

8. Special Education Special Class students will continue to be placed through the Individual Educational Plan Committee process.

9. Transportation for approved Lottery transfers is the responsibility of the parent/guardian. The district will not provide transportation outside the school’s attendance area.

Selection Process

1. Unless there are siblings currently enrolled in a Palmdale School District school, students not residing in the Palmdale School District may not participate in the Lottery but can apply for enrollment to a school through the district's inter-district transfer policy (BP 5117).

2. Parents/guardians may submit an online lottery application during the designated window. The online application shall be made available through the district website. The lottery window shall be announced via the district website, flyers sent home with students and a district-wide phone call to parents/guardians.

3. All students who submit applications to the district shall be eligible for admission consideration to their school of choice the following school year under the district's Lottery policy.

4. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, and a waiting list shall be established to indicate the order in which students may be accepted as openings occur. Applications received after the deadline will be placed on an intradistrict transfer waiting list and be considered for acceptance after Lottery participants. The list will expire on June 30 of each year.

5. The Superintendent or designee shall inform applicants as to whether their applications have been approved, denied or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.

6. Applicants who receive approval must confirm their enrollment within two weeks.

Any complaints regarding the selection process should be taken to the Superintendent or designee.

(cf. 1312 - Complaints Concerning the Schools)
INTRADISTRICT OPEN ENROLLMENT  (continued)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each year describing all current statutory attendance options and local attendance options available in the district including:

1. All options for meeting residency requirements for school attendance.
2. Program options offered within local attendance areas.
3. A description of any special program options available on both an interdistrict and intradistrict basis.
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied.
IN VOLUNTARY STUDENT TRANSFERS

The Board of Trustees desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6173.3 - Education for Juvenile Court School Students)

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

Students Convicted of Violent Felony or Misdemeanor

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 6164.2 - Guidance and Counseling Services)

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.
INVoluntary STUDent TRANSFERS  (continued)

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Other Involuntary Transfers

Students may be involuntarily transferred under either of the following circumstances:

1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)

(cf. 6184 - Continuation Education)

2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6185 - Community Day School)

Legal Reference: (see next page)
IN VOLUNTARY STUDENT TRANSFERS  (continued)

Legal Reference:

**EDUCATION CODE**
- 35146  Closed sessions; student matters
- 48430-48438  Continuation classes, especially:
- 48432.5  Involuntary transfer to continuation school
- 48660-48666  Community day schools, especially:
- 48662  Involuntary transfer to community day school
- 48900  Grounds for suspension and expulsion
- 48929  Transfer of student convicted of violent felony or misdemeanor
- 48980  Notice at beginning of term

**PENAL CODE**
- 667.5  Violent felony, definition
- 29805  Misdemeanors involving firearms

**WELFARE AND INSTITUTIONS CODE**
- 300  Minors subject to jurisdiction
- 602  Minors violating laws defining crime; ward of court

Management Resources:

**WEB SITES**
- CSBA: http://www.csba.org
- California Department of Education: http://www.cde.ca.gov
INTERDISTRICT ATTENDANCE

The Board of Trustees recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

(cf. 5111.1 - District Residency)
(cf. 5116.1 - Intradistrict Open Enrollment)

School District of Choice Program

The Board has designated the district as a "school district of choice" and shall accept students who reside within other California school districts who wish to attend a district school.

The Board shall, by resolution, annually establish the number of students who will be accepted into the district through this program based on recommendations by the Superintendent or designee as to the number of transfer students the district will be able to accept and the schools, grades, and programs that will be able to accept the students. Once established, the district shall accept all students who apply to transfer into the district until the district is at maximum capacity, as required pursuant to Education Code 48301.

Students shall be admitted to district schools through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based upon the student's academic or athletic performance, physical condition, proficiency in English, any of the individual characteristics set forth in Education Code 200, or family income. (Education Code 48301)

If the number of transfer applications exceeds the number of transfers the Board has elected to accept, approval for transfer shall be determined by a random drawing held in public at a regularly scheduled Board meeting. (Education Code 48301)

Because the district admits students in accordance with the school district of choice program, the Superintendent or designee shall not admit students based on individual interdistrict attendance permits pursuant to Education Code 46600-46610 except under extraordinary circumstances.

The Superintendent or designee shall keep an accounting of all requests for admittance and a record of their disposition, including, but not limited to, all of the following: (Education Code 48313)

1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial
2. The number of students transferred into and out of the district pursuant to this program
INTERDISTRICT ATTENDANCE  (continued)

3. The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, and the district of residence for each student transferred into or out of the district pursuant to this program

4. The number of students transferred into or out of the district pursuant to this program who are classified as English learners or students with disabilities

5. As applicable, the number of students described in items #3 and 4 above who are provided transportation assistance to a district school or program, and the total number of students provided transportation assistance, pursuant to the school district of choice program

The Superintendent or designee shall report to the Board, at a regularly scheduled meeting, the information specified in items #1-5 above. No later than October 15 of each year, the Superintendent or designee shall provide the same information for the current school year, as well as information regarding the district's status as a school district of choice in the upcoming school year, to each geographically adjacent school district, the county office of education, and the Superintendent of Public Instruction. (Education Code 48313)

The district's compliance with specified program requirements shall be reviewed as part of the annual district audit conducted pursuant to Education Code 41020. (Education Code 48301)

(cf. 3460 - Financial Reports and Accountability)

Transportation

The district shall not provide transportation beyond any school attendance area. Upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for an interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

Legal Reference: (see next page)
INTERDISTRICT ATTENDANCE (continued)

Legal Reference:

EDUCATION CODE
41020 Annual district audits
46600-46610 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48300-48317 Student attendance alternatives, school district of choice program
48900 Grounds for suspension or expulsion; definition of bullying
48915 Expulsion; particular circumstances
48915.1 Expelled individuals; enrollment in another district
48918 Rules governing expulsion procedures
48980 Notice at beginning of term
48985 Notices to parents in language other than English
52317 Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION
Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

ATTORNEY GENERAL OPINIONS

COURT DECISIONS
Walnut Valley Unified School District v. the Superior Court of Los Angeles County. (2011) 192 Cal.App.4th 234

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
Students

AR 5117(a)

INTERDISTRICT ATTENDANCE

School District of Choice Program

The Superintendent or designee shall communicate with parents/guardians regarding transfer opportunities under the school district of choice program. Communications sent to parents/guardians shall be available in all languages for which translations are required pursuant to Education Code 48985, shall be factually accurate, and shall not target particular neighborhoods or individual parents/guardians on the basis of a child's actual or perceived academic or athletic skill or any other personal characteristic. (Education Code 48301, 48980)

The Superintendent or designee shall also make public announcements regarding district schools, programs, policies, and procedures, including transportation options if applicable, during the enrollment period. (Education Code 48312)

The Superintendent or designee may hold informational meetings on the district's current educational programs, so that parents/guardians can provide input to the district on methods to improve current programs and make informed decisions regarding their children's education. (Education Code 48302)

The process for student transfers into the district under the school district of choice program, including, but not limited to, any applicable form, the timeline for a transfer, and an explanation of the selection process, shall be posted on the district's web site. (Education Code 48301)

(cf. 1113 - District and School Web Sites)

Parents/guardians shall submit applications for interdistrict attendance to the district office before January 1 of the school year preceding the school year for which the student is requesting to be transferred. The application deadline may be waived upon agreement between the district and the student's district of residence. (Education Code 48308)

The application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48308)

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

Any existing entrance criteria for specialized schools or programs shall be uniformly applied to all applicants. (Education Code 48305)

The district may deny a transfer into the district under the school district of choice program if the transfer would require the district to create a new program to serve that student, except that the district shall not reject the transfer of a student with disabilities or an English learner. (Education Code 48303)
INTERDISTRICT ATTENDANCE (continued)

Whenever the number of transfer applications exceeds the number of interdistrict transfers that may be accepted as annually determined by the Board of Trustees, students accepted for transfer shall be selected by a random drawing held in public at a regularly scheduled Board meeting before February 15 of the school year preceding the school year for which the transfer is sought. (Education Code 48301)

Priority for transfer under the school district of choice program shall be granted as follows: (Education Code 48306)

1. First priority shall be given to siblings of students already in attendance in the district.
2. Second priority shall be given to students eligible for free or reduced-price meals. (cf. 3553 - Free and Reduced Price Meals)
3. Third priority shall be given to children of military personnel.

No later than February 15 of the school year preceding the school year for which the student is requesting to be transferred, the Superintendent or designee shall notify the parent/guardian in writing whether the application has been provisionally accepted or rejected or of the student's position on any waiting list. (Education Code 48308)

If a student's application for transfer is accepted, the Superintendent or designee shall so notify the student's district of residence no later than February 15 of the school year preceding the school year for which the student is requesting to be transferred. (Education Code 48308)

The number of students accepted for transfer into the district, by school and grade level, shall be reported to the district of residence on or before February 15. (Education Code 48308)

If a student's application is denied, the Superintendent or designee shall notify the student's parents/guardians that the number of students requesting to transfer exceeded the district's capacity and that the student was not selected during the random drawing. Such determination shall be accurately recorded in the minutes of the Board meeting at which the determination was made. (Education Code 48308)

(cf. 9324 - Minutes and Recordings)

For a student whose parent/guardian was relocated by the military less than 90 days prior to the submission of the application, the district shall make a final decision to accept or reject the application within 90 days of its receipt. If the student's application has been submitted less than 90 days prior to the beginning of the school year, then the district shall accept or deny the application before the school year begins. Upon acceptance, the student may immediately enroll in a district school. (Education Code 48308)
INTERDISTRICT ATTENDANCE (continued)

Vacancies may be filled from the waiting list until May 1 of the school year preceding the school year for which students are requesting to be transferred. (Education Code 48308)

The final number of students enrolled in the district through the school district of choice program, by school and grade level, along with the names of the students, shall be reported to the district of residence on or before May 2. (Education Code 48308)

Students admitted through the school district of choice program are deemed to have fulfilled district residency requirements pursuant to Education Code 48204. (Education Code 48301)

(cf. 5111.1 - District Residency)
(cf. 5116.1 - Intradistrict Open Enrollment)

Final acceptance of the transfer is applicable for one school year and shall be renewed automatically each year unless the Board, by adoption of a resolution, withdraws from participation in the program and no longer accepts transfer students from other districts. (Education Code 48308)

Even if the district withdraws from participation in the program, students who attended or received a notice of acceptance into the district before the Board's resolution of withdrawal shall be permitted to attend school in the district, and admitted high school students may continue attending school in the district until they graduate from high school. (Education Code 48307, 48308)

The district may accept any completed coursework, attendance, and other academic progress credited to an accepted student by any district(s) the student has previously attended and may grant academic standing to the student based upon the district's evaluation of the student's academic progress. (Education Code 48309)

(cf. 6146.3 - Reciprocity of Academic Credit)

The district may revoke a student's enrollment if the student is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

Transfers Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)
INTERDISTRICT ATTENDANCE  (continued)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.

2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

(cf. 3100 - Budget)

3. The Board determines that the transfer would negatively impact any of the following:
   (Education Code 48307)
   a. A court-ordered desegregation plan
   b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
   c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31
INTERDISTRICT ATTENDANCE AGREEMENTS

The Superintendent or designee may approve interdistrict agreements for the following reasons:

1. To meet the child care needs of the student that cannot be met within the boundaries of the Palmdale School District. Such students may be allowed to continue to attend district schools only as long as they continue to use a child care provider within district boundaries.

2. To meet a child's special mental or physical health needs, as certified by a physician, school psychologist or other appropriate school personnel.

(cf. 6159 - Individualized Education Program)

3. When the student has brother(s) or sister(s) attending school in a receiving district, to avoid splitting the family's attendance.

4. To complete a school year when parents/guardians have moved out of the district during that year.

5. If the student is matriculating from seventh to eighth grade and wishes to be graduated with his/her present class.

6. When the parent/guardian provides written evidence that the family will be moving to the receiving district in the immediate future and would like the student to start the year in that district.

7. When recommended by the School Attendance Review Board 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.

8. When there is valid interest in a particular educational program not offered in the district of residency.

9. To provide a change in school environment for reasons of personal and social adjustment.

A student's interdistrict agreement may be revoked because of excessive truancy, continual disruption of the educational program, or aggressive misbehavior toward staff and/or peers.

(cf. 5144 - Discipline)
INTERDISTRICT ATTENDANCE AGREEMENTS  (continued)

Transportation

Transportation shall not be provided for students attending on an interdistrict agreement.

(cf. 3540 - Transportation)

Denial of Interdistrict Transfer Agreement

The Superintendent or designee may deny initial requests for interdistrict attendance permits if school facilities are overcrowded at the relevant grade level or based on other considerations that are not arbitrary. However, once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

The parent/guardian of a student who is denied a transfer requested pursuant to Education Code 46600-46611 shall receive timely notice, in accordance with law, regarding the process for appeal to the County Board of Education. This notice shall be provided by the district denying the request, or, in the absence of an agreement between the districts, by the district of residence.

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending, or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
OPEN ENROLLMENT ACT TRANSFERS

The Board of Trustees desires to offer enrollment options in order to provide children with opportunities for academic achievement that meet their diverse needs. Such options shall also be provided to children who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.

Whenever a student is attending a district school on the Open Enrollment List as identified by the Superintendent of Public Instruction, he/she may transfer to another school within or outside of the district, as long as the school to which he/she is transferring has a higher Academic Performance Index. (Education Code 48354, 48356)

A parent/guardian whose child is attending a district school on the Open Enrollment List and who wishes to have his/her child attend another school within the district shall apply for enrollment using BP/AR 5116.1 - Intradistrict Open Enrollment.

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between May 16th and June 7th of the preceding school year for which the transfer is requested.

The Board may deny a transfer out of or into the district upon a determination by the Board that the transfer would negatively impact a court-ordered or voluntary desegregation plan in accordance with Education Code 48355.

Standards for Rejection of Transfer Applications

Pursuant to Education Code 48356, the Board has adopted the following standards for acceptance and rejection of transfer applications submitted by a parent/guardian of a student attending a school in another district on the Open Enrollment List. The Superintendent or designee shall apply these standards in accordance with Board policy and administrative regulation and shall ensure that the standards are applied uniformly and consistently.

As applicable, the Superintendent or designee may deny a transfer application under any of the following circumstances:

1. Upon a determination that approval of the transfer application would negatively impact the capacity of a program, class, grade level, or school building, including:
OPEN ENROLLMENT ACT TRANSFERS  (continued)

a. The class or grade level exceeding the district's limits pursuant to Education Code 41376

b. The site, classroom, or program exceeding the maximum student-teacher ratio specified in the district's collective bargaining agreement

c. The site or classroom exceeding the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document

d. The class or grade level exceeding capacity pursuant items #a-#c above in subsequent years as the student advances to other grade levels at the school

(cf. 6151 - Class Size)
(cf. 7110 - Facilities Master Plan)

2. Upon a determination that approval of the transfer application would have an adverse financial impact on the district, including:

a. The hiring of additional certificated or classified staff

b. The operation of additional classrooms or instructional facilities

c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students

Appeal Process for Denials of Transfer Applications

A parent/guardian may appeal the district's denial of a transfer application to the Board by filing a written request of appeal with the Superintendent or designee within 10 days of the receipt of the written notification of denial. In addition, a parent/guardian who believes he/she has been subject to discrimination may file an appeal using the district's Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Board shall schedule an appeal hearing as soon as practicable at a regular or special meeting of the Board. At the hearing, the parent/guardian shall have the right to present oral or written evidence, rebut district evidence, and question any district witnesses. Unless the parent/guardian requests that the hearing be held in open session, the hearing shall be held in closed session in order to protect the privacy of students in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)
OPEN ENROLLMENT ACT TRANSFERS  (continued)

The Board shall make its decision by the next regularly scheduled meeting and shall send its
decision to all concerned parties. The Board's decision shall be final.

Program Evaluation

The Superintendent or designee shall collect data regarding the number of students who
transfer out of the district pursuant to the Open Enrollment Act. He/she also shall collect
data regarding the number of students who apply to transfer into the district, the number of
requests granted, denied, or withdrawn, and the district schools and programs receiving
applications.

When the Superintendent or designee anticipates that a particular school will receive a large
number of transfer applications, he/she shall study the enrollment pattern at that school in
order to anticipate future resident enrollment at the school and at the district schools into
which those students would normally matriculate.

The Superintendent or designee shall regularly report to the Board regarding the
implementation of this program.

Legal Reference: (see next page)
OPEN ENROLLMENT ACT TRANSFERS (continued)

Legal Reference:

EDUCATION CODE
200  Prohibition of discrimination
35160.5  District policies, rules, and regulations
46600-46611  Interdistrict attendance agreements
48200  Compulsory attendance
48204  Residency requirements for school attendance
48300-48316  Student attendance alternatives, school district of choice program
48350-48361  Open Enrollment Act
48915  Expulsion; particular circumstances
48915.1  Expelled individuals: enrollment in another district
52317  Regional Occupational Center/Program, enrollment of students, interdistrict attendance

FAMILY CODE
6500-6552  Caregivers

UNITED STATES CODE, TITLE 20
6316  Transfers from program improvement schools

CODE OF REGULATIONS, TITLE 5
4700-4703  Open Enrollment Act

CODE OF FEDERAL REGULATIONS, TITLE 34
200.36  Dissemination of information
200.37  Notice of program improvement status, option to transfer
200.39  Program improvement, transfer option
200.42  Corrective action, transfer option
200.43  Restructuring, transfer option
200.44  Public school choice, program improvement schools

ATTORNEY GENERAL OPINIONS

COURT DECISIONS

Management Resources:

WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov

Policy
adopted:  June 21, 2011

PALMDALE SCHOOL DISTRICT
Palmdale, California
Definitions

District of enrollment means the district, other than the district in which the student's parent/guardian resides, in which the parent/guardian intends to enroll his/her child. (Education Code 48352)

District of residence means the district in which the parent/guardian of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code 48200. (Education Code 48352)

Open enrollment school means a "low-achieving" school identified by the Superintendent of Public Instruction (SPI) pursuant to Education Code 48352 and 5 CCR 4701. (Education Code 48352; 5 CCR 4701)

Transfer Applications into a District School

Enrollment priority shall be available to students who reside within this district. No student who resides within a school's attendance area or who is currently enrolled in a school shall be displaced by a student who is transferring pursuant Education Code 48350-48361 or 5 CCR 4700-4703. (Education Code 48354, 48356)

Applications shall be submitted within the deadlines established by Board policy.

However, the application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48354)

The parent/guardian's application may request enrollment of his/her child in a specific school or program. Requests for admission to a magnet school or program designed to serve gifted and talented students shall be subject to the usual admission requirements established by the district for district students. Except for such specialized admission requirements, the Superintendent or designee shall not consider the student's previous academic achievement, athletic performance, physical condition, English language proficiency, family income, or any of the prohibited bases for discrimination listed in Education Code 200. (Education Code 48354, 48356)
OPEN ENROLLMENT ACT TRANSFERS (continued)

Students applying for open enrollment transfers shall be assigned priority for approval as follows: (Education Code 48356)

1. First priority for the siblings of students who already attend the desired school

2. Second priority for students transferring from a program improvement school ranked in decile 1 on the Academic Performance Index (API)

If the number of students who request a particular school exceeds the number of spaces available at that school, the Superintendent or designee shall conduct a lottery, in the group priority order identified in items #1 and #2 above, to select students at random until all of the available spaces are filled. (Education Code 48356)

Within 60 days of receiving the application, the Superintendent or designee shall provide written notification to the parent/guardian and the student's district of residence as to whether the application has been accepted or rejected. If the application has been rejected, the notice shall state the reasons for the rejection. If the application has been approved, the notification shall specify the particular school site and the school's address to which the student has been admitted. (Education Code 48357; 5 CCR 4702)

Terms of Approval

The Superintendent or designee shall ensure that the school to which the student is transferring has a higher API than the school in which the student was previously enrolled. (Education Code 48356)

The parent/guardian shall enroll his/her child on or before the first day of instruction or within 14 calendar days of receipt of the district's notice of approval of the application, whichever is later. If the parent/guardian fails to enroll his/her child within this timeframe, the district may decline to enroll the student. (5 CCR 4703)

Upon enrollment, the district shall grant the student any credits towards graduation that he/she received from his/her district of residence. The student shall be eligible for graduation from district schools upon completion of state and district graduation requirements. (Education Code 48358)

(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

A student admitted to a district school through this process shall be deemed to have fulfilled district residency requirements pursuant to Education Code 48204 and shall not be required to reapply for enrollment in that school, regardless of whether his/her school of residence remains on the Open Enrollment List. (Education Code 48356; 5 CCR 4702)
OPEN ENROLLMENT ACT TRANSFERS  (continued)

Once admitted, a transfer student who wishes to matriculate into a district middle or high school or transfer to another district school shall reapply for admission to the new school pursuant to the requirements of Board policy and administrative regulation.

Parents/guardians are responsible for transporting their children to school.

Transfers out of District Schools on the Open Enrollment List

Upon identification by the California Department of Education (CDE) that a district school is on the Open Enrollment List, the Superintendent or designee shall notify the parents/guardians of each student enrolled in the school of the option to transfer. This notice shall be provided by the first day of instruction. However, if the CDE has not notified the district whether a school is on the list by the first day of instruction, the notification shall be provided no later than 14 calendar days after the Open Enrollment List is posted on the CDE's web site. (Education Code 48354; 5 CCR 4702)

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 5145.6 - Parental Notifications)
OPEN ENROLLMENT ACT TRANSFERS

PLEASE SEE DISTRICT MATERIAL IN THE DISTRICT OFFICE
FOR EXHIBIT 5118 TITLED:
OPEN ENROLLMENT APPLICATION FORM
STUDENTS EXPELLED FROM OTHER DISTRICTS

The Board of Trustees may grant admission to students expelled from other districts in accordance with law and when consistent with the Board's goal to provide a safe and secure environment for students and staff.

(cf. 0450 - Comprehensive Safety Plan)

If a student expelled from another district is granted enrollment, in accordance with the procedures specified below, he/she shall either establish legal residence in this district or enroll pursuant to an interdistrict attendance agreement. (Education Code 48915.1, 48915.2)

(cf. 5111 - Admission)
(cf. 5111.1 - District Residency)
(cf. 5117 - Interdistrict Attendance)

Enrollment During the Term of the Expulsion

The district shall not enroll a student expelled by another district for any of the offenses listed in Education Code 48915(a) or (c) (mandatory expulsion offenses) during the term of the student's expulsion, unless the enrollment is at a community day school. (Education Code 48915.2)

Upon receiving a request for enrollment from a student expelled from another district for acts other than those specified in Education Code 48915(a) or (c), the Board shall hold a hearing to determine whether the student poses a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.1)

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

If the student or parent/guardian neglects to inform the district that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the Board shall record and discuss this lack of compliance during the hearing. (Education Code 48915.1)

If the Board finds that a student expelled for acts other than those specified in Education Code 48915(a) or (c) does not pose a continuing danger to students or staff, the student may be admitted or conditionally admitted during the term of expulsion. If the Board determines that the student does pose a continuing danger to students or staff, the student shall not be admitted. (Education Code 48915.1)

(cf. 5145.6 - Parental Notifications)
STUDENTS EXPELLED FROM OTHER DISTRICTS  (continued)

Enrollment After the Term of the Expulsion

A student expelled for an act specified in Education Code 48915(a) or (c) may enroll in the district after the term of his/her expulsion if the Board finds, at a hearing, that the student does not pose a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918. (Education Code 48915.2)

A student expelled for any act other than those specified in Education Code 48915(a) or (c) may request enrollment after the term of his/her expulsion in accordance with the district's procedures for establishing residency or interdistrict transfer.

Legal Reference:

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

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California Attorney General’s Office: http://www.caag.state.ca.us
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office of Safe and Healthy Students:
https://www2.ed.gov/about/offices/list/oese/oshs
Students

AR 5119(a)

STUDENTS EXPELLED FROM OTHER DISTRICTS

Hearings and notices related to the enrollment of students expelled from other districts shall be conducted in accordance with expulsion procedures consistent with Education Code 48918. (Education Code 48915.1, 48915.2)

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

No student shall be enrolled until after the term of his/her expulsion if he/she was expelled for any of the following acts: (Education Code 48915, 48915.2)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

2. Brandishing a knife at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code 48900(n)

5. Causing serious physical injury to another person, except in self-defense

6. Possessing any knife, explosive or other dangerous object of no reasonable use to the student

7. Unlawfully possessing any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for possessing not more than one ounce of marijuana, other than concentrated cannabis

8. Robbery or extortion

9. Assault or battery upon a school employee as defined in Penal Code 240 and 242.

Enrollment During the Term of Expulsion

If a student has been expelled for an act other than those specified in Education Code 48915(a) or (c), the parent/guardian shall, upon enrollment, inform the receiving district of the student's status with the previous district. (Education Code 48915.1)
STUDENTS EXPELLED FROM OTHER DISTRICTS (continued)

A student expelled for acts other than those specified in Education Code 48915 (a) or (c) may be admitted or conditionally admitted during the term of expulsion when the Board of Trustees determines at a hearing that the student does not pose a potential danger to district students or employees. The student shall be admitted provided that, subsequent to the expulsion, he/she either has established legal residence in the district or has enrolled as part of an interdistrict agreement. However, if such a student is found to pose a potential danger, the Board may deny enrollment for the remainder of the expulsion period. (Education Code 48915.1)

If the student or parent/guardian neglects to inform the district that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the Board shall record and discuss this lack of compliance during the hearing. (Education Code 48915.1)
GRADES/EVALUATION OF STUDENT ACHIEVEMENT

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

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

The Superintendent or designee shall establish a uniform grading system that shall be applied to all students in that course and grade level. Teachers shall inform students and parents/guardians how academic performance will be evaluated in the classroom.

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

A teacher shall base a student's grades solely on the quality of the student's academic work and his/her mastery of course content based on district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, including, but not limited to, tests, projects, portfolios, and/or class discussion as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.

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

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment.

(cf. 6154 - Homework/Makeup Work)

A teacher may assign a failing grade to a student who has \((\text{fill in number})\) or more unexcused absences during the grading period.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

Students in grades K-3 shall receive progress reports at the end of each grading period rather than letter grades.

At all grade levels, report cards may include reports of student progress on specific academic standards applicable to the course and grade level.
GRADES/EVALUATION OF STUDENT ACHIEVEMENT  (continued)

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

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

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

A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation.  (Education Code 49066)

(cf. 5125.3 - Challenging Student Records)

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point average (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, International Baccalaureate, honors, and/or concurrent postsecondary courses.

(cf. 6141.4 - International Baccalaureate Program)
(cf. 6141.5 - Advanced Placement)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6172.1 - Concurrent Enrollment in College Classes)

Legal Reference: (see next page)
GRADES/EVALUATION OF STUDENT ACHIEVEMENT  (continued)

Legal Reference:

EDUCATION CODE
48070  Promotion and retention
48205  Excused absences
48800-48802  Enrollment of gifted students in community college
48904-48904.3  Withholding grades, diplomas, or transcripts
49066  Grades; finalization; physical education class
49067  Mandated regulations regarding student's achievement
49069.5  Students in foster care, grades and credits
51242  Exemption from physical education based on participation in interscholastic athletics
69432.9  Cal Grant program; notification of grade point average
76000-76002  Enrollment in community college

CODE OF REGULATIONS, TITLE 5
10060  Criteria for reporting physical education achievement, high schools
30008  Definition of high school grade point average for student aid eligibility

UNITED STATES CODE, TITLE 20
1232g  Family Education Rights and Privacy Act (FERPA)

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67  Family Educational Rights and Privacy Act

COURT DECISIONS

Management Resources:

CSBA PUBLICATIONS
Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE
Report Cards and Transcripts for Students with Disabilities, October 17, 2008

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Student Aid Commission: http://www.csac.ca.gov
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy adopted:  PALMDALE SCHOOL DISTRICT  Palmdale, California
The Superintendent or designee shall inform teachers of the district's policy regarding grading, including expectations that grades shall be based on factors that directly measure students' knowledge and skills in the content area and shall not include nonacademic factors.

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

(cf. 6020 - Parent Involvement)

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

(cf. 5123 - Promotion/Acceleration/Retention)

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

(cf. 5125 - Student Records)
(cf. 6146.1 - High School Graduation Requirements)

Grades for Academic Performance

For grades K-3, students' level of progress for each grading period shall be reported as follows:

O     Outstanding
S     Satisfactory
N     Needs Improvement

For grades 4-12, grades for academic performance shall be reported for each grading period as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
<th>Description</th>
<th>Grade Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>(90-100%)</td>
<td>Outstanding Achievement</td>
<td>4.0 grade points</td>
</tr>
<tr>
<td>B</td>
<td>(80-89%)</td>
<td>Above Average Achievement</td>
<td>3.0 grade points</td>
</tr>
<tr>
<td>C</td>
<td>(70-79%)</td>
<td>Average Achievement</td>
<td>2.0 grade points</td>
</tr>
<tr>
<td>D</td>
<td>(60-69%)</td>
<td>Below Average Achievement</td>
<td>1.0 grade points</td>
</tr>
<tr>
<td>F</td>
<td>(0-59%)</td>
<td>Little or No Achievement</td>
<td>0 grade points</td>
</tr>
<tr>
<td>I</td>
<td>(0-59%)</td>
<td>Incomplete</td>
<td>0 grade points</td>
</tr>
</tbody>
</table>
GRADES/EVALUATION OF STUDENT ACHIEVEMENT  (continued)

An Incomplete shall be given only when a student's work is not finished by the end of the grading period because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Because of the more rigorous nature of Advanced Placement, International Baccalaureate, honors, and concurrent postsecondary courses, students receiving a grade of A, B, or C in those courses shall receive extra grade weighting as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
<th>Description</th>
<th>Grade Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>(90-100%)</td>
<td>Outstanding Achievement</td>
<td>5.0</td>
</tr>
<tr>
<td>B</td>
<td>(80-89%)</td>
<td>Above Average Achievement</td>
<td>4.0</td>
</tr>
<tr>
<td>C</td>
<td>(70-79%)</td>
<td>Average Achievement</td>
<td>3.0</td>
</tr>
</tbody>
</table>

(cf. 6141.4 - International Baccalaureate Program)
(cf. 6141.5 - Advanced Placement)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6172.1 - Concurrent Enrollment in College Classes)

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

(cf. 6142.7 - Physical Education and Activity)

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

High school students using interscholastic athletic participation to fulfill physical education requirements, as authorized by Education Code 51242, may be graded on this participation provided a teacher credentialed to teach physical education supervises this participation and assigns the grade.

(cf. 6145.2 - Athletic Competition)

Grades for College Courses

When the district has approved a student to receive district credit for coursework completed at a community college or four-year college, he/she shall receive the same letter grade as is granted by the college.
GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

Grades for Citizenship and Work Habits

Any grades assigned for citizenship or work habits, such as effort or study skills, shall be reported as follows:

O Outstanding
S Satisfactory
N Needs Improvement

Pass/Fail Grading

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

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

Peer Grading

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

Repeating Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course. The highest grade received shall be used in determining the student's overall grade point average (GPA).

Withdrawal from Classes

A student who drops a course during the first six weeks of the grading period may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the grading period shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Effect of Absences on Grades

Teachers who choose to withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians of such a possibility at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.
GRADES/EVALUATION OF STUDENT ACHIEVEMENT (continued)

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

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

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

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

(cf. 6173.1 - Education for Foster Youth)

Grade Point Average

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "Grades for Academic Performance" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed. Pass/Fail grades shall not be included in the determination of a student's GPA.

(cf. 5126 - Awards for Achievement)
(cf. 6145 - Extracurricular and Cocurricular Activities)

When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

Each academic year, the Superintendent or designee shall provide to the Student Aid Commission the GPA of all district students in grade 12, except for students who have opted out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9)
PROMOTION/ACCELERATION/RETENTION

The Board of Trustees expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

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

(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6170.1 - Transitional Kindergarten)

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

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement: Local and School Assessments

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
PROMOTION/ACCELERATION/RETENTION (continued)

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)

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

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

When any student in grades 2-9 is retained or recommended for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. The Superintendent or designee also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention. (Education Code 37252.2, 37252.8, 48070.5)

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

Legal Reference:
EDUCATION CODE
37252-37254.1 Supplemental instruction
46300 Method of computing average daily attendance
48010 Admittance to first grade
48011 Promotion/retention following one year of kindergarten
48070-48070.5 Promotion and retention
56345 Elements of individualized education plan
60640-60649 California Assessment of Student Performance and Progress
CODE OF REGULATIONS, TITLE 5
200-202 Admission and exclusion of students

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
FAQs Promotion, Retention, and Grading (students with disabilities)
FAQs Pupil Promotion and Retention
Kindergarten Continuance Form
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Policy adopted:

PALMDALE SCHOOL DISTRICT
Palmdale, California
PROMOTION/ACCELERATION/RETENTION

Acceleration from Kindergarten to First Grade

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code 48010, 48011)

(cf. 5111 - Admission)

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: (Education Code 48011; 5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the district approving the placement in first grade.

Continuation in Kindergarten

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300, 48011)

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.

Retention at Other Grade Levels

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student shall be retained in his/her current grade level unless the student's regular classroom teacher
PROMOTION/ACCELERATION/RETENTION (continued)

determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

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

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

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

(cf. 5145.6 - Parental Notifications)

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

Appeal Process

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.
PROMOTION/ACCELERATION/RETENTION (continued)

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

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

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

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

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

(cf. 5125 - Student Records)
(cf. 5125.3 - Challenging Student Records)