

**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>

**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 - Standardized Testing and Reporting Program)*

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

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

**PARENT RIGHTS AND RESPONSIBILITIES** (continued)

6. To request a particular school for their child and to receive a response from 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, tapes 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)

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

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

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

*(cf. 5125 - Student Records)*

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

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

*(cf. 6011 - Academic Standards)*

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

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

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

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

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 5132 - Dress and Grooming)*

*(cf. 5144 - Discipline)*

*(cf. 5145.6 - Parental Notifications)*

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

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

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

**PARENT RIGHTS AND RESPONSIBILITIES** (continued)

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

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

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

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

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

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

For parents/guardians of English learners, this right shall include the right to participate in school and 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 Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

**STUDENT AND FAMILY PRIVACY RIGHTS**

The 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.

However, the district shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code 234.7, 49076.7)

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

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)

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
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:*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

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

*Management Resources:*

WEB SITES

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

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

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

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**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

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)*

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# Board Policy

## Students

BP 5030(a)

### STUDENT WELLNESS

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.

*(cf. 1020 - Youth Services)*  
*(cf. 3513.3 - Tobacco-Free Schools)*  
*(cf. 3514 - Environmental Safety)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5131.61 - Drug Testing)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 5131.63 - Steroids)*  
*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 5141.22 - Infectious Diseases)*  
*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.31 - Immunizations)*  
*(cf. 5141.32 - Health Screening for School Entry)*  
*(cf. 5141.6 - School Health Services)*  
*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

### School Wellness Council

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 may appoint a school wellness council or other district committee and a wellness council coordinator. The council may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 9140 - Board Representatives)*

The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

**STUDENT WELLNESS** (continued)

The wellness council shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

**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, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy 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 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 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.

*(cf. 5142.2 - Safe Routes to School Program)*

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

*(cf. 6145.2 - Athletic Competition)*

**STUDENT WELLNESS (continued)**

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.

*(cf. 1330.1 - Joint Use Agreements)*

Professional development may be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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.

*(cf. 5131.2 - Bullying)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

**Nutrition Guidelines for All Foods Available at School**

For all foods and beverages available on each campus during the school day, the district shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773, and 1779 and federal regulations and which support 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.

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

*(cf. 3552 - Summer Meal Program)*

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

**STUDENT WELLNESS** (continued)

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

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

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

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, and shall encourage students' consumption of water by educating them about the health benefits of water and by serving water in an appealing manner.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's reimbursable food services program, should support the health curriculum and promote optimal health. Nutrition 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 nutrition standards.

*(cf. 3312 - Contracts)*

*(cf. 3554 - Other Food Sales)*

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

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.

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.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7 CFR 210.30)

*(cf. 1325 - Advertising and Promotion)*

**Program Implementation and Evaluation**

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

Superintendent  
(530) 868-1281

**STUDENT WELLNESS** (continued)

*(cf. 0500 - Accountability)*

*(cf. 3555 - Nutrition Program Compliance)*

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 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 service personnel, school administrators, the wellness council, 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, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program
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 nutrition standards
5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards
6. Results of the state's physical fitness test at applicable grade levels
7. 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

**STUDENT WELLNESS** (continued)

8. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as 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.

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 of both the district and state evaluations 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 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. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)

*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee shall distribute this information through the most effective methods of communication, including 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 wellness and academic performance.

*(cf. 1100 - Communication with the Public)*

*(cf. 1112 - Media Relations)*

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

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

*(cf. 6020 - Parent Involvement)*

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the CDE.

**STUDENT WELLNESS** (continued)**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. (7 CFR 210.30)

*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

1751-1769j 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:  
 210.30 Wellness policy  
 220.1-220.22 National School Breakfast Program

COURT DECISIONS

*Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781*

**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**Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012**Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012**Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012**Physical Activity and Physical Education in California Schools, Research Brief, April 2010**Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009**Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009**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*Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, January 2015*CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev. 2012*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.californiahealthykids.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>**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>**U.S. Department of Agriculture, Healthy Meals Resource System: <http://healthymeals.fns.usda.gov>*



**STUDENT WELLNESS** (continued)

Policy  
adopted: January 4, 2012  
Revised: June 5, 2013  
Revised: February 1, 2017

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

**ADMISSION**

The Board of Trustees encourages the enrollment and appropriate placement of all children who are eligible for enrollment in school. The Superintendent or designee shall inform parents/guardians of children seeking admission to a district school 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.

**Verification of Admission Eligibility**

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residence within the district, 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 the student's 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 the student's 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 entry into 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

**ADMISSION**

normally required by the school, such as school uniforms, or an 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)

<b>State</b>	<b>Description</b>
17 CCR 6000-6075	<a href="#"><u>School attendance immunization requirements</u></a>
5 CCR 200	Promotion from kindergarten to first grade
5 CCR 201	Admission to high school
Civ. Code 51	<a href="#"><u>Unruh Civil Rights Act</u></a>
Code of Civil Procedure 1002.7	Provision in enrollment agreement waiving legal rights, remedy, forum, proceeding or procedure; criminal sexual assault or sexual battery
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 46300	Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten
Ed. Code 46600	Agreements for admission of students desiring interdistrict attendance
Ed. Code 48000	Minimum age of admission (kindergarten)
Ed. Code 48002	Evidence of minimum age required to enter kindergarten or first grade
Ed. Code 48010	Minimum age of admission (first grade)
Ed. Code 48011	Admission from kindergarten or other school; minimum age
Ed. Code 48050-48053	Nonresidents
Ed. Code 48200	Children between ages of 6 and 18 years (compulsory full-time education)
Ed. Code 48350-48361	Open Enrollment Act
Ed. Code 48645.5	Enrollment of former juvenile court school students
Ed. Code 48850-48859	Education of students in foster care and students who are homeless
Ed. Code 49076	Access to records by persons without written consent or under judicial order
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49408	Information for use in emergencies
Ed. Code 49700-49703	Education of children of military families
H&S Code 120325-120380	Educational and child care facility immunization requirements
H&S Code 121475-121520	Tuberculosis tests for students
<b>Federal</b>	<b>Description</b>
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
5 USC 552a	Records maintained on individuals

Legal References continue on next page

**ADMISSION**

**Management Resources**

**Description**

CA Office of the Attorney General Publication

*Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018*

Court Decision

*Plyler v. Doe, 457 U.S. 202 (1982)*

CSBA Publication

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

U.S. DOJ & DOE Civil Rights Joint Publication

*Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014*

U.S. DOJ & DOE Civil Rights Joint Publication

*Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014*

U.S. DOJ & DOE Civil Rights Joint Publication

*Dear Colleague Letter: School Enrollment Procedures, May 8, 2014*

Website

[California Office of the Attorney General](#)

Website

[U.S. Department of Justice](#)

Website

[California Department of Education](#)

Website

[CSBA](#)

Website

[U.S. Department of Education, Office for Civil Rights](#)

Policy

**BIGGS UNIFIED SCHOOL DISTRICT**

Adopted: January 4, 2012

Biggs, California

Revised: May 2, 2012; 08/2015; 04/2017; 08/2018

Revised: April 6, 2022

**ADMISSION**

**Age of Admittance to Transitional Kindergarten, Kindergarten and First Grade**

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

Admission into transitional kindergarten shall be in accordance with law and as specified in BP 6170.1 - Transitional Kindergarten. (Education Code 48000)

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

1. The Governing Board 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.

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

**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
4. When none of the above documents is obtainable, an affidavit of the parent/guardian
5. Other means prescribed by the Board

**ADMISSION** (continued)**State**

17 CCR 6000-6075

5 CCR 200

5 CCR 201

Civ. Code 51

Code of Civil Procedure 1002.7

Ed. Code 234.7

Ed. Code 46300

Ed. Code 46600

Ed. Code 48000

Ed. Code 48002

Ed. Code 48010

Ed. Code 48011

Ed. Code 48050-48053

Ed. Code 48200

Ed. Code 48350-48361

Ed. Code 48645.5

Ed. Code 48850-48859

Ed. Code 49076

Ed. Code 49076.7

Ed. Code 49408

Ed. Code 49700-49703

H&amp;S Code 120325-120380

H&amp;S Code 121475-121520

**Federal**

42 USC 11431-11435

5 USC 552a

**Management Resources**

CA Office of the Attorney General Publication

Court Decision

CSBA Publication

U.S. DOJ &amp; DOE Civil Rights Joint Publication

U.S. DOJ &amp; DOE Civil Rights Joint Publication

U.S. DOJ &amp; DOE Civil Rights Joint Publication

Website

Website

Website

Website

Website

**Description**[School attendance immunization requirements](#)

Promotion from kindergarten to first grade

Admission to high school

[Unruh Civil Rights Act](#)

Provision in enrollment agreement waiving legal rights, remedy, forum, proceeding or procedure; criminal sexual assault or sexual battery

Student protections relating to immigration and citizenship status

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

Agreements for admission of students desiring interdistrict attendance

Minimum age of admission (kindergarten)

Evidence of minimum age required to enter kindergarten or first grade

Minimum age of admission (first grade)

Admission from kindergarten or other school; minimum age

Nonresidents

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

Open Enrollment Act

Enrollment of former juvenile court school students

Education of students in foster care and students who are homeless

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

Student records; data privacy; social security numbers

Information for use in emergencies

Education of children of military families

Educational and child care facility immunization requirements

Tuberculosis tests for students

**Description**

McKinney-Vento Homeless Assistance Act

Records maintained on individuals

**Description**

Promoting Safe &amp; Secure Learning Environment for All: Guidance &amp; Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018

Plyler v. Doe, 457 U.S. 202 (1982)

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

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014

Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014

[California Office of the Attorney General](#)[U.S. Department of Justice](#)[California Department of Education](#)[CSBA](#)[U.S. Department of Education, Office for Civil Rights](#)

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**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)



**DISTRICT RESIDENCY** (continued)

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.

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 to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

**DISTRICT RESIDENCY** (continued)**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.

*(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

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

*Plyler v. Doe, 457 U.S. 202 (1982)*

**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*

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*

*Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014*

WEB SITES

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

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

California Office of the Attorney General: <http://oag.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: <http://www.justice.gov>

(12/15 3/17) 5/18

Policy  
Adopted: March 2, 2016  
Revised: April 5, 2017  
Revised: August 1, 2018

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

**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 Governing Board.
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)

**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

**DISTRICT RESIDENCY** (continued)

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)

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

**DISTRICT RESIDENCY** (continued)

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)*

*(12/15 12/16) 5/18*

Regulation  
Approved: January 4, 2012  
Revised: March 2, 2016  
Revised: February 1, 2017  
Revised: August 1, 2018

**BIGGS UNIFIED SCHOOL DISTRICT**  
November 2011

**RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT**

**District Students Transferring to Other Districts Based on Parent/Guardian Employment**

When a student's parent/guardian requests that the student be transferred to another district based on the parent/guardian's physical employment within that other district, the Board may deny the request if the percentage of district students admitted to other districts on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. A transfer may also be denied if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan. (Education Code 48204)

The student's parent/guardian shall be notified in writing of the Board's decision to deny the transfer to the school district in which the parent/guardian's employer is situated. The notice shall include specific reasons for the denial.

*Legal Reference:*

EDUCATION CODE

46601 Failure to approve interdistrict attendance

48200-48204 Compulsory education law; especially:

48204 Residency based on parent/guardian employment

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

WEB SITES

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

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



**RESIDENCY FOR HOMELESS CHILDREN**

Homeless students living in the district 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 or homeless shelter verifying that the student lives within the district
3. An affidavit from the parent/guardian stating that the family lives within the district

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

*(cf. 5125 - Student Records)*  
*(cf. 5141.31 - Immunizations)*  
*(cf. 6173 - Education for Homeless Children)*

*Legal Reference:*

EDUCATION CODE  
*1980-1986 County community schools*  
*2558.2 Use of revenue limits to determine average daily attendance of homeless children*  
*39807.5 Payment of transportation costs by parents*  
UNITED STATES CODE, TITLE 42  
*11431-11435 McKinney-Vento Homeless Assistance Act*

*Management Resources:*

CDE PUBLICATIONS  
*Enrolling Students in Homeless Situations, 1999*  
FEDERAL REGISTER  
*U.S. Department of Education: Notice of school enrollment guidelines, 67 Fed. Reg. 10698*  
WEB SITES  
*CDE: <http://www.cde.ca.gov>*  
*U.S. Department of Education: <http://www.ed.gov>*  
*National Law Center on Homelessness and Poverty: <http://www.nlchp.org>*

**NONRESIDENT FOREIGN STUDENTS**

**Definitions**

*F-1 Visa Students:* An F-1 visa student is a nonimmigrant visa category intended for use by nonresident aliens whose primary purpose for visiting the United States is to study at an academic school. (8 USC 1184)

*J-1 Visa Students:* A J-1 visa student is a nonimmigrant exchange student who has come to the United States to study for a specific period of time under the sponsorship of a government approved agency. (8 USC 1184)

*(cf. 6145.6 - International Exchange)*

Nonimmigrant foreign students may be admitted to the United States for a temporary stay for the purpose of study.

*(cf. 5111.1 - District Residency)*

**F-1 Visa Students**

On a case-by-case basis, students with or seeking an F-1 visa designation shall be accepted for admission to district schools in grades 9-12.

*(cf. 6200 - Adult Education)*

In determining whether to admit the 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
4. The student has provided proof of financial responsibility

In addition, the student shall also submit evidence that he/she has been fully immunized in accordance with California law.

*(cf. 5141.31 - Immunizations)*

A student shall be admitted for a maximum of one year. In addition, a student granted admission under this program shall pay the district the full, unsubsidized per-student cost of attendance at the secondary school. (8 USC 1184)

*Legal Reference: (see next page)*

**NONRESIDENT FOREIGN STUDENTS** (continued)

*Legal Reference:*

EDUCATION CODE

8050-48054 Nonresidents

UNITED STATES CODE, TITLE 8

1184 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:*

CDE LEGAL ADVISORIES

0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97

**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. 5112.2 - 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

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 342

*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)

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.

## **EXCLUSIONS FROM ATTENDANCE (continued)**

### **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 Governing Board.

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>

(10/95 11/04) 10/15

# Board Policy

Students

BP 5112.3

## STUDENT LEAVE OF ABSENCE

The Governing Board recognizes the importance of regular school attendance in promoting student achievement. However, the Board also recognizes that, in rare circumstances, it may be beneficial for a student to participate in opportunities outside the school which contribute to his/her educational experience.

The Superintendent or designee may grant student leaves of absence for the purpose of supervised travel, study, training, or work not available to the student under another educational option. Such leave may be granted to a student 15 years of age or older in the regular program and to a student age 16-18 in the continuation education program. (Education Code 48232, 48416)

*(cf. 6184 - Continuation Education)*

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

When feasible, students shall be encouraged to instead enroll in the district's independent study program to allow for greater contact and coordination with district staff.

*(cf. 6158 - Independent Study)*

### *Legal Reference:*

#### EDUCATION CODE

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

48410 *Exemption from continuation education*

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

#### FAMILY CODE

7000-7002 *Emancipation of minors law*

7050 *Purposes for which emancipated minor considered an adult*

Policy  
adopted: January 4, 2012  
Revised: November 7, 2012

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

# Administrative Regulation

**Students**

AR 5112.3(a)

## STUDENT LEAVE OF ABSENCE

Upon request, the Superintendent or designee may grant a student a leave of absence from school for the purpose of supervised travel, study, training, or work. To be eligible for such leave, the student shall, at the time the leave of absence is to begin, be at least 15 years of age or, if he/she is enrolled in continuation education classes or exempted from continuation education classes pursuant to Education Code 48410, be 16-18 years of age. (Education Code 48232, 48416)

A written agreement shall be entered into that is signed by the student's parent/guardian, the principal or designee of the school which the student would otherwise attend, a classroom teacher familiar with the student's academic progress, and the district's supervisor of child welfare and attendance. In the case of a continuation education student, the student also shall sign the written agreement. The agreement shall include: (Education Code 48232, 48416)

1. The purpose of the leave
2. The length of the leave
3. Provision for a meeting or contact between the student and a designated school official at least once a month while the student is on leave
4. A statement that the leave is for the purpose of supervised travel, study, training, or work not available to the student under another educational option

The length of the leave may be up to one semester, or up to two semesters for a continuation education student. The leave may be extended for an additional semester upon approval of all parties to the written agreement and the local school attendance review board. No leave of absence may be taken that would continue past the end of the school year in which the leave is taken. (Education Code 48232, 48416)

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

The student shall be permitted to return to school at any time and shall not be prevented from completing his/her academic requirements within a time period equal to that of his/her classmates who did not take leave, plus a period of time equal to the leave of absence. If the student reenrolls at a time other than the beginning of a semester, the school shall not be required to provide make-up sessions for classes missed. (Education Code 48232, 48416)

**STUDENT LEAVE OF ABSENCE** (continued)

If the student does not contact the designated school official as required by the written agreement, the leave shall be nullified. The agreement also may be nullified for cause at any time by any party to the agreement. (Education Code 48232, 48416)

Regulation  
approved: January 4, 2012  
Revised: November 7, 2012

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

**OPEN/CLOSED CAMPUS**

**Open Campus**

In order to give students an opportunity to demonstrate responsibility, independent judgment, and positive citizenship, the Governing Board establishes an open campus at all district high schools in which students shall have the privilege of leaving campus during lunch.

The principal or designee shall ensure that students granted this privilege meet any eligibility requirements established by the district.

The district shall send written notification to parents/guardians about the open campus policy at the beginning of the school year along with the parental notification required by Education Code 48980. Such notification shall include the language prescribed by Education Code 44808.5.

*(cf. 5145.6 - Parental Notifications)*

Students shall not leave school grounds at any other 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)*

The principal or designee may revoke the open campus privilege for individual students for disciplinary reasons.

*(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

*(12/87 6/97) 7/18*

**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:*

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*

*Legal Reference: Continued on next page*

**ABSENCES AND EXCUSES** (continued)

*Legal Reference: (continued)*

46100-46119 Attendance in kindergarten and elementary schools  
46140-46147 Attendance in junior high and high schools  
48200-48208 Children ages 6-18 (compulsory full-time attendance)  
48210-48216 Exclusions from attendance  
48240-48246 Supervisors of attendance  
48260-48273 Truants  
48292 Filing complaint against parent  
48320-48324 School attendance review boards  
48340-48341 Improvement of student attendance  
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  
87 Ops.Cal.Atty.Gen. 168 (2004)  
66 Ops.Cal.Atty.Gen. 244 (1983)  
COURT DECISIONS  
American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

*Management Resources:*

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

(11/99 11/11) 3/17

Policy  
Adopted:  
Revised: May 2, 2012  
Revised: April 5, 2017

BIGGS UNIFIED SCHOOL DISTRICT  
January 4, 2012



**ABSENCES AND EXCUSES**

**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, including absence for the benefit of the student's mental or behavioral health (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic service or 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 for by law (Education Code 48205)
6. Illness or medical appointment of a child to whom the student is the custodial parent (Education Code 48205)
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)
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)

10. Attendance at the student's naturalization ceremony to become a United States citizen (Education Code 48205)
11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people (Education Code 48205)
12. For a middle school or high school student, engagement in a civic or political event, provided that the student notifies the school ahead of the absence. Unless otherwise permitted by the Superintendent or designee, students shall be limited to one such school day-long absence per school year. (Education Code 48205)
13. 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 property as designated by the religious group, church, or denomination. (Education Code 46014)

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)

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

Work for a student who holds a work permit authorizing work in the entertainment or allied industries for a period of not more than five consecutive days. For this purpose, student absence shall be excused for a maximum of up to five absences per school year. (Education Code 48225.5)

15. 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

**ABSENCES AND EXCUSES** (continued)

school. (Education Code 48225.5)

16. 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, either in person or by written note, 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
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.

**ABSENCES AND EXCUSES** (continued)

The employee shall document the verification and include the information specified in Item #2 above.

4. Physician's verification.
  - a. When excusing students for confidential medical services or verifying such appointments, 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.

**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)

**ABSENCES AND EXCUSES** (continued)

<b>State</b>	<b>Description</b>
5 CCR 306	<i>Explanation of absence</i>
5 CCR 420-421	<i>Record of verification of absence due to illness and other causes</i>
Ed. Code 1740	<i>Employment of personnel to supervise attendance (county superintendent)</i>
Ed. Code 37201	<i>School month</i>
Ed. Code 37223	<i>Weekend classes</i>
Ed. Code 41601	<i>Reports of average daily attendance</i>
Ed. Code 42238-42250.1	<i>Apportionments</i>
Ed. Code 46000	<i>Records (attendance)</i>
Ed. Code 46010-46015	<i>Absences</i>
Ed. Code 46110-46120	<i>Attendance in kindergarten and elementary schools</i>
Ed. Code 46140-46148	<i>Attendance in junior high and high schools</i>
Ed. Code 48200-48208	<i>Children ages 6-18 (compulsory full-time attendance)</i>
Ed. Code 48210-48216	<i>Exclusions from attendance</i>
Ed. Code 48225.5	<i>Work permit; excused absence; entertainment or allied industries; participation in not-for-profit performing arts organization</i>
Ed. Code 48240-48246	<i>Supervisors of attendance</i>
Ed. Code 48260-48273	<i>Truants</i>
Ed. Code 48292	<i>Filing complaint against parent</i>
Ed. Code 48320-48324	<i>School attendance review boards</i>
Ed. Code 48340-48341	<i>Improvement of student attendance</i>
Ed. Code 48980	<i>Parent/Guardian notifications</i>
Ed. Code 49067	<i>Unexcused absences as cause of failing grade</i>
Ed. Code 49701	<i>Provisions of the interstate compact on educational opportunities for military children</i>
Elec. Code 12302	<i>Student participation on precinct boards</i>
Fam. Code 6920-6930	<i>Consent by minor for medical treatment</i>
W&I Code 11253.5	<i>Compulsory school attendance</i>
W&I Code 601-601.5	<i>Habitually truant minors</i>
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	66 Ops.Cal.Atty.Gen. 244 (1983)
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 168 (2004)
Court Decision	<i>American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307</i>
CSBA Publication	<i>Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010</i>
Website	<a href="#">CSBA</a>

Regulation

Approved: January 4, 2012

Revised: May 2, 2012; 04/2017; 02/2019

Revised: April 6, 2022

Revised: April 19, 2023

BIGGS UNIFIED SCHOOL DISTRICT

# Board Policy

## Students

BP 5113.1(a)

### 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.

The Superintendent, attendance supervisor, or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy.

The Superintendent, attendance supervisor, or designee shall develop a tiered approach to reducing chronic absence. Such an approach shall include strategies for preventing 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, letters alerting parents/guardians to the value of regular school attendance, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

The tiered approach shall also provide for early outreach to students as soon as they show signs of poor attendance or if they were chronically absent in the prior school year. Early intervention may include personalized outreach, individual attendance plans, and/or mentoring to students with moderate levels of chronic absence, with additional intensive, interagency wrap-around services for students with the highest level of absence.

(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)

**CHRONIC ABSENCE AND TRUANCY** (continued)

Students with serious attendance problems shall be provided with interventions specific to their needs, which 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, attendance supervisor, 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.

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

(cf. [5030](#) - *Student Wellness*)

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

(cf. [5147](#) - *Dropout Prevention*)

(cf. [6158](#) - *Independent Study*)

(cf. [6164.2](#) - *Guidance/Counseling Services*)

(cf. [6164.5](#) - *Student Success Teams*)

(cf. [6173](#) - *Education for Homeless Children*)

(cf. [6173.1](#) - *Education for Foster Youth*)

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

(cf. [6175](#) - *Migrant Education Program*)

(cf. [6179](#) - *Supplemental Instruction*)

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

(cf. [6183](#) - *Home and Hospital Instruction*)

(cf. [6184](#) - *Continuation Education*)

(cf. [6185](#) - *Community Day School*)

The Superintendent or designee shall ensure that staff assigned to fulfill attendance-related duties are trained in implementing a trauma-informed approach to chronic absence and receive information about the high correlation between chronic absence and exposure to adverse childhood experiences.

(cf. [4131](#) - *Staff Development*)

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

(cf. [5113.12](#) - *District School Attendance Review Board*)

A student's truancy, tardiness, or other absence from school shall not be the basis for suspension or expulsion. Alternative strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. [5144](#) - *Discipline*)

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

**CHRONIC ABSENCE AND TRUANCY** (continued)

The Superintendent, attendance supervisor, or designee shall periodically report to the Board regarding student attendance patterns in the district, including rates of chronic absence and truancy districtwide and for each school, grade level, and numerically significant student subgroup as defined in Education Code [52052](#). Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to develop 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. 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.

(cf. [0500](#) - Accountability)

(cf. [0400](#) - Comprehensive Plans)

(cf. [0420](#) - School Plans/Site Councils)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [0460](#) - Local Control and Accountability Plan)

*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

*Legal Reference: continued next page*



**CHRONIC ABSENCE AND TRUANCY** (continued)

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

COURT DECISIONS

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

*Management Resources:*

ATTENDANCE WORKS PUBLICATIONS

*District Attendance Tracking Tool*

*For School Board Members: Frequently Asked Questions About Chronic Absence*

*School Attendance Tracking Tool*

*Bringing Attendance Home: Engaging Parents in Preventing Chronic Absence, 2015*

*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: A Road Map for Improved School Attendance and Behavior, rev. 2018*

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

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

(4/15 10/17) 10/20

Policy  
approved: January 4, 2012  
revised: 03/13; 08/15;12/17  
revised: December 2, 2020

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

# Administrative Regulation

Students

AR 5113.1(a)

## 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 the student's 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](#) and AR 5113 - Absences and Excuses. 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](#))

(cf. [5113](#) - Absences and Excuses)

(cf. [5113.2](#) - Work Permits)

### Addressing Chronic Absence

When a student is identified as a chronic absentee, the Superintendent, attendance supervisor, or designee shall communicate with the student and the student's 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.

(cf. [5113.11](#) - Attendance Supervision)

(cf. [6020](#) - Parent Involvement)

**CHRONIC ABSENCE AND TRUANCY** (continued)

The student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs to assist the student. When necessary, the student may be referred to 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, in accordance with Education Code [48263](#) and item #3 in the section "Addressing Truancy" below.

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

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

Students who are absent shall be given an opportunity to make up missed assignments or assessments and shall receive full credit for satisfactory completion of the work. Students with excessive absences shall be supported to the extent possible to limit the impact of absences on the student's grades.

(cf. [5121](#) - *Grades/Evaluation of Student Achievement*)  
 (cf. [6158](#) - *Independent Study*)  
 (cf. [6176](#) - *Weekend/Saturday Classes*)  
 (cf. [6178.1](#) - *Work-Based Learning*)  
 (cf. [6179](#) - *Supplemental Instruction*)  
 (cf. [6181](#) - *Alternative Schools/Programs of Choice*)  
 (cf. [6183](#) - *Home and Hospital Instruction*)  
 (cf. [6184](#) - *Continuation Education*)

Whenever chronic absenteeism is linked to a health, social-emotional, family, or other nonschool issue, 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 the student's family.

(cf. [1400](#) - *Relations Between Other Governmental Agencies and the Schools*)  
 (cf. [5141.6](#) - *School Health Services*)

**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 home who is absent from school without

**CHRONIC ABSENCE AND TRUANCY** (continued)

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](#))

(cf. [3515.3](#) - District Police/Security Department)

The Superintendent, attendance supervisor, 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 trancies the student has committed:

1. Initial truancy
  - a. The student shall be reported to the Superintendent, attendance supervisor, 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 and, if the parent/guardian fails to meet this obligation, the parent/guardian 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) If the student is at least 13 years of age but under age 18, the student may be subject to the suspension, restriction, or delay of driving privilege pursuant to Vehicle Code [13202.7](#).

**CHRONIC ABSENCE AND TRUANCY** (continued)

- (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, the student's 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](#))
  - e. The Superintendent, attendance supervisor, or designee may notify the district attorney and/or probation officer of the student's name and the name and address of the student's parents/guardians. (Education Code [48260.6](#))
2. Second truancy
- a. Any student who has once been reported as a truant shall again be reported to the Superintendent, attendance supervisor, or designee as a truant if the student 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, the student 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 the student's 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

**CHRONIC ABSENCE AND TRUANCY** (continued)

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, a chronic absentee, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a 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](#))

(cf. [5113.12](#) - *District School Attendance Review Board*)

- b. Upon making a referral to the SARB or the probation department, the Superintendent, attendance supervisor, or other person designated to make the referral shall provide the student, the student's parent/guardian, and SARB or probation department with documentation of the interventions undertaken at the school. The attendance supervisor or designee shall also provide the student and the student's 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 the student's 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, the student 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 the student's 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 the 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

**CHRONIC ABSENCE AND TRUANCY** (continued)

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](#).

**Records**

The Superintendent, attendance supervisor, or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. In addition, the attendance supervisor, designee, and/or the staff persons who have direct contact with the student or parent/guardian shall document all their contacts regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

(cf. [5125](#) - *Student Records*)

The Superintendent, attendance supervisor, 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](#))

(11/12 10/17) 10/20

**ATTENDANCE SUPERVISION**

The Superintendent or designee shall appoint an attendance supervisor and any assistant attendance supervisor(s) as may be necessary to supervise the attendance of district students. (Education Code [48240](#), [48242](#))

Any person appointed as an attendance supervisor shall be appropriately certificated to perform the work. (Education Code [48241](#), [48245](#))

Such supervisors shall perform duties related to compulsory full-time education, truancy, compulsory continuation education, work permits, and any additional duties prescribed by the Superintendent or designee. (Education Code [48240](#))

*(cf. [5112.1](#) - Exemptions from Attendance)*

*(cf. [5113](#) - Absences and Excuses)*

*(cf. [5113.1](#) - Chronic Absence and Truancy)*

*(cf. [5113.2](#) - Work Permits)*

*(cf. [6184](#) - Continuation Education)*

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

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

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

*(cf. [6173](#) - Education for Homeless Children)*

*(cf. [6173.1](#) - Education for Foster Youth)*

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

*(cf. [6175](#) - Migrant Education Program)*

3. Identify and address factors contributing to chronic absenteeism and habitual truancy, including suspension and expulsion

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

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

4. Ensure that students with attendance problems are identified as early as possible to provide applicable support services and interventions
5. Evaluate the effectiveness of strategies implemented to reduce chronic absenteeism rates and truancy rates



**ATTENDANCE SUPERVISION** - continued

(cf. [0500](#) - *Accountability*)

The attendance supervisor may provide support services and interventions, including, but not limited to, the following: (Education Code [48240](#))

1. A conference between school personnel, the student's parent/guardian, and the student
2. Promotion of cocurricular and extracurricular activities that increase student connectedness to school, such as tutoring, mentoring, the arts, service learning, or athletics

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

(cf. [6142.6](#) - *Visual and Performing Arts*)

(cf. [6145](#) - *Extracurricular and Cocurricular Activities*)

(cf. [6145.2](#) - *Athletic Competition*)

3. Recognition of students who achieve excellent attendance or demonstrate significant improvement in attendance

(cf. [5126](#) - *Awards for Achievement*)

4. Referral of the student to a school nurse, school counselor, school psychologist, school social worker, and other student support personnel for case management and counseling

(cf. [5141.6](#) - *School Health Services*)

(cf. [6164.2](#) - *Guidance/Counseling Services*)

5. Collaboration with child welfare services, law enforcement, courts, public health care agencies, government agencies, or medical, mental health, and oral health care providers to receive necessary services

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

6. Collaboration with school study teams, guidance teams, school attendance review teams, or other intervention-related teams to assess the attendance or behavior problem in partnership with the student and the student's parents/guardians or caregivers

(cf. [6164.5](#) - *Student Success Teams*)

7. In schools with significantly higher rates of chronic absenteeism, identification of barriers to attendance that may require schoolwide strategies rather than case management
8. Referral of the student for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program

**ATTENDANCE SUPERVISION - continued**

for a student with disabilities or creating a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973

(cf. [6159](#) - Individualized Education Program)

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

9. Referral of the student to a school attendance review board (SARB) established pursuant to Education Code [48321](#) or to the probation department pursuant to Education Code [48263](#)

(cf. [5113.12](#) - District School Attendance Review Board)

10. Referral of the student to a truancy mediation program operated by the county's district attorney or probation officer pursuant to Education Code [48260.6](#)

Upon receiving any complaint that a parent/guardian or other person having control or charge of a student has violated Education Code [48200-48341](#), the state compulsory education laws, the attendance supervisor shall investigate the matter and, if a violation is found, shall recommend referral to a SARB. If the district is subsequently notified by the SARB that the parent/guardian continually and willfully has failed to respond to directives of the SARB or the services provided, the attendance supervisor shall refer the matter for possible prosecution in court in accordance with Education Code [48291-48292](#), as applicable. (Education Code [48290-48292](#))

The attendance supervisor 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](#))

The attendance supervisor shall annually report student attendance data to the Superintendent or designee and the Governing Board. Such data shall include, by school, grade level, and each numerically significant student subgroup as defined in Education Code [52052](#), rates of school attendance, chronic absence in which students are absent on 10 percent or more of the school days in the school year, and dropout.

(cf. [5147](#) - Dropout Prevention)

*Legal Reference on next page*

**ATTENDANCE SUPERVISION – continued**

*Legal Reference:*

EDUCATION CODE

1740 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)

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

52052 Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

60901 Chronic absence

PENAL CODE

270.1 Chronic truancy; parent/guardian misdemeanor

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, 2015

School Attendance Improvement Handbook, 2000

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

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

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

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**DISTRICT SCHOOL ATTENDANCE REVIEW BOARD**

The Board of Trustees recognizes that poor school attendance and behavior problems negatively impact student achievement and put students at greater risk of dropping out of school. The Superintendent or designee shall establish a comprehensive and integrated system for the early identification of attendance problems and shall implement strategies to encourage students' attendance. After other interventions have been exhausted, students with a pattern of unexcused absences may be referred to a school attendance review board (SARB), in accordance with applicable law, in order to receive intensive guidance and assistance.

*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 5113.11 - Attendance Supervision)*  
*(cf. 5147 - Dropout Prevention)*

The SARB shall maintain a continuing inventory of community resources, including alternative educational programs.

The Superintendent or designee shall collaborate with the SARB and appropriate community agencies, including, but not limited to, law enforcement agencies, child welfare agencies, and health services, to provide school-based and/or community-based interventions tailored to the specific needs of the student.

*(cf. 1020 - Youth Services)*  
*(cf. 5030 - Student Wellness)*  
*(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)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 6158 - Independent Study)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.2 - Education of Children of Military Families)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 6179 - Supplemental Instruction)*  
*(cf. 6181 - Alternative Schools/Programs of Choice)*  
*(cf. 6183 - Home and Hospital Instruction)*  
*(cf. 6184 - Continuation Education)*  
*(cf. 6185 - Community Day School)*

The Board shall appoint members to the district's SARB, who may include a parent/guardian as well as representatives of various agencies including, but not limited to, school districts; the county probation department; the county welfare department; the County Superintendent

**DISTRICT SCHOOL ATTENDANCE REVIEW BOARD** - continued

of Schools; law enforcement agencies; community-based youth service centers; school guidance personnel; child welfare and attendance personnel; school or county health care personnel; school, county, or community mental health personnel; the county district attorney's office; and the county public defender's office. (Education Code 48321)

The district's SARB shall provide support to improve student attendance and behavior through proactive efforts focused on building positive school environments and improved school connectedness, early identification and immediate intervention to re-engage students with poor attendance or behavior, and intensive intervention with students and families to address severe or persistent attendance or behavior issues.

The district's SARB shall operate in accordance with Education Code 48320-48325, the Brown Act (Government Code 54950-54963), and the bylaws of the SARB.

The SARB shall collect data and annually report outcomes on SARB referrals to the Governing Board, Superintendent or designee, and County Superintendent of Schools. (Education Code 48273)

*Legal Reference:*

EDUCATION CODE

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

1980-1986 *County community school*

46010-46014 *Absences*

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

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*

48660-48666 *Community day school*

49067 *Unexcused absences as cause of failing grade*

CODE OF CIVIL PROCEDURE

1985-1997 *Production of evidence; means of production*

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*

**DISTRICT SCHOOL ATTENDANCE REVIEW BOARD - continued**

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

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

COURT DECISIONS

*L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976*

*Management Resources:*

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

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

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**DISTRICT SCHOOL ATTENDANCE REVIEW BOARD**

Upon receiving a referral of a student with attendance and/or behavior problems, a designated member of the school attendance review board (SARB) shall review the case and may meet with school personnel to determine whether the school has provided sufficient information about the student's attendance record or behavior. If the referral is complete and is an appropriate matter for the SARB to consider, the SARB chairperson shall provide written notification to the student's parents/guardians stating the reasons a referral has been made, explaining the SARB process, advising whether additional information is needed, and describing school-level interventions that have previously been attempted.

The SARB shall meet with the student and his/her parents/guardians, give them an opportunity to present their understanding of the problem, and discuss the school and/or community resources appropriate for the student's circumstances.

Any SARB meeting to consider matters related to an individual student shall be held in closed session unless the parent/guardian requests, in writing, that the meeting be held in open session.

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

The SARB shall have access to relevant student records, but shall not provide access to others without written consent of the student's parent/guardian. (Education Code 49076)

*(cf. 5125 - Student Records)*

For the limited purpose of making a proper disposition of the referral of a student, the SARB may issue subpoenas pursuant to Code of Civil Procedure 1985-1997 or may request the juvenile court to issue subpoenas to require the attendance of the student, parents/guardians or other person having control of the student, the school authority referring the student, or any other person who has pertinent or material information concerning the matter. The SARB shall not issue any subpoena that includes a request for production of written materials, but may request a juvenile court to issue such subpoena for the production of written materials. (Education Code 48263, 48321.5)

The SARB shall issue written directives stating the responsibilities of all persons involved, detailed resource referrals, and follow-up dates for the school's reports on the student's progress. The written directives shall include an agreement that the student will attend school or improve classroom behavior as applicable, and shall be signed by the student, his/her parents/guardians, the SARB chairperson, and the Superintendent or designee.

When referred by the SARB, a student may be assigned to a community day school or a county community school. (Education Code 1981, 48662)

*(cf. 6185 - Community Day School)*

**DISTRICT SCHOOL ATTENDANCE REVIEW BOARD**

At any time it deems proper, the SARB may require the student or his/her parents/guardians to furnish satisfactory evidence of participation in any available community services that the student or parents/guardians have been directed to use. (Education Code 48263)

Based on progress reports submitted by the school, the SARB may terminate the agreement upon the successful completion of the terms of the agreement, extend the time for completion of the agreement, or schedule another meeting with the student and his/her parents/guardians.

If the student's attendance or behavior problems cannot be resolved by the SARB, or if the student and/or the student's parents/guardians continually and willfully fail to respond to SARB directives or the services provided, the student or parents/guardians shall be referred to the appropriate agency, including law enforcement agencies when necessary. (Education Code 48263, 48290-48291)

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**WORK PERMITS**

The Board of Trustees recognizes that part-time employment can provide students with income, job experience, and valuable life skills and should be permitted to the extent that such employment does not interfere with a student's education. Before accepting any offer of employment, district students who are minors shall obtain work permits from the Superintendent or designee, regardless of whether the employment will occur when school is in session and/or not in session, unless otherwise exempted by law.

*(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 shall be required to demonstrate and maintain a 2.0 grade point average and satisfactory school attendance, except during periods of extended school closure due to an emergency as described in Education Code 49200 and the accompanying administrative regulation. 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)*

**WORK PERMITS (continued)**

*Legal Reference:*

EDUCATION CODE

[48230](#) Exemption from full-time school attendance for students with work permits

[48231](#) Exemption from compulsory attendance for students entering attendance area near end of term

[49100-49101](#) Compulsory attendance

[49110-49119](#) Permits to work

[49130-49135](#) Permits to work full time

[49140-49141](#) Exceptions

[49160-49165](#) Employment of minors; duties of employers

[49180-49183](#) Violations

49200 Permit to work during extended emergency school closure

[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

[10120-10121](#) Work permits

[16023-16027](#) District records, retention and destruction

CODE OF REGULATIONS, TITLE 8

[11701-11707](#) Prohibited and dangerous occupations for minors

[11750-11763](#) Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29

570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Permit to Employ and Work, Form B1-4

Statement of Intent to Employ a Minor and Request for a Work Permit - Certificate of Age, Form B1-1

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Child Labor Laws, 2013

WEB SITES

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

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

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**WORK PERMITS**

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including a student who has not yet graduated from high school or has 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 student 14-17 years of age. The district also may issue a permit to any student 12-17 years of age 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 pursuant to Education Code [48231](#) because the student arrived from another state within 10 days before the end of the school term. (Education Code [49111](#), [49113](#), [49160](#))

*(cf. [6178.1](#) - Work-Based Learning)*

If a student has obtained an offer of employment in the entertainment industry, the student 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 work permit shall not be required for a student who is not receiving pay or financial reimbursement for services rendered in volunteer services or educational purposes, is not in an employer-employee relationship in accordance with the Fair Labor Standards Act, is serving as an unpaid trainee or volunteer or in an in-school placement, and has submitted written parent/guardian permission. (5 CCR 10121)

In addition, a student shall not be required to obtain a work permit if the student is self-employed; is working at odd jobs such as yard work and babysitting in private homes where the student is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed in agricultural, horticultural, viticultural, or domestic labor during non-school hours when the work is performed for or under the control of the parent/guardian and is performed upon 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 student in the district: (Education Code [49110](#))

1. The Superintendent

**WORK PERMITS** (continued)

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 the principal or designee:
  - a. Provides a self-certification that the principal or designee understands the requirements of law for issuing a work permit
  - b. Does not issue a work permit to the principal's or designee's 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 temporarily authorize another person to issue the permit. (Education Code [49110](#))

**Application**

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).

If the student is applying for a full-time work permit, the student and the student's parent/guardian shall generally be required to appear before, and submit the application to, the Superintendent or designee. (Education Code [49132](#))

In the event of an extended physical closure of the campus due to a natural disaster, pandemic, or other emergency, the required documentation, including signatures, may be collected electronically. In addition, if the application is for a full-time work permit, the student and parent/guardian shall not be required to appear in person before the Superintendent or designee if the completed application has been successfully submitted electronically and the student and parent/guardian have attended a video conference with the person issuing the work permit. (Education Code [49132](#), 49200)

**Approval Process**

The Superintendent or designee shall have discretion to determine whether or not to issue the work permit.

**WORK PERMITS** (continued)

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 Governing Board. 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*)

However, a work permit shall not be denied based on a student's grades, grade point average, or school attendance under either of the following circumstances: (Education Code 49120, 49200)

1. The student's school has been physically closed for an extended time due to a natural disaster, pandemic, or other emergency.
2. The student is applying for a work permit in order to participate in a government-administered employment and training program that will occur during the regular summer recess or vacation of the student's school.

Students 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 14-17 years of age in accordance with Education Code [49130-49135](#).

(cf. [6184](#) - *Continuation Education*)

All work permits shall be issued on forms provided by or authorized by CDE. (Education Code [49117](#))

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

The student may be issued more than one work permit if the student 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.

**WORK PERMITS** (continued)

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 issued, 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 the Superintendent or designee determines that the employment is impairing the health or education of the student, any provision or condition of the permit is being violated, the student is performing work in violation of law, or any condition for the issuance of the permit no longer exists or never existed. (Education Code [49116](#), [49164](#); Labor Code [1300](#))

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)*

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**SCHOOL ATTENDANCE BOUNDARIES**

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)*

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.

## **SCHOOL ATTENDANCE BOUNDARIES** (continued)

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

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>



**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)*

**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*

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

*ATTORNEY GENERAL OPINIONS*

*85 Ops.Cal.Atty.Gen. 95 (2002)*

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Public School Choice FAQs*

*Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016*

*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*

*Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016*

*Unsafe School Choice Option, May 2004*

*WEB SITES*

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

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

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

*(11/08 3/11) 7/16*

**INTRADISTRICT OPEN ENROLLMENT****Transfers for Victims of a Violent Criminal Offense**

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

**Transfers from a "Persistently Dangerous" School**

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

*(cf. 0450 - Comprehensive Safety Plan)*

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

**INTRADISTRICT OPEN ENROLLMENT** (continued)

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

*(cf. 5117 - Interdistrict Attendance)*

**Other Intradistrict Open Enrollment**

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.
2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
3. The Superintendent or designee shall provide written notification to 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.
4. Approved applicants must confirm their enrollment within 10 school days.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

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

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

**INTRADISTRICT OPEN ENROLLMENT** (continued)

*(cf. 1312.3 - Uniform Complaint Procedures)*

**Notifications**

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

*(cf. 5111.1 - District Residency)*

*(cf. 5118 - Open Enrollment Act Transfers)*

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
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

*(cf. 5145.6 - Parental Notifications)*

*(11/08 3/11) 7/16*

**BIGGS UNIFIED SCHOOL DISTRICT**  
**300 B Street**  
**Biggs, CA 95917-0397**  
**530-868-1281**

**INTRADISTRICT ATTENDANCE REQUEST AND AGREEMENT**

Student \_\_\_\_\_ Birth Date \_\_\_\_\_ Grade \_\_\_\_\_

Student \_\_\_\_\_ Birth Date \_\_\_\_\_ Grade \_\_\_\_\_

Name of Parent \_\_\_\_\_ Home Phone \_\_\_\_\_ Business Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_ Zip Code \_\_\_\_\_

District of Residence \_\_\_\_\_

I request that my child(ren), named above, be permitted to attend the \_\_\_\_\_ school. Reason(s) for request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Should this request be granted, I agree and understand that:

- 1. I must furnish any transportation needed for my child to get to and from school unless otherwise stated herein.
- 2. If this request is granted, I will confirm my child's enrollment within two weeks of receipt of this form.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Signature of Parent/Guardian)

\*\*\*\*\*

Approved [ ] Denied [ ] \_\_\_\_\_  
Superintendent/Board Designee

\_\_\_\_\_  
Date

Reason(s) for denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INVOLUNTARY STUDENT TRANSFERS**

While the Governing Board desires to enroll students in the district school of their choice, it recognizes that circumstances sometimes necessitate the involuntary transfer of a student to another school or program in the district.

The Superintendent or designee shall develop procedures to facilitate the voluntary transfer of such students.

*(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, and as permitted by law, 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 the schools or programs to which the student could be involuntarily transferred, and the availability of support services and other resources.

The Superintendent or designee shall ensure that involuntary transfers are made in a non-discriminatory manner as specified in Board Policy 0410 – Nondiscrimination In District Programs And Activities.

**Involuntary Transfer of a Student Convicted of Violent Felony or Misdemeanor Related to Possession of Firearms**

A student may be transferred to another district school if the student 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 the student was convicted. However, before recommending such a transfer, the Superintendent, the principal, or other designee shall notify the student and the student's parent(s)/guardian(s) of the right to request a meeting with the principal or designee and shall attempt to resolve the conflict using restorative justice, counseling, or other such services. Participation of the victim in any conflict resolution program shall be voluntary, and the victim shall not be subjected to any disciplinary action for refusing to participate. (Education Code 48929)

If the attempt to resolve the conflict using restorative justice, counseling, or other such services is not successful or the victim elects not to participate, the principal or designee may submit to the Superintendent or designee a recommendation that the student should be involuntarily transferred. If the Superintendent or designee agrees with the recommendation, the Superintendent shall submit such recommendation to the Board for approval. The Superintendent's recommendation to the Board shall include the date by which the Superintendent or designee will review the involuntary transfer to determine whether to recommend to the Board that the student be permitted to transfer back to the student's original school.



## **INVOLUNTARY STUDENT TRANSFERS (continued)**

The Board shall, in accordance with Board Bylaw 9321 - Closed Session, deliberate and vote on the recommendation, as well as any subsequent recommendation to permit the student to transfer back to the student's original school, in closed session to maintain the confidentiality of student information, unless a 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 decisions in these instances shall be final.

### **Involuntary Transfers to a Continuation Education Program or Class within the District**

The Superintendent or designee may involuntarily transfer a high school student to a continuation education program or class in the district if the student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance and either of the following conditions are met: (Education Code 48432.5)

1. Other means to improve the student's behavior have failed
2. It is the first time the student committed an act enumerated in Section 48900 and the principal of the student's school determines that the student's presence causes a danger to person(s) or property or threatens to disrupt the instructional process.

Prior any final decision to involuntarily transfer a student, the Superintendent or designee shall notify the student and the student's parent(s)/guardian(s) of the right to request a hearing with the Superintendent or designee. If such a hearing is requested, the Superintendent or designee shall provide the specific facts and reasons for the proposed transfer, including all documents relied upon. At the hearing, the Superintendent or designee shall also allow the student or the student's parent(s)/guardian(s) to question any evidence or witnesses presented and present evidence, including witnesses, on the student's behalf. The student shall be allowed to bring one or more representatives to present at the hearing. (Education Code 48432.5)

If the Superintendent or designee decides to involuntarily transfer the student, the Superintendent or designee shall provide the decision to the student and the student's parent(s)/guardian(s) in writing. The decision shall include the facts and reasons for the decision and whether the decision is subject to periodic review and the periodic review procedure. (Education Code 48432.5)

The decision shall also include the date by which the student may transfer back to the student's original school, which shall be no longer than the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. (Education Code 48432.5)

The final decision to involuntarily transfer the student may not involve a member of the staff of the school in which the student is enrolled at the time that the decision is made. (Education Code 48432.5)

### **Involuntary Transfers to a Community Day School within the District**

**INVOLUNTARY STUDENT TRANSFERS** (continued)

If a student is expelled from school for any reason in accordance with Board Policy 5144.1 – Suspension And Expulsion/Due Process, 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, the student may be transferred to a district community day school as specified in Board Policy 6185 – Community Day School. (Education Code 48662)

**Notice, Information, and Reports**

The Superintendent or designee shall include notice of this policy in the annual notification to parents/guardians in accordance with Education Code 48980. (Education Code 48929)

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices and reports sent to the parent(s)/guardian(s) of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications or reports for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

When a foster youth or American Indian Student, as defined in Welfare and Institutions Code 224.1, is being considered for an involuntary transfer, all notices, documents, and information that would be provided to parents/guardians shall be provided to the foster youth's educational rights holder, attorney, and county social worker and the American Indian Student's tribal social worker and, if applicable, county social worker. (Education Code 48853.5)

*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*

Policy  
adopted: February 1, 2017  
revised: December 13, 2023

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

## **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*)

### **Interdistrict Attendance Agreements and Permits**

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code [46600](#))

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed upon by both districts for reapplication and/or revocation of the student's permit. (Education Code [46600](#))

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

### **Instruction Collaboration Agreements**

The Superintendent or designee may, with board approval, enter into an instruction collaboration agreement (ICA) with another school district, county office of education or charter school to offer the same or similar courses and coursework to students who have been impacted by any of the following: (Education Code 48345)

1. Disruptions or cancellations in science, technology, engineering, and mathematics (STEM) classes
2. Disruptions or cancellations in dual language immersion programs
3. Teacher shortages in STEM classes or dual language immersion programs

Prior to accepting students for classes for any of the reasons specified in Items #1-3 above, the Superintendent or designee shall, with Board Approval, determine the maximum number of students that the district can accept for these purposes. The district shall accept students who apply until the district is at maximum capacity.

Students shall be admitted to this program through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, whether a student should be authorized to participate in the course or coursework based upon the student's current academic or athletic performance, proficiency in English, physical condition,

**INTERDISTRICT ATTENDANCE** (continued)

any of the individual characteristics specified in Education Code 200, or family income. If the number of applicants exceeds the number of seats available, the approval for participation shall be determined by a random public drawing at a regularly scheduled Board meeting. (Education Code 48345)

The Superintendent or designee shall publicly post information, including, but not limited to, applicable forms and timelines for submission pursuant to the ICA, to ensure that students and their families are aware of the opportunities to participate. (Education Code 48345)

When negotiating the ICA, the Superintendent or designee shall collaborate with the other participating LEA(s) to agree upon an appropriate shared cost structure. (Education Code 48345)

*Legal Reference:*EDUCATION CODE

[8151](#) Apprentices, exemption from interdistrict attendance agreement

[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

COURT DECISIONS

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

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

ATTORNEY GENERAL OPINIONS

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

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

*Management Resources:*WEB SITES

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

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

(10/17 3/19) 12/19

Policy  
adopted: April 1, 2009  
reviewed: 01/12, 03/16, 12/17, 5/19  
revised: February 13, 2020  
revised: June 14, 2023

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

**INTERDISTRICT ATTENDANCE**

**Interdistrict Attendance Agreements and Permits**

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
  - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
  - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code [48900\(r\)](#), committed by a student of the district of residence. (Education Code [46600](#))

**INTERDISTRICT ATTENDANCE** (continued)

(cf. [1312.3](#) - *Uniform Complaint Procedures*)

(cf. [5131.2](#) - *Bullying*)

Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are admitted through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Education Code [220](#), including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status. (Education Code [46600](#))

In addition, the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries

(cf. [5148](#) - *Child Care and Development*)

2. To meet the student'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 a sibling attending school in the receiving district, to avoid splitting the family's attendance
4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
5. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school
6. To allow a high school senior to attend the same school attended as a junior, even if the student's family moved out of the district during the junior year
7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district
8. When the student will be living out of the district for one year or less
9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious

**INTERDISTRICT ATTENDANCE** (continued)

home or community problems which make it inadvisable for the student to attend the school of residence

(cf. [5113.1](#) - *Chronic Absence and Truancy*)

(cf. [5113.12](#) - *District School Attendance Review Board*)

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

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

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

(cf. [5145.6](#) - *Parental Notifications*)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code [48985](#), and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code [46603](#))

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

**INTERDISTRICT ATTENDANCE** (continued)

(cf. [5119](#) - *Students Expelled from Other Districts*)  
(cf. [5144.1](#) - *Suspension and Expulsion/Due Process*)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any student entering grade 11 or 12 in the subsequent school year. (Education Code [46600](#))

(10/17 3/19) 12/19

Regulation  
approved: April 1, 2009  
revised: 03/11, 01/12, 12/17, 05/19  
reviewed: February 13, 2020

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California



**BIGGS UNIFIED SCHOOL DISTRICT**  
**300 B Street**  
**Biggs, CA 95917-0397**  
**530-868-1281**

**INTERDISTRICT ATTENDANCE REQUEST AND AGREEMENT**

Student \_\_\_\_\_ Birth Date \_\_\_\_\_ Grade \_\_\_\_\_

Student \_\_\_\_\_ Birth Date \_\_\_\_\_ Grade \_\_\_\_\_

Name of Parent \_\_\_\_\_ Home Phone \_\_\_\_\_ Business Phone \_\_\_\_\_

Residence Address \_\_\_\_\_ Cell Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Email Address \_\_\_\_\_

Is the student currently expelled, on a suspended expulsion or discipline contract? [ ] yes [ ] no

School now attending? \_\_\_\_\_

Programs in which student participates: [ ] GATE [ ] Band [ ] Title 1 [ ] Special Education [ ] Athletics [ ] other

**Application**

I request that my child, named above, be permitted to attend the \_\_\_\_\_ School in the \_\_\_\_\_ School District during the \_\_\_\_\_ school year. Briefly state the reason for the request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Agreement**

Date of required meeting with principal: \_\_\_\_\_

Should this request be granted, I agree and understand that:

1. The above-named student(s) will be transferred back to his/her district of residence if facilities or programs become unavailable in the school the student is assigned to attend.
2. The parent will assume responsibility for all transportation for the above-named student(s) to and from school.
3. If the student demonstrates unsatisfactory attendance, scholarship, or citizenship, approval may be cancelled.
4. Falsification or misrepresentation of information on this form constitutes grounds for refusal or cancellation of this permit.

**INTERDISTRICT ATTENDANCE REQUEST AND AGREEMENT (continued)**

5. This agreement expires at the close of the current school year.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Signature of Parent/Guardian) (Printed name of Parent/Guardian)

**Agreement**

The Board of Trustees of the following districts agree to permit the student(s), named above, to attend school in the requested district, subject to the following terms:

1. Pursuant to Education Code 46607, the District of Attendance shall be credited with the average daily attendance for determining state apportionments and revenue limits.
2. Any agreement may be nullified if the student fails to attend school regularly, fails to obey rules and regulations of the schools, does not attempt to further his/her education in a conscientious manner, or does not conform to conditions otherwise specified in the agreement.
3. Interdistrict requests for Special Education students have been approved on the stipulation that there would be no cost to the Biggs Unified School District as these services could be provided by the District.

**Release/Denial of Release by District of Residence**

The student(s) named above is/are released/denied release by the BIGGS UNIFIED School District for attendance in the \_\_\_\_\_ School District.

Signed \_\_\_\_\_ Title SUPERINTENDENT Date \_\_\_\_\_

**Acceptance/Denial by Requested District of Attendance**

**Action of Requested District**

The student(s) named above is/are accepted for/denied attendance in the \_\_\_\_\_ School District. S/he will be assigned to the \_\_\_\_\_ School.

Signed \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

In addition to the conditions stated herein, this attendance agreement is subject to all the terms and conditions of the Interdistrict Attendance Agreement currently in effect between the above District of Residence and the District of Attendance. The District of Attendance is to receive the state apportionment for the Average Daily Attendance accrued in the same a manner as if the student were a resident of the District of Attendance. No tuition shall be charged.

**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.

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

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 January 1st and February 1st of the preceding school year for which the transfer is requested.

*(cf. 5111.1 - District Residency)*  
*(cf. 5111.12 - Residency Based on Parent/Guardian Employment)*

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 the state Class Size Reduction Program or the Morgan/Hart Class Size Reduction Program for Grades 9-12
- 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

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

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

COURT DECISIONS

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

*Management Resources:*

WEB SITES

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

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

**OPEN ENROLLMENT ACT TRANSFERS**

**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)

*(cf. 5111.1 - District Residency)*

*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)

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

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)

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

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

**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 toward 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)*



**OPEN ENROLLMENT ACT TRANSFERS** (continued)

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)

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**

**PARENTAL NOTIFICATION:  
OPTION TO TRANSFER**

[Date]

To the parents/guardians of students at \_\_\_\_\_ School:

The purpose of this letter is to inform you that our school has been identified by the California Department of Education (CDE) as an Open Enrollment school for the \_\_\_\_\_ school year.

**Why is our school on the Open Enrollment List?**

The Open Enrollment Act, which became law in the spring of 2010, requires the CDE to annually create a list of 1,000 schools ranked by their Academic Performance Index (API). A school's API is a number that ranges from 200 to 1,000 and is calculated using the results for each school's students on statewide tests. The state has set 800 as the API target for all schools to meet. Schools that fall short of 800 are required to meet annual growth targets until that goal is achieved. Annual API growth targets will vary for each school.

For more information about how the Open Enrollment List is created, please visit the CDE's web site: <http://www.cde.ca.gov/sp/eo/op>.

**What right does a parent have to request a transfer?**

All parents/guardians of students attending a school on the Open Enrollment List have the option to request a transfer of their child to another school in this district or in another California district. The school to which your child transfers must have a higher API than the school your child is leaving. Our school's API is \_\_\_\_\_.

The following district schools are available to accept transfers: [*List schools with space available and higher API scores.*]

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If you would like to transfer your child to one of the schools listed above, please contact that school for information about applying for intradistrict open enrollment. Information about the performance and academic achievement of each available school is enclosed.

If you would like to transfer your child to a school in another district, you must contact that school district for information regarding their application procedures and timelines. To find a school with a higher API, go to the CDE's website: <http://api.cde.ca.gov/reports>.

**OPEN ENROLLMENT ACT TRANSFERS** (continued)

Parents/guardians are responsible for providing transportation to and from the new school.

We will keep you updated and informed about opportunities to discuss plans for our school. If you have questions, need additional information on how you can get involved in our school improvement efforts, or would like to discuss the school's instructional program, please feel free to call me and/or visit the school.

Sincerely,

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*[Name of Principal]*

**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 Agreements)*

**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 Drug-Free Schools:

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

**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 ten 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:*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

*Legal Reference: Continued next page*

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

*Legal Reference: (Continued)*

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

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

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

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

*Johnson v. Santa Monica-Malibu Unified School District Board of Education*, (1986) 179 Cal.App.3d 593

*Management Resources:*

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>

(11/03 7/09) 7/16



**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

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:

A	(90-100%)	Outstanding Achievement	4.0 grade points
B	(80-89%)	Above Average Achievement	3.0 grade points
C	(70-79%)	Average Achievement	2.0 grade points
D	(60-69%)	Below Average Achievement	1.0 grade points
F	(0-59%)	Little or No Achievement	0 grade points
I		Incomplete	0 grade points

**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:

A	(90-100%)	Outstanding Achievement	5.0 grade points
B	(80-89%)	Above Average Achievement	4.0 grade points
C	(70-79%)	Average Achievement	3.0 grade points

*(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

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

district's policy regarding excessive unexcused absences.

*(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)*

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)

*(7/09 7/15) 7/16*

Regulation  
approved: January 4, 2012  
revised: September 24, 2015  
revised: November 2, 2016

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

**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. 6162.52 - High School Exit Examination)*

*(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:

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

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

**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, 37525.8, 48070.5)

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

*(cf. 6177 - Summer Learning Programs)*

*(cf. 6179 - Supplemental Instruction)*

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

*Legal Reference:*

EDUCATION CODE

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

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

60850-60859 Exit examination

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>

(11/00 7/05) 12/13

Policy  
adopted: January 4, 2012  
revised: April 2, 2014  
revised: March 2, 2016

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, 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 Governing Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the 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)*

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