

EDUCATION FOR HOMELESS CHILDREN

Note: As part of the No Child Left Behind Act (P.L. 107-110), Congress has reauthorized and substantially expanded the requirements of the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) effective July 1, 2002. In order to receive funds under the Act, the California Department of Education (CDE) must submit a plan to the federal government that details how the state will educate homeless children and that contains the assurances, descriptions and strategies specified in 42 USC 11432. As part of this plan, new regulations and advisories will likely need to be developed by the CDE to provide guidance for districts in implementing this new law. Although, as of this writing, these advisories and regulations have not yet been issued and many questions regarding implementation of the new law remain unanswered, districts are still required to implement the law on July 1, 2002. It is anticipated that this policy and regulation will be revised again once clarification is received from the CDE and/or the federal government.

42 USC 11432, as amended, **mandates** that the CDE and districts receiving Title I funds adopt policies and practices that ensure that homeless children are not segregated or stigmatized on the basis of their status as homeless. This law also prohibits the segregation of homeless students in a separate school or program; however, separate schools that were in operation before the reauthorization may continue to operate under specified conditions. The following paragraph reflects the **mandate** that students not be segregated or stigmatized and also the intent of the reauthorized McKinney-Vento Homeless Assistance Act.

The Board of Trustees recognizes its obligation to ensure that homeless children have access to the same free and appropriate public education provided to other children within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging performance standards as other students. Students shall not be segregated into a separate school or program based on their status as homeless, nor shall homeless students be stigmatized in any way.

(cf. 3553 - Free and Reduced Price Meals)

Note: Pursuant to 42 USC 11432, as amended, placement determinations for homeless students must be made according to the student's "best interest," as defined in the accompanying administrative regulation.

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

(cf. 5111.13 - Residency for Homeless Children)

Transportation

Note: 42 USC 11432, as amended, **mandates** that the CDE and districts adopt policies and practices to ensure that transportation is provided, at the request of the parent/guardian, to and from the school of origin as specified below.

For those districts that do not provide transportation for non-homeless students, 42 USC 11432 appears to impose an affirmative obligation to transport homeless students. In addition, the Act does not address the authorization provided by Education Code 39807.5 for the district to charge for the cost of home-to-school transportation. However, it is likely that most homeless students would be identified as indigent and would therefore be exempt from transportation costs. See AR 3250 - Transportation Fees.

EDUCATION FOR HOMELESS CHILDREN (continued)

The district shall provide transportation for a homeless student to and from a district school of origin when the student is residing within the district and the parent/guardian requests that such transportation be provided. If the student moves outside of district boundaries but continues to attend this district's school of origin, the Superintendent or designee shall consult with the Superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

Legal Reference:

EDUCATION CODE

1980-1986 County community schools

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

39807.5 Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

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/cilbranch/homeless/homelesstoc.html>

U.S. Department of Education: <http://www.ed.gov/offices/OESE/CEP/hmlsprogresp.html>

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

EDUCATION FOR HOMELESS CHILDREN

Definitions

Homeless means students who lack a fixed, regular and adequate nighttime residence and includes: (42 USC 11435)

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above

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

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

Unaccompanied youth means a youth not in the physical custody of a parent or guardian.

District Liaison

Note: Pursuant to 42 USC 11432, as amended, districts are required to designate an appropriate staff person, who may also be a coordinator for other federal programs, as a district liaison for homeless students. The duties of the liaison are as specified below.

The Superintendent or designee designates the following staff person as the district liaison for homeless students (42 USC 11432):

Director of Student Personnel Services and Special Education
El Monte Union High School District
3537 Johnson Avenue, El Monte, CA 91731
(626) 444-9005

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

EDUCATION FOR HOMELESS CHILDREN (continued)

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

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

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

(cf. 5141.6 - Student Health and Social Services)

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

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

Enrollment

Placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432) When making a placement decision, the Superintendent or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, safety issues, the student's needs for special instruction, school placement of siblings, etc.

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

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

Note: 42 USC 11432, as amended, requires district schools to immediately enroll homeless students as specified below.

EDUCATION FOR HOMELESS CHILDREN (continued)

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

(cf. 5111.13 - Residency for Homeless Children)

(cf. 5125 - Student Records)

(cf. 5141.31 - Immunizations)

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the district homeless student liaison. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student as soon as possible. (42 USC 11432)

Enrollment Disputes

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

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

The district liaison shall carry out the dispute resolution process provided by the state as expeditiously as possible after receiving notice of the dispute. (42 USC 11432) The liaison shall provide the parent/guardian a copy of the district's decision, dispute form, and a copy of the outcome of the dispute.

If a parent/guardian disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian wishes to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

(cf. 1312.3 - Uniform Complaint Procedures)

EDUCATION FOR HOMELESS CHILDREN

ENROLLMENT DISPUTE FORM

Instructions: This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared verbally with the district liaison for homeless students.

Date submitted: _____

Name of person completing form: _____

Student's Name: _____

Relation to student: _____

I may be contacted at the following:

Address: _____

Phone number: _____

Name of school requested: _____

I wish to appeal the enrollment decision made by:

_____ District liaison _____ Superintendent _____ County liaison

Reason for the appeal: You may include an explanation to support your appeal in this space or provide your explanation verbally.

I have been provided with:

- _____ A written explanation of the district's decision
- _____ Contact information for the district's homeless liaison
- _____ Contact information for the county office of education's homeless liaison

EDUCATION FOR HOMELESS CHILDREN (continued):

DISTRICT EXPLANATION OF ENROLLMENT DECISION

Instructions: The following form is to be used when the district has denied a parent/guardian's enrollment request.

Date: _____ Name of person completing form: _____

Title: _____ Phone number: _____

In accordance with federal law (42 USC 11432), this notification is being provided to:

Name of parent/guardian: _____

Name of student(s): _____

Name of school requested: _____

District's placement decision (name of school): _____

After retrieving your request to enroll your child in the school listed above, your enrollment request has been denied. This determination was based upon:

You have the right to appeal this decision to the district Superintendent. If you are not satisfied with the Superintendent's decision, you may appeal to the Los Angeles County Office of Education. If you are not satisfied with the county office's decision, you may then appeal to the California Department of Education. The district's homeless liaison can assist you with this appeal.

Name of district's homeless liaison: _____

Address: _____

Phone number: _____

Name of County Office of Education homeless liaison: _____

Address: _____

EDUCATION FOR HOMELESS CHILDREN (continued):

Phone number: _____

You also have the following rights:

*Pending resolution of this dispute, your child has the right to immediately enroll in the school you requested and to participate in school activities at that school.

*You may provide written or verbal documentation to support your position. You may use the district's dispute resolution form. A copy of the dispute form can be obtained from the district's liaison for homeless students.

*You may seek the assistance of advocates or attorneys to help you with this appeal.

EDUCATION FOR FOSTER YOUTH

The Governing Board recognizes its obligation to ensure that foster youth have the opportunity to achieve state and district academic standards. The district shall provide students in foster care within the district with access to the academic resources, services, and extra curricular and enrichment activities that are available to all district students.

(cf. 6011 – Academic Standards)
(cf. 6173 – Education for Homeless Children)

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students’ best interest as defined in law and administrative regulation. To that end, he/she shall designate a staff person as a district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including but not limited to, each principal, assistant principal for student services, school registrar, attendance clerks, receive training regarding the enrollment, placement, and rights of foster youth.

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

(cf. 1400 – Relations between Other Governmental Agencies and the Schools)
(cf. 5141.6 – Student Health and Social Services)

EDUCATION FOR FOSTER YOUTH

Definitions

Foster youth means a child who has been subject to one of the following: (Education Code 48853.5)

1. Has been removed from his/her home pursuant to Welfare and Institutions Code 309 (investigation and release of child)
2. Is the subject of a petition filed under Welfare and Institutions Code 300 (jurisdiction of juvenile court) or 602 (minors ward of court, violating law)
3. Has been removed from hi/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602

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

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

Best interest means a placement that ensures that the youth is placed in the least restrictive educational program and has access to academic resources, services, and extracurricular and enrichment activities that are available to district students. (Education Code 48853)

The Superintendent or designee designates the following position as the district liaison for foster youth: (Education Code 48853.5)

Director of Pupil Personnel Services and Special Education
El Monte Union High School District
337 Johnson Avenue, El Monte, California 91731
(626) 444-9005

(cf. 6173 – Education for Homeless Children)

The district’s liaison for foster youth shall: (Education Code 48645.5, 48853.5)

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care

(cf. 1400 – Relations between Other Governmental Agencies and the Schools)
(cf. 5141.6 – Student Health and Social Services)

EDUCATION FOR FOSTER YOUTH (continued)

2. Assist foster youth when transferring from one school to another or from one district to another in ensuring proper transfer of credits, records, and grades, including ensuring that records reflect full or partial credit for courses taken
3. As necessary, make appropriate referrals to ensure that students in foster care receive necessary special education services under Section 504 and the federal Rehabilitation Act of 1973.
4. Ensure that students in foster care receive appropriate school-based services, such as supplemental instruction, counseling, or after school programs.
5. Develop protocols and procedures so that district staff, including principals, school registrars, and attendance clerks are aware of the requirements for the proper enrollment, placement and transfer of foster youth.
6. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, nonprofit organization, and advocates to help coordinate services for the district's foster youth.

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

(cf. 5125 – Student Records)

(cf. 6146.3– Reciprocity of Academic Credit)

Enrollment

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

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

(cf. 6159 – Individualized Education Program)

(cf. 6159.2 – Nonpublic Nonsectarian School and Agency Services for Special Education)

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program or that the student continue in his/her school of origin, as specified below.

EDUCATION FOR FOSTER YOUTH (continued)

At the initial detention or placement, or any subsequent change in placement of a foster youth, the district shall allow the student to continue his/her education in the school of origin for the duration of the academic school year. However, the district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interest. (Education Code 48853.5)

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

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

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agree that the best interests of the youth would be served by his/her transfer to a school other than he school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The youth shall be immediately enrolled even if he/she has outstanding fees, fines, textbooks, or other items or monies due to the school last attended or is unable to produce records, such as academic, medical, or proof of residency, or clothing normally required for enrollment. (Education Code 48853.5)

(cf. 5125.2 – Withholding Grades, Diploma or Transcripts)

(cf. 5132 – Dress and Grooming)

(cf. 5141.31 – Immunizations)

Within two business days of enrollment, the liaison shall contact the school last attended by the student to obtain all academic and other records. Upon receiving a request from a new school, the liaison for the school last attended shall provide all records within two business days of receiving the request. (Education Code 48853.5)

If a parent/guardian or foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within 30 days of receipt of the appeal. Within 30 days of receipt of the Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Governing Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

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

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

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

The Board encourages staff to exchange information with staff in other districts and the county office of education about programs, options and strategies for English language learners that succeed under various demographic conditions.

(cf. 4112.22/4212.22 - Staff Teaching Students of Limited English Proficiency)

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

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

(cf. 6190 - Evaluation of the Instructional Program)

Type of Instruction

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

The district has defined the term "nearly all" as follows:

Sixty-six percent (66%) of the instruction during the school day may be conducted in English to meet the requirement and definition of "nearly all".

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

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

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

Reasonably Fluent: When students are determined to be “reasonably fluent”, they may be eligible for some, but not all, English education services they previously received. Students who have “reasonable English fluency” are in Mainstream English classrooms. These students may not be grouped for “sheltered” instruction in English. However, teachers have CLAD certificates or the equivalent and have been specially trained in English Language Development and the use of teaching methods effective in working with EL students (SDAIE).

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6171 - Title I Programs)

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

Parental Exception Waivers

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

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

Legal Reference: (see next page)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

Legal Reference:

EDUCATION CODE

300-340 English language education for immigrant children
430-446 English Learner and Immigrant Student Federal Conformity Act
33308.5 CDE guidelines not binding
44253.5-44253.10 Certification for bilingual-cross-cultural competence
48985 Notices to parents in language other than English
51101 Rights of parents to information
51101.1 Rights for parents of English learners
52015 Components of school improvement plan
52130-52135 Impacted languages act of 1984
52160-52178 Bilingual Bicultural Act
52180-52186 Bilingual teacher training assistance program
54000-54041 Programs for disadvantaged children
60810-60812 Assessment of language development
62001-62005.5 Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

4304-4320 Bilingual education program requirements
11300-11305 English language education for immigrant children
11510-11516 California English Language Development Test

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

PUBLIC LAW 107-110

1112 Local education agency plans
3001-3141 Title III, Language instruction for limited English proficient and immigrant students

COURT DECISIONS

Valeria G. v. Wilson, (9th Circuit) 2002 U.S. App. Lexis 20956
California Teachers Association et al. v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141
McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196
Teresa P. et al v. Berkeley Unified School District et al., (1989) 724 F.Supp. 698
Casteneda v. Pickard, (5th Cir. 1981) 648 F.2d 989

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidelines for Reclassification of English Learners, September 2002

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

WEB SITES

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

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

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

Definitions

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

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

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

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

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

Identification and Assessment

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (5 CCR 4304)

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

Note: Pursuant to 5 CCR 11513.5 (Register 2001, No. 40), districts are required to appoint a CELDT test site coordinator who will be responsible for test security and administration of the exam.

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

Note: 5 CCR 11516.5 provides that students with disabilities shall also take the CELDT with accommodations, as specified below. A list of accommodations provided to students with disabilities may be found in the CDE's document Accommodations for the California English Language Development Test. Specific accommodations and/or modifications for each student will be detailed in his/her individualized education program (IEP) or Section 504 plan.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

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

(cf. 6159 - Individualized Education Program)

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

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

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

(cf. 5145.6 - Parental Notifications)

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

Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following: (Education Code 440; P.L. 107-110, Section 1112)

1. The reason for the student's classification as English language learner
2. The level of English proficiency
3. A description of the program for English language development instruction, including a description of all of the following:
 - a. The manner in which the program will meet the educational strengths and needs of the student
 - b. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

- c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learner students, and the expected rate of graduation from secondary school if Title I funds are used for students in secondary schools
- d. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. Information regarding a parent/guardian's option to decline to allow the student to become enrolled in the program or to choose to allow the student to become enrolled in an alternative program
5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

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

Parental Exception Waivers

At the beginning of each school year, parents/guardians shall be informed of the placement of their children in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11303)

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

1. Students who already know English: The student already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower. (Education Code 311(a))
2. Older students: The student is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills. (Education Code 311(b))

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

3. Students with special needs: The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the student has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311(c))

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

Upon request for a waiver, the Superintendent or designee shall provide to the parents/guardians: (Education Code 310, 311; 5 CCR 11303)

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

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

Parental exception waivers pursuant to Education Code 311(b) (Students 10 Years or Older) shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)

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

The principal shall consider all waiver requests made pursuant to Education Code 311(c) for students with special needs and shall submit a rationale of the decision regarding the waiver to the Superintendent. When determining whether or not to recommend the approval of the waiver request, the principal shall assume that the facts justifying the request attested by the parent/guardian are a true representation of the child's condition.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

For all waiver requests, parental exception waivers shall be granted unless the principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student. (5 CCR 11303)

Note: The following statement is a component of the CDE's Coordinated Compliance Review process.
--

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

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

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

Students wishing to transfer shall be subject to the district's intra-district and inter-district attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district's inter-district attendance policies and administrative regulations.

(cf. 5116.1 – Intra-district Open Enrollment)

(cf. 5117 – Inter-district Attendance)

(cf. 5117.1 – Inter-district Attendance Agreements)

(cf. 5117.2 - Alternative Inter-district Attendance Program)

In cases where a parental exception waiver is denied, the parent/guardian shall be informed in writing of the reason for the denial and, if relevant, any procedures that exist to appeal the decision to the Board. (5 CCR 11303)

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

Reclassification/Redesignation

Note: The following paragraph reflects the requirements of federal case law, as outlined in <u>Castaneda v. Pickard</u> , which have been incorporated into state law pursuant to 5 CCR 11302.
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The district shall continue to provide additional and appropriate educational services to English language learners for the purposes of overcoming language barriers until the English language learners have: (5 CCR 11302)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

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

Note: The following statement is a component of the CDE's Coordinated Compliance review process.
--

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

Note: The following paragraph reflects the criteria listed in Education Code 52164.6 and in the SBE's <u>Guidelines for Reclassification of English Learners</u> as adopted in September 2002. These guidelines recommend that districts utilize multiple criteria including, but not limited to, an assessment of English proficiency utilizing the California English Language Development Test (CELDT), teacher evaluation, parental opinion and consultation, and comparison of student performance in basic skills. The criteria listed below should be expanded to reflect the specific procedures of the district, such as the test scores necessary to achieve proficiency.

The following criteria shall be used to determine whether an English language learner shall be reclassified as fluent English proficient:

1. Assessment of English language proficiency, utilizing the California English Language Development Test as the primary criterion, and objective assessment of the student's English reading and writing skills
2. Participation of the student's classroom teacher(s) and any other certificated staff with direct responsibility for teaching or placement decisions
3. Parent/guardian opinion and consultation during a redesignation interview
 Parents/guardians shall receive notice and a description of the redesignation process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.
4. Comparison of performance in basic skills, including performance on the English-Language Arts section of the California Standards Test
5. Objective data on the student's academic performance in English

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

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

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

Advisory Committees

At the district level when there are more than 50 English language learners in the district and at each school with more than 20 English language learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law.

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

Note: The following tasks are components of the CDE's Coordinated Compliance Review.
--

The district's English language advisory committee shall advise the Board on at least the following tasks:

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

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

Note: During Coordinated Compliance Reviews, CDE staff will look to see if the district advisory committee has received appropriate training and materials to assist the members in carrying out their responsibilities.
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The Superintendent or designee shall ensure that committee members receive appropriate training and materials to help the members carry out their responsibilities. This training shall be planned in full consultation with the members.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

**PARENTAL EXCEPTION WAIVER
EDUCATION CODE 311(a): Children who know English**

Name: _____ Grade: _____

School: _____ Date of Birth: _____

Language Designation: _____

My child possesses good English language skills and for that reason I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible.

I have personally visited the school to apply for this waiver.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

For School Use Only:

Child's English standardized test scores: Scores must be at or above the state average for the child's grade level or above the 5th grade average:

Waiver Granted/Denied: _____ Date: _____

Signature: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

**PARENTAL EXCEPTION WAIVER
EDUCATION CODE 311(b): Children age 10 or older**

Name: _____ Grade: _____

School: _____ Date of Birth: _____

Language Designation: _____

My child is 10 years of age or older and I believe that an alternate course of study is better suited to my child's rapid acquisition of English. For that reason, I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible.

I have personally visited the school to apply for this waiver.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

For School Use Only:

Waiver Granted/Denied: _____ Date: _____

Signature: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

**PARENTAL EXCEPTION WAIVER
EDUCATION CODE 311(c): Children with Special Needs**

Name: _____ Grade: _____

School: _____ Date of Birth: _____

Language Designation: _____

I believe that my child has special needs and that an alternate course of study is better suited to his/her educational development. (Check all that apply and provide a brief statement)

____ Educational Needs ____ Physical Needs ____ Emotional/Psychological Needs

Therefore, I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible. I have personally visited the school to apply for this waiver.

I understand that my child must be placed in an English language classroom for 30 calendar days and that this waiver will be considered by the Superintendent pursuant to Board-established guidelines.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

For School Use Only:

Waiver Granted/Denied: _____ Date: _____

Signature: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

**Solicitud de Excepción Pedido por los Padres
Código de Educación 311(a): Niños que saben inglés**

Nobre: _____ Grado: _____

Escuela: _____ Fecha de nacimiento: _____

Idioma natal: _____

Mi hijo(a) posee buenas habilidades del idioma inglés y por esa razón yo solicito una excepción del Programa de Inmersión al Inglés Estructurado. Comprendo que el objetivo para mi hijo(a) debe ser el que se le enseñe inglés lo más rápido y efectivamente posible.

Yo visité personalmente la escuela de mi hijo(a) para solicitar esta excepción.

Se me ha entregado una completa descripción por escrito de: el propósito y el contenido del Programa de Inmersión al Inglés Estructurado; cualquier otro curso de estudio ofrecido por el distrito creado para estar al alcance de mi hijo(a); todas las oportunidades educativas ofrecidas por el distrito creadas para estar al alcance de mi hijo(a); y de los materiales educativos para ser usados en las diferentes opciones de programas educativos.

Entiendo que debo solicitar esta excepción anualmente, cada año escolar.

Firma de Padre/Madre o tutor dativo: _____ Fecha: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código postal: _____

Teléfono: _____

Para uso exclusivo de la escuela:

Calificaciones del examen uniforme de inglés: Las calificaciones deben estar al nivel o arriba del promedio del estado para el grado al que corresponde el niño o arriba del promedio de quinto grado:

Excepción otorgada/negada: _____ Fecha: _____

Firma: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

**Solicitud de Excepción Pedido por los Padres
Código de Educación 311(b): Niños de 10 años de edad o mayor**

Nobre: _____ Grado: _____

Escuela: _____ Fecha de nacimiento: _____

Idioma natal: _____

Mi hijo(a) tiene, o es mayor de, 10 años de edad y creo que un curso alternativo es el más adecuado para dar a mi hijo(a) una pronta enseñanza del inglés. Por esa razón solicito una excepción del Programa de Inmersión al Inglés Estructurado. Comprendo que el objetivo para mi hijo(a) es que se le enseñe inglés lo más rápido y efectivamente posible.

Yo personalmente visité la escuela de mi hijo(a) para solicitar esta excepción.

Se me ha entregado una completa descripción por escrito de: el propósito y el contenido del Programa de Inmersión al Inglés Estructurado; cualquier otro curso de estudio ofrecido por el distrito creado para estar al alcance de mi hijo(a); todas las oportunidades educativas ofrecidas por el distrito creadas para estar al alcance de mi hijo(a); y de los materiales educativos para ser usados en las diferentes opciones de programas educativos.

Entiendo que debo solicitar esta excepción anualmente, cada año escolar.

Firma de Padre/Madre o tutor dativo: _____ Fecha: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código postal: _____

Teléfono: _____

Para uso exclusivo de la escuela:

Calificaciones del examen uniforme de inglés: Las calificaciones deben estar al nivel o arriba del promedio del estado para el grado al que corresponde el niño o arriba del promedio de quinto grado:

Excepción otorgada/negada: _____ Fecha: _____

Firma: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

**Solicitud de Pedido por los Padres
Código de Educación 311(c): Niños que requieren de educación especial**

Nobre: _____ Grado: _____

Escuela: _____ Fecha de nacimiento: _____

Idioma natal: _____

Mi hijo(a) requiere educación especial y creo que un curso alternativo es el más adecuado para su desarrollo educativo. (Marque todo lo que corresponda a su hijo(a) y dé una explicación breve)

____ Necesidades educativas ____ Necesidades físicas ____ Necesidades emocionales y psicológicas

Solicito una excepción del Programa de Inmersión al Inglés Estructurado. Comprendo que el objetivo para mi hijo(a) es que se le enseñe inglés lo más rápido y efectivamente posible. Yo personalmente visité la escuela de mi hijo(a) para solicitar esta excepción.

Comprendo que mi hijo(a) será colocado en un salón de instrucción de inglés por 30 días del calendario escolar y que esta excepción será considerada por el superintendente escolar de acuerdo a las guías establecidas por la mesa directiva escolar.

Se me ha entregado una completa descripción por escrito de: el propósito y el contenido del Programa de Inmersión al Inglés Estructurado; cualquier otro curso de estudio ofrecido por el distrito creado para estar al alcance de mi hijo(a); todas las oportunidades educativas ofrecidas por el distrito creadas para estar al alcance de mi hijo(a); y de los materiales educativos para ser usados en las diferentes opciones de programas educativos.

Entiendo que debo solicitar esta excepción anualmente, cada año escolar.

Firma de Padre/Madre o tutor dativo: _____ Fecha: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código postal: _____

Teléfono: _____

Para uso exclusivo de la escuela:

Calificaciones del examen uniforme de inglés: Las calificaciones deben estar al nivel o arriba del promedio del estado para el grado al que corresponde el niño o arriba del promedio de quinto grado:

Excepción otorgada/negada: _____ Fecha: _____

Firma: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

PLEASE SEE DISTRICT MATERIAL IN THE DISTRICT OFFICE
FOR THE FOLLOWING EXHIBITS:

1. EL MONTE UNION HIGH SCHOOL DISTRICT BOARD REPORT #194.
2. EL MONTE UNION HIGH SCHOOL DISTRICT NOTIFICATION OF SCHOOL APPROVAL/DENIAL OF WAIVER.
3. EL MONTE UNION HIGH SCHOOL DISTRICT PROGRAM PLACEMENT OPTIONS FOR ENGLISH LEARNERS.
4. EL MONTE UNION HIGH SCHOOL DISTRICT REGISTRATION RECOMMENDATION FORM.
5. EL MONTE UNION HIGH SCHOOL DISTRICT BOARD REPORT #53.
6. EL MONTE UNION HIGH SCHOOL PROCESS FOR LANGUAGE REDESIGNATION.

MIGRANT EDUCATION PROGRAM

The Governing Board desires to provide a comprehensive education program for migrant students that attempt to mitigate the impact of disruptions on their education and provides them the opportunity to meet the district’s academic standards. The district shall make use of available funds to provide supplementary services for migrant students.

The Superintendent or designee shall plan for late enrollment of migrant students and shall ensure that all migrant students are correctly identified and placed at the appropriate grade level. He/she shall acquire records from students’ previous school districts, as appropriate, and shall consult these records when identifying students’ comprehensive needs and preparing their individual learning plans.

When a migrant student transfers to another district, his/her records shall be provided to the receiving district upon request at not cost to assist the district in meeting the needs of the student. (20 USC 6398)

(cf. 4131 - Staff Development)

The Superintendent or designee shall convene a district parent/guardian advisory council to actively involve parents/guardians in planning, operating and evaluating the migrant children program. Advisory council members shall receive training to help them to carry out their responsibilities. (Education Code 54444.2)

The Superintendent or designee shall coordinate the district’s migrant program services with other public agencies that serve migrant workers and their families.

(cf. 1220 - Citizen Advisory Committees)
(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference: (see next page)

Legal Reference:
EDUCATION CODE
54440-54445 Migrant children
UNITED STATES CODE, TITLE 20
6391-6399 Education of migratory children
CODE OF FEDERAL REGULATIONS, TITLE 34
200.40-200.45 Migrant education program

MIGRANT EDUCATION PROGRAM

A student age 13-21 years shall be eligible for the district's migrant education program if he/she is, or if his/her parent/guardian or spouse is, a migratory agricultural worker, migratory dairy worker, or migratory fisher and the student has moved from one district to another within the past 36 months in order to obtain temporary or seasonal employment or to accompany a parent/guardian or spouse to obtain such employment. (20 USC 6399; 34 CFR 200.81)

In providing these services, the district shall give first priority to migrant students who are failing, or most at risk of failing, to meet state content standards and challenging state performance standards, and whose education has been interrupted during the regular school year. (20 USC 6394)

A student who ceases to be a migrant student during a school term shall be eligible for services until the end of the term. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year. Students who are eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 USC 6394)

The district shall provide services to eligible private school students residing within the district on an equitable basis with participating public school students. (20 USC 7881; 34 CFR 200.87)

The migrant education program shall provide: (Education Code 54443.1)

1. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment.
2. A general needs assessment summarizing the needs of the population to be served.

MIGRANT EDUCATION PROGRAM (continued)

3. A comprehensive program which meets student needs and supplements the district-provided core curriculum. This program shall provide:

- a. Academic instruction
- b. Remedial and compensatory instruction

(cf. 6171 - Title I Programs)

- c. Bilingual and multicultural instruction

(cf. 6141.6 - Multicultural Education)

(cf. 6174 - Education for English Language Learners)

- d. Vocational instruction

(cf. 6178 - Vocational Education)

- e. Counseling and career education services

(cf. 6164.2 - Guidance/Counseling Services)

- f. Other educational services that are not otherwise available in sufficient quantity or quality to eligible migrant students
- g. Instructional materials and equipment necessary for appropriate services
- h. Other related services needed to enable migrant students to participate effectively in instructional services
- i. The coordination and teaming of existing resources serving migrant students, such as bilingual-cross cultural education, health screening, and compensatory education

4. A brief individual learning plan listing the services to be provided to each student. This plan shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and each time the student moves to a new district.

5. Staffing and development plans and practices to meet the needs of students and implement the program

6. Parent/guardian and community involvement as specified in Education Code 54444.2, including but not necessarily limited to the establishment of a parent/guardian advisory council

(cf. 6020 – Parent Involvement)

MIGRANT EDUCATION PROGRAM (continued)

7. Evaluations which include annual student progress and overall program effectiveness and quality control reports

Note: 20 USC 6394 requires “the same” parent involvement in migrant education programs as is required for Title I programs for disadvantaged students (see BP/AR 6171 – Title I programs), unless extraordinary circumstances make such provisions impractical.

The migrant education program shall provide for the same opportunities for parent involvement that are provided to parents/guardians for Title I programs. (20 USC 6394)

(cf. 6171 – Title I Programs)

The district shall conduct summer school programs for eligible migrant students in accordance with Education Code 54444.3.

(cf. 6177 – Summer School)

Note: The following optional paragraph is for use by districts that have entered into a service agreement with a regional service center.

Specific services to be provided shall be described in the district’s service agreement with the regional service center for the migrant education program.

All parents/guardians of students enrolled in the migrant education program shall be invited to a general meeting and informed, in a language they understand, that they have the sole authority to decide the advisory council's composition. At least two-thirds of the advisory council shall consist of migrant parents/guardians elected by their peers. (Education Code 54444.2)

The membership of each parent advisory council shall be comprised of persons who are knowledgeable on the needs of migrant children. All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students, shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall: (Education Code 54444.4)

1. Establish program goals, objectives and priorities
2. Review annual needs and year-end assessment, program activities for each school, and individual learning plans
3. Advise on the selection, development and reassignment of program staff
4. Participate actively in planning and negotiating program applications and service agreements

MIGRANT EDUCATION PROGRAM (continued)

5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement training programs for advisory council members to enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)

The Superintendent or designee shall provide the council, and each member upon request, without charge, copies of all applicable state and federal migrant education statutes, rules, regulations and guidelines and applicable state and federal audits, monitoring reports and evaluations. (Education code 54444.2)

WEEKEND/SATURDAY CLASSES

The Board of Trustees may provide classes on Saturday and/or Sunday in order to meet the academic needs of students.

(cf. 6111 - School Calendar)

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

1. Continuation classes

(cf. 6184 - Continuation Education)

2. Special day classes for mentally gifted minors

(cf. 6172 - Gifted and Talented Student Program)

3. Makeup classes for unexcused absences occurring during the week

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

(cf. 6154 - Homework/Makeup Work)

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

Saturday classes also may be used to provide supplemental instruction for students who are failing to meet academic requirements and/or students who desire enrichment in core academic subjects in accordance with law, Board policy and administrative regulation. (Education Code 423, 37252, 37252.5, 37252.6, 37253, 53029, 53093)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6179 - Supplemental Instruction)

Legal Reference: (see next page)

WEEKEND/SATURDAY CLASSES (continued)

Legal Reference:

EDUCATION CODE

423 Conditions for offering intensive English language and literacy instruction on Saturdays

37223 Weekend classes

37252-37253 Supplemental instruction

41601 Reports of average daily attendance

42239 Summer school attendance computation

44824 Weekend classes, assignment of certificated employees

48070-48070.5 Promotion and retention, supplemental instruction

48205 Excused absence for personal reasons

48260 Truants, definition

51000-52706 General instructional programs, especially

51002 Development of local programs within guidelines

53029 Conditions for offering intensive reading instruction on Saturdays

53093 Conditions for offering intensive algebra instruction on Saturdays

WEEKEND/SATURDAY CLASSES

Any class offered on a Saturday or Sunday pursuant to Education Code 37223, except in regional occupational centers or programs, shall be one offered Monday through Friday during the regular school week. (Education Code 37223)

(cf. 6111 - School Calendar)

Except in regional occupational centers or programs, weekend attendance shall not result in crediting any student with more than five days of attendance per week. (Education Code 37223)

Attendance at weekend classes offered pursuant to Education Code 37223 shall be voluntary, except that truants, as defined in Education Code 48260, may be required to attend makeup classes on one day of a weekend in order to make up lost instructional time. (Education Code 37223)

(cf. 5113.1 - Truancy)

A student shall be excused from a weekend class if it is held on a day when such attendance would be in conflict with his/her religious beliefs. (Education Code 37252-37253, 48205)

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

SUMMER SCHOOL

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

The district shall offer summer instructional programs for high school seniors who need courses for graduation prior to September. (Education Code 41976.5)

(cf. 6146.1 - High School Graduation Requirements)

The district's summer school program may be used to provide supplemental instruction for students failing to meet academic requirements and/or students who desire enrichment in core academic subjects in accordance with law, Board policy and administrative regulation. (Education Code 423, 37252, 37252.2, 37252.8, 37253, 53029, 53093; 5 CCR 11472)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

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

(cf. 6162.52 - High School Exit Examination)

(cf. 6179 - Supplemental Instruction)

Enrollment Priorities

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

1. Need course credits in order to graduate from high school by September
2. Are eligible for supplemental instruction on the basis of retention, recommendation for retention, or insufficient progress toward the state high school exit examination pursuant to Education Code 37252 and 37252.2. Students who fail to successfully complete these summer courses will be scheduled into these courses in the Fall.

The remaining openings shall be offered to district students on a first-come first-serve basis.

To the extent that space is available after district students have enrolled, remaining openings in high school summer classes for core academic subjects may be open to private school students.

Attendance

Because summer courses cover extensive instructional content in a relatively short time period, consistent class attendance is crucial.

SUMMER SCHOOL (continued)

Students who have more than three absences may not receive credit for their summer session class(es).

(cf. 5113 - Absences and Excuses)

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

Legal Reference:

EDUCATION CODE

420-428 *Intensive English language and literacy instruction, summer school*

37252-37253.5 *Supplemental instructional programs*

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

42239-42239.2 *Summer school apportionments*

48070-48070.5 *Promotion and retention*

51210 *Areas of study for elementary schools*

51220 *Areas of study for grades 7-12*

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

53025-53031 *Intensive reading instruction, summer school*

53091-53094 *Intensive algebra instruction, summer school*

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

58806 *Summer school apportionments*

60851 *Supplemental instruction toward exit examination*

CODE OF REGULATIONS, TITLE 5

3043 *Extended school year*

11470-11472 *Summer schools*

ATTORNEY GENERAL OPINIONS

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

CAREER-TECHNICAL EDUCATION

Note: The Carl D. Perkins Vocational and Technical Act of 1998 (Perkins III)(20 USC 2301-2415) took effect on July 1, 1999. Pursuant to 20 USC 2343, districts must submit a local plan to the California Department of Education (CDE) for the use of funds allocated under the Act. Beginning in 2001-2001, the state will initiate a complete four-year plan rewrite. In the interim, the CDE has developed a one-year transition update for local plan submissions. Required contents for local plans can be found at 20 USC 2344 and are specified in the CDE's planning handbook.

Requirements for local use of career-technical funds, pursuant to 20 USC 2355, are incorporated into the following three paragraphs. In addition, the CDE has established three additional priorities which must be reflected in the local plan. These priorities are also incorporated below.

The Governing Board desires to provide a comprehensive career technical education (CTE) program in grades 9-12 which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong experience and understanding of all aspects of an industry. The Board shall review and approve all district plans and applications for the use of state and/or federal funds supporting CTE.

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

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

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

(cf. 5113.2 - Work Permits)

(cf. 6178.1 - Work Experience Education)

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

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

CAREER-TECHNICAL EDUCATION (continued)

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

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

(cf. 4131 - Staff Development)

(cf. 6010 - Goals and Objectives)

(cf. 6030 - Integrated Academic and Career-Technical Instruction)

(cf. 6141 - Curriculum Development and Evaluation)

Note: Pursuant to 20 USC 2354, the local plan must identify and adopt strategies to overcome barriers that result in decreased access or decreased success for "special populations" and the types of programs that will be provided to enable such populations to meet the state-adjusted levels of performance. The plan must also describe how individuals who are members of "special populations" will not be discriminated against on the basis of their status as a member of such a population.

20 USC 2302 defines the term "special population" to include individuals with disabilities; individuals from economically disadvantaged families (including foster children); individuals preparing for nontraditional training and employment; single parents, including single pregnant women; displaced homemakers; and individuals with other barriers to educational achievement, including individuals of limited English proficiency.

The district's program shall provide equal access to and shall not unlawfully discriminate against students who are members of special populations. Special populations include, but are not limited to, students with disabilities; students from economically disadvantaged families, including foster youth; students preparing for nontraditional fields; single parents and single pregnant females; displaced homemakers; and students with limited English proficiency. Prior to the beginning of each school year, the Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTC opportunities are offered without regard to race, color, sex, national origin, or disability. The above notification shall be disseminated in languages other than English as needed and shall state that the district will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354)

Note: Pursuant to 34 CFR 104.8 and 106.9, a district that receives federal aid, including career-technical education funds, is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations and applicants for admission and employment that it does not discriminate in its educational programs or activities. See BP 0410 - Nondiscrimination in District Programs and Activities.

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

(cf. 1312.3 - Uniform Complaint Procedures)

CAREER-TECHNICAL EDUCATION (continued)**Expenditures of Supplemental Funding**

Note: Education Code 52376 allows school districts to use supplemental funding apportioned pursuant to Education Code 54761 to develop and implement a career-technical education program that meets detailed criteria prescribed in Education Code 52376(c). Districts that use such funding, or other funds received for this purpose, are **mandated** to have policy reviewing the district's program, as specified below.

Every three years, the Board shall compare the district's existing career-technical curriculum, course content and course sequence with model state curriculum standards. (Education Code 51226, 52376)

(cf. 3440 - Inventories)

The Superintendent or designee shall establish procedures for the systematic review of district career-technical education classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. The Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)
(cf. 6181 - Alternative Schools)

Advisory Committee

Note: Education Code 8070 requires districts participating in a career technical education program to appoint a career technical advisory committee. This committee must consist of one or more representatives of the general public knowledgeable about the disadvantaged; students; teachers; business; industry; school administration; and the field office of the California Department of Employment Development.

Pursuant to 20 USC 2354, the local plan must describe how parents, students, representatives of business and industry, representatives of labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career-technical education programs. In addition, the plan must also describe how such individuals and entities learn about the requirements of Perkins III. The local career technical committee could certainly be part of the Perkins III requirements

The Board shall appoint a career technical advisory committee as required by law to develop recommendations on the career technical education program and provide liaison between the district and potential employers. (Education Code 8070) The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged; students; teachers; business; industry; school administration; and the field office of the California Department of Employment Development. The committee may be expanded to include parents/guardians, representatives of labor organizations, representatives of special populations, and other interested individuals in order to involve them in the development, implementation and evaluation of CTE programs funded through the federal Carl D. Perkins Career and Technical Education Act.

CAREER-TECHNICAL EDUCATION (continued)

(cf. 1220 - Citizen Advisory Committees)

Program Evaluation

The Board shall monitor and evaluate the achievement of students participating in the district's CTE program. The Superintendent or designee shall annually report to the Board on program enrollment and completion rates, including enrollment and completion of programs in non-traditional fields as defined in 20 USC 2301; student academic success results; attainment of career and technical skill proficiencies; attainment of a high school diploma or equivalent; graduation rates; and subsequent placement in postsecondary education or advanced training, military service, or employment .

*Legal Reference:*EDUCATION CODE

8070 Appointment of career-technical education advisory committee

48430 Legislative intent; continuation education schools and classes

51225.3 Requirements for graduation commencing with 1988-89 school year

51226 Model curriculum standards

51228 Graduation requirements; minimum standards; required curriculum; student demonstration of competence

52300-52499.6 Career technical education

54728 Funds allocated pursuant to the School-Based Motivation and Maintenance Program

54761 Calculation; base funding; deposit; use

UNITED STATES CODE, TITLE 20

2301-2415 Carl D. Perkins Vocational and Technical Act of 1998

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX

*Management Resources:*WEB SITES

CDE, Secondary Education, Academic and Career Integration: <http://www.cde.ca.gov/shsd/aci>

USDE, Office of Vocational and Adult Education: <http://www.ed.gov/offices/OVAE>

CAREER-TECHNICAL EDUCATION

Perkins Basic Grants for Career Technical Education

The Superintendent or designee shall submit to the California Department of Education a district plan for the career technical education (CTE) program funded by the federal Carl D. Perkins Career and Technical Education Act. The plan shall: (20 USC 2354)

1. Describe how program funds will be used to provide the CTE program components required by 20 USC 2355(b)
2. Describe how activities will be carried out in order to meet levels of performance established pursuant to 20 USC 2323

(cf. 6146.1 – High School Graduation Requirements)
(cf. 6146.2 – Certificate of Proficiency/High School Equivalency)
(cf. 6162.52 – High School Exit Examination)

3. Describe how the district will:
 - a. Offer the appropriate courses of at least one CTE program of study described in 20 USC 2342
 - b. Improve the academic and technical skills of participating students by strengthening the academic and career technical components of such programs through the integration of coherent and rigorous academic content and relevant CTE programs to ensure learning in the core academic and career technical subjects
 - c. Provide students with strong experience in and understanding of all aspects of an industry
 - d. Ensure that participating students are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students

(cf. 6011 – Academic Standards)

- e. Encourage participating students to enroll in rigorous and challenging courses in core academic subjects

(cf. 6142.91 – Reading/Language Arts Instruction)
(cf. 6142.92 – Mathematics Instruction)
(cf. 6142.93 – Science Instruction)

CAREER-TECHNICAL EDUCATION (continued)

4. Describe how CTE, academic, guidance, and administrative personnel will be provided comprehensive professional development, including initial teacher preparation, that promotes the integration of coherent and rigorous content aligned with academic standards with relevant CTE, including curriculum development

(cf. 4131 – Staff Development)

(cf. 4331 – Staff Development)

5. Describe how parents/guardians, students, academic and CTE teachers, administrators, career guidance and academic counselors, representatives of tech prep consortia if applicable, representatives of business and industry, labor organizations, involved in the development, implementation, and evaluation of CTE programs, and how such individuals and entities will be effectively informed about, and assisted in understanding, the requirements of the federal program

(cf. 1220 – Citizen Advisory Committees)

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

6. Provide assurances that the district's CTE program is of such size, scope, and quality to bring about improvement in the quality of CTE
7. Describe the process that will be used to evaluate and continuously improve the district's performance

(cf. 0500 - Accountability)

(cf. 6190 – Evaluation of the Instructional Program)

8. Describe how the district will
 - a. Review CTE programs and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the program for special populations, as defined in 20 USC 2302 and Board policy
 - b. Provide programs that are designed to enable special populations to meet established performance level targets
 - c. Provide activities to prepare special populations, including single parents and displaced homemakers, for high-skill, high-wage, or high-demand occupations that will lead to self-sufficiency

CAREER-TECHNICAL EDUCATION (continued)

9. Describe how the district will ensure that individuals will not be discriminated against on the basis of their status as members of special populations

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

(cf. 1312.3 – Uniform Complaint Procedures)

10. Describe how funds will be used to promote preparation for nontraditional fields

Nontraditional fields means occupations or fields of work, including careers in computer science, technology, and other emerging high-skill occupations, for which individuals from one gender constitute less than 25 percent of the individuals employed in each such occupation or field or work. (20 USC 2302)

11. Describe how career guidance and academic counseling will be provided to CTE students, including linkages to future education and training opportunities

(cf. 6164.2 – guidance/Counseling Services)

12. Describe efforts to improve:

- a. The recruitment and retention of CTE teachers and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession
- b. The transition to teaching from business and industry

Participation of Private Schools

Upon written request from representatives of nonprofit private schools within the geographical area served by the district, the Superintendent or designee shall: (20 USC 2397)

1. Consult with the private school representatives in a timely and meaningful manner and, if the district so chooses, provide for the participation of private school secondary students in the district's CTE programs and activities funded under the federal Carl D. Perkins Career and Technical Education Act
2. To the extent practicable, permit participation of CTE teachers, administrators and other personnel from private schools in the district's in-service and preservice CTE professional development programs funded through the Perkins Act.

CAREER-TECHNICAL EDUCATION (continued)

Partnership Academies

The district shall operate one or more partnership academies as a school-within-a-school focused on a broad career theme. The program shall be available to students in grades 10-12 who are identified as at-risk of dropping out of school or who satisfy other criteria specified in Education Code 54690 and 54691. The district's program shall provide: (Education Code 54692)

1. Instruction in at least three academic subjects each regular school term that prepares students for a regular high school diploma and contributes to an understanding of the occupational field of the academy.
2. A "laboratory class" related to the academy's occupational field
3. Classes that are block scheduled in a cluster whenever possible to provide flexibility to academy teachers and which may vary in number during grade 12
4. A mentor from the business community for students during grade 11
5. An internship or paid job related to the academy's occupational field or work experience to improve employment skills, during the summer following grade 11 except when a student must attend summer school for purposes of completing graduation requirements
6. Additional motivational activities with private sector involvement to encourage academic and occupational preparation

Attendance in the classes described in items #1-2 above shall be limited to students in the academy. (Education Code 54692)

The Superintendent or designee shall establish an advisory committee consisting of individuals involved in academy operations, including district and school administrators, lead teachers, and representatives of the private sector. (Education Code 54692)

The district may support student organizations which engage in activities that are integral to the CTE program. The district may provide funding for supplies, materials, activities, and advisor expenses of such student organizations but shall not use state or federal funding to pay students' membership dues, food or lodging expenses, out-of-state travel, or the cost off a social activity or assemblage.

(cf. 6145 – Extracurricular and Cocurricular Activities)

(cf. 6145.5 – Student Organizations and Equal Access)

REGIONAL OCCUPATIONAL CENTER/PROGRAM

The Governing Board desires to provide opportunities for district students to receive specialized training and career technical skills through a regional occupational program (ROC/P) that prepares them for employment, advanced training, or postsecondary education.

(cf. 6112 – School Day)

(cf. 6178 – Career Technical Education)

(cf. 6178.1 – Work Experience Education)

The district shall refer eligible students to an ROC/P that has been established by the County Superintendent of Schools and is under the governance of the County Board of Education. (Education Code 52301, 52310.5)

The Board and Superintendent or designee shall maintain effective communications with the County Board and County Superintendent in order to ensure that district students receive a high-quality career technical program. The Superintendent or designee shall work with the County Superintendent to identify appropriate means for the district to provide input into ROC/P program development, budget adoption, program evaluation, and other matters.

The Board may enter into a contract with the county-operated ROC/P to provide district teachers/student support services, facilities, or other services to students enrolled in the ROC/P.

REGIONAL OCCUPATIONAL CENTER/PROGRAM (continued)

Student Eligibility and Participation

To enroll in the ROC/P on a part-time or full-time basis, a district high school or adult student must have his/her admittance approved by the ROC/P based on a determination that he/she will benefit from the program. To be eligible, a student must be at least 16 years of age, unless he/she meets one of the conditions specified in Education Code 52314. (Education Code 52314, 52314.5, 52315)

(cf. 5147 – Dropout Prevention)

(cf. 6200 – Adult Education)

Adult students may have access to ROC/P classes offered on high school campuses during the school day.

(cf. 5112.1 – Exemptions from Attendance)

(cf. 6142.7 – Physical Education)

(cf. 6184 – Continuation Education)

Credits earned from courses completed in an ROC/P may be applied toward fulfillment of high school graduation course requirements. (Education Code 51225.3, 52310)

(cf. 6146.1 – High School Graduation Requirements)

(cf. 6146.11 – Alternative Credits Toward Graduation)

Student Services

The district may provide or arrange for transportation to the ROC/P in accordance with law, Board policy, and administrative regulation.

The district's academic counseling program shall be designed to increase student awareness of available educational options aligned with their career through the ROC/P.

REGIONAL OCCUPATIONAL CENTER/PROGRAM (continued)

Legal Reference:

EDUCATION CODE

1205 Classification of counties
37223 Weekend classes
39807.5 Transportation to ROC/P, parent/guardian payment
41850 Transportation to ROC/P, apportionments
44910 Permanent employment status; preclusion of ROC/P service
46140 Attendance Credit
46300 Computation of average daily attendance
48410 Exemption from compulsory continuation education
48430-48433 Continuation education, ROC/P classes
51225.3 Requirements for graduation
52300-52335.6 Regional occupational centers/programs
52378 Supplemental school counseling program, grades 7-12
60850-60859 High school exit examination
60900 California longitudinal student achievement data system

GOVERNMENT CODE

6500-6536 Joint powers agreements

LABOR CODE

3368 Workers' compensation, responsibility in jointly operated ROC/P

UNEMPLOYMENT INSURANCE CODE

15037.1 Education and job training, performance accountability

CODE OF REGULATIONS, TITLE 5

10080-10092 Community classrooms
10100-10111 Cooperative vocational education
11500-11508 Regional occupational centers and programs

UNITED STATES CODE, TITLE 20

2301-2414 Carl D. Perkins Career and Technical Education Act of 2006
6319 Highly qualified teachers

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

2008-2012 State Plan for Career Technical Education

Regional Occupational Center and Programs Operations Handbook March 2008

Model Programs and Practices: Setting Standards for Regional Occupational Centers and Programs

(ROCPs), rev. October 2007

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

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

WEB SITES

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

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

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

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

SUPPLEMENTAL INSTRUCTION

The Governing Board recognizes that high quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, or enhance critical skills.

(cf. 0420.3 - SB 65 School-Based Student Motivation and Maintenance Program)

(cf. 5113.1 - Truancy)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

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

(cf. 6164.5 - Student Study Teams)

Supplemental instructional programs shall be offered outside the regular school day. Such programs may be offered during the summer, before school, after school, on Saturday and/or during inter-sessions. (Education Code 37252, 37252.5, 37252.6, 37253)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer School)

Note: Education Code 37252 requires supplemental instruction to be provided to students in grades 7-12 who do not demonstrate "sufficient progress" toward the state exit examination required for high school graduation beginning in 2003-04 pursuant to Education Code 60850-60856. There is no cap on the number of students who may be served in this program. The following paragraphs are for use by districts maintaining any of grades 7-12 and should be revised to reflect grade levels offered by the district.

The Board shall offer direct, systematic and intensive supplemental instruction for students in grades 9 through 12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation, (Education Code 37252, 60851) and for student who have not passed one or both parts of the exit exam by the end of grade 12, for up to two consecutive school years after the completion of grade 12 or until they have passed both parts of the exit exam, whichever comes first.

(cf. 6162.5 - Student Assessment)

For purposes of determining students' eligibility for supplemental instruction, "sufficient progress" toward passing the high school exit examination shall be determined by students' results on the state Standardized Testing and Reporting assessments and the minimum levels of proficiency recommended by the State Board of Education as well as students grade and other indicators of academic achievement.

When funded by the state, the district shall offer intensive instruction and services to students who are required to pass the high school exit examination and who have failed one or both parts of the examination. (Education Code 37254)

SUPPLEMENTAL INSTRUCTION (continued)

Whenever the district or a district school receiving Title I funds has been identified by the California Department of Education for program improvement for two or more years, supplemental educational services shall be provided to eligible students from low-income families in accordance with law. (20 USC 6316)

As funding, facilities and staffing permit, supplemental instruction may be offered to:

1. Students in grades 9 through 12 who seek enrichment in mathematics, science or other core academic areas designated by the Superintendent of Public Instruction (Education Code 37253; 5 CCR 11472)

(cf. 6143 - Courses of Study)

2. Students in grades 9 through 12, including English language learners, who need or desire intensive English language and literacy instruction (Education Code 422-424)

(cf. 6174 – Education for English Language Learners)

The programs described in items #1 - #2 above shall be offered during summer school except when facilities constraints or other educational reasons make it not feasible to offer these programs during summer school, in which case they may be offered before school, after school, on Saturday and/or during inter-sessions. (Education Code 423, 53029, 53083)

Legal Reference (see next page):

SUPPLEMENTAL INSTRUCTION (continued)

Legal Reference:

EDUCATION CODE

37200-37202 *School calendar*

37223 *Weekend classes*

37252-37253.5 *Supplemental instruction*

42239-42239.2 *Supplemental instruction, apportionments*

44259 *Comprehensive reading program*

46100 *Length of school day*

48070-48070.5 *Promotion and retention*

51210 *Courses of study, elementary schools*

51220 *Courses of study, secondary schools*

60640-60648 *Standardized Testing and Reporting Program*

60850-60856 *High school exit examination*

11470-11472 *Summer school*

PUBLIC LAW 107-110

1116 *Program improvement schools and districts*

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, December 12, 2002

WEB SITES

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

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

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

SUPPLEMENTAL INSTRUCTION

Supplemental instructional programs shall be offered outside the regular school day. Such programs may be offered during the summer, before or after school, or on Saturday.

If a minor student's parent/guardian or a student age 18 or older informs the Superintendent or designee that the student is unable to attend a Saturday school program for religious reasons, that student shall be given priority for enrollment in supplemental instruction offered at a time other than Saturday over a student who is not unable to attend a Saturday school program for religious reasons. (Education Code 37252, 37252.5, 37252.6, 37253)

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

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer School)

Eligibility Based on Progress Toward Exit Examination

Students in grades 9 through 12 who do not demonstrate sufficient progress, as defined in Board policy, toward the state exit examination required for high school graduation shall be eligible for supplemental instruction under the following circumstances: (Education Code 37252)

1. For the purposes of this program a student shall be considered to be enrolled in a grade immediately upon successful completion of required core courses and minimum credits earned for such status of the preceding grade.
2. Students who were enrolled in grade 12 during the prior school year shall be eligible for supplemental instructional programs.
3. Students who do not possess sufficient English language skills to be assessed shall be considered students who do not demonstrate sufficient progress towards passing the exit examination and shall receive supplementary instruction designed to help them succeed on the exit examination.

(cf. 6146.1- High School Graduation Requirements)

(cf. 6162.5 - Student Assessment)

The curriculum of the supplemental instruction program shall reflect state academic content standards to the extent that the district curriculum is aligned with those state standards, and shall be designed to assist students to succeed on the exit examination. (Education Code 60851)

(cf. 6011 - Academic Standards)

SUPPLEMENTAL INSTRUCTION (continued)

Any intensive instruction and services designed to help students pass the exit examination after they have failed to pass one or both parts of the examination shall be provided as follows: (Education Code 37254)

1. Each eligible student shall receive an appropriate diagnostic assessment to identify his/her areas of need and shall receive intensive instruction and services based on the results of that assessment and his/her prior results on the exit exam.
2. The intensive instruction and services shall be based on strategies that are most likely to result in the student passing the part(s) of the exit exam that he/she has not yet passed and may include, but not be limited to:
 - a. Individual or small group instruction
 - b. The hiring of additional teachers
 - c. Purchasing, scoring, and reviewing diagnostic assessments
 - d. Counseling

(cf. 6164.2 – Guidance/Counseling Services)

- e. Designing instruction to meet specific needs of eligible students
- f. Appropriate teacher training to meet the needs of eligible students
- g. Instruction in English language arts and/or mathematics that eligible students need in order to pass those parts of the exit exam not yet passed, including employing different intensive instruction and services aligned to the needs and circumstances of students who have not passed one or both parts of the exit exam by the end of grade 12 compared to other district students in grade 12 with similar needs
- h. Instruction and services by a public or nonpublic entity as determined by the Superintendent or designee

(cf. 4131 – Staff Development)

3. The intensive instruction and services may be provided during the regular school day provided that they do not supplant the student's instruction in the core curriculum areas defined in Education Code 60603 or physical education. Eligible students may receive intensive instruction and services on Saturdays, evenings, or at a time and location deemed appropriate by the Superintendent or designee in order to meet the needs of these students.

SUPPLEMENTAL INSTRUCTION (continued)

4. English language learners shall have the opportunity to receive intensive instruction and services as described in item #2 above that also shall include services to improve English proficiency as needed to pass one or both parts of the exit exam not passed by the end of grade 12.

The Superintendent or designee shall notify, in writing, all students who have not passed one or both parts of the exit exam by the end of grade 12, or the parents/guardians of such students if under age 18, of the availability of intensive instruction and services each term for the next two consecutive school years. Eligible students also shall be notified of their right to file a complaint regarding the intensive instruction and services in accordance with Education Code 35186 (Williams Uniform Complaint Procedures).

The notice shall include the name and phone number of a contact person designated by the Superintendent or designee who can assist students who have questions, concerns, or complaints regarding the availability of the additional instruction.

The notification shall be sent to the last known address before the end of each school term in sufficient time for eligible students to register for or avail themselves of those services. The notice shall also be posted in the school office, district office, and on the district's Internet web site, if any. (Education Code 37254)

ALTERNATIVE SCHOOLS

The Board of Trustees desires to provide a variety of education programs designed to address students' diverse learning needs and enhance student achievement through innovative methods and ideas.

The Board may establish and maintain alternative schools or separate class groups within a school in order to fulfill the objectives specified in Education Code 58500.

The parent/guardian of any student may request the Board to establish an alternative school or program. (Education Code 58502)

Alternative schools shall offer the Board-adopted core curriculum. With Board approval, the schools or programs may differ from ongoing programs in other ways that include, but are not limited to, the following:

1. They may emphasize specific elements of the approved curriculum.
2. They may present the approved curriculum in a sequence different from that used in other district programs.
3. Their staff may emphasize specific instructional strategies.
4. The decision-making process for their governance may differ from the processes used in other programs.

Alternative schools shall comply with state and federal law and Board policy regarding nondiscrimination in district programs.

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

The Superintendent or designee shall annually evaluate alternative schools in accordance with law. (Education Code 58510)

He/she shall report the evaluation results to the Board.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)

ALTERNATIVE SCHOOLS (continued)

Legal Reference:

EDUCATION CODE

35160.5 *Intradistrict open enrollment*

52900-52904 *Alternative education and work centers for school dropouts*

58500-58512 *Alternative schools*

60850-60856 *High school exit examination*

CODE OF REGULATIONS, TITLE 5

11705 *Charter schools as alternative schools*

Management Resources:

WEB SITES

CDE: www.cde.ca.gov

ALTERNATIVE SCHOOLS

Notifications

At the beginning of each school year, the "Notice of Alternative Schools" shall be sent to all parents/guardians as set forth in Education Code 58501. During the entire month of March of each year, a copy of this notice shall be posted at each school in at least two places normally visible to students, teachers and visiting parents/guardians. (Education Code 58501)

(cf. 5145.6 - Parental Notifications)

Copies of Education Code 58500-58512, providing for alternative schools, shall be placed in the district office and in the principal's office at each school and shall be made available to any interested parent/guardian, teacher or student. (Education Code 58501)

Enrollment

Students enrolled in alternative schools shall be selected mostly from volunteers. (Education Code 58503)

The district may establish alternative schools in each attendance area and/or on a district wide basis, with enrollment open to all students district wide. (Education Code 58505)

(cf. 5116.1 – Intra-district Open Enrollment)

Previous classroom performance shall not be a criterion limiting any student from the opportunity to attend an alternative school. (Education Code 58504) A parent/guardian may request that a student's enrollment in an alternative school be rescinded at any time. Such requests shall be effective at the end of the school year in which they are received unless an earlier date is agreed upon by the principals of the schools involved.

Operations

The district shall maintain and fund alternative schools at the same level of support as other district educational programs for students of the same age level. (Education Code 58507)

Teachers employed in alternative schools shall be selected entirely from volunteers.

Students who have satisfactorily completed the prescribed course of study in a district alternative school and have passed the state high school exit examination shall be awarded a diploma.

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.5 - Student Assessment)

Program Evaluation

The Superintendent or designee shall conduct an annual evaluation of alternative schools which includes testing of basic skills for student participants and which identifies the variables that may have affected student academic achievement. The evaluation process shall

ALTERNATIVE SCHOOLS (continued)

include input from teachers, parents/guardians and students from the alternative school. Evaluation reports shall be sent for review, by August 1, to the Superintendent of Public Instruction. (Education Code 58510)

OPPORTUNITY SCHOOL/CLASS/PROGRAM

The Board of Trustees may maintain an opportunity school, class or program to assist students who are, or who are in danger of becoming, insubordinate or disorderly, irregular in attendance, or habitual truants. The purpose of the opportunity school, class or program shall be to help such students resolve their problems in order to be maintained in regular classes or returned to regular classes or schools as soon as practicable.

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6181 - Alternative Schools)

(cf. 6184 - Continuation Education)

Students in grades 9 and 10 may be assigned to an opportunity school, class or program in accordance with law.

The opportunity school, class or program shall provide instruction and services designed to meet the needs of enrolled students.

(cf. 1020 - Youth Services)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Study Teams)

Legal Reference:

EDUCATION CODE

48630-48641 Opportunity schools, classes and programs

48643-48644.5 Reimbursement for opportunity school students in grades 7-9

60850-60856 High school exit examination

OPPORTUNITY SCHOOL/CLASS/PROGRAM

Before assigning a student to an opportunity school, class or program, the student and his/her parent/guardian shall be notified in writing of the intended assignment. Insofar as practicable, the notice shall be in the parent/guardian's primary language and shall request the parent/guardian to respond within 10 days. If the parent/guardian does not respond, the Superintendent or designee shall make a reasonable effort to contact him/her by telephone to directly communicate the information contained in the written notice. (Education Code 48637.1)

(cf. 5145.6 - Parental Notifications)

Students shall be assigned to an opportunity school, class or program only upon the recommendation of a school committee which includes, but is not necessarily limited to, the following members: (Education Code 48637.2)

1. A district representative who is familiar with the student's progress
2. A representative of the opportunity school, class or program
3. The student's parent/guardian, at the parent/guardian's option

The parent/guardian may designate a representative such as a counselor, social worker or other community member to attend the committee meeting. (Education Code 48637.2)

At least twice each school year, a review shall be conducted to examine the progress of each student assigned to an opportunity school, class or program and to determine whether the student would benefit by returning to regular school or classes. A representative of the opportunity school, class or program who is familiar with the student's progress shall participate in the review, as shall the student's parent/guardian if he/she so desires. (Education Code 48637.3)

If a student is a habitual truant, irregular in attendance, or insubordinate or disorderly while assigned to an opportunity school, class or program, the Superintendent or designee may refer the student to a school attendance review board in the county. (Education Code 48638)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

HOME AND HOSPITAL INSTRUCTION

A student with a temporary disability which makes school attendance impossible or inadvisable shall receive, based on a doctor's recommendation, individual instruction in the student's home or in a hospital or other residential health facility, excluding state hospitals. This instruction applies to students incurring a physical, mental or emotional disability after which they can reasonably be expected to return to regular day classes or an alternative education program without special intervention. It does not apply to students identified as individuals with exceptional needs pursuant to Education Code 56026. (Education Code 48206.3)

(cf. 6158 - Independent Study)

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

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

The district shall offer at least one hour of instruction for every day of instruction offered by the district in the regular education program. No student shall be credited with more than five days of attendance per calendar week or credited with more than the total number of calendar days that regular classes are offered by the district in any fiscal year. (Education Code 48200, 48206.3)

Insofar as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program.

The Superintendent or designee may require verification through any reasonable means that the student requires home instruction. In addition, this verification shall also state that the disabling condition will not expose the teacher to a contagious disease that can be transmitted through casual contact. Home or hospital instruction shall not be denied to students with Hepatitis B, herpes or HIV/AIDS, as long as the home or hospital practices current preventive protocol as determined by the U.S. Centers for Disease Control.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.22 - Infectious Diseases)

Nondistrict Students

A student of another district who is temporarily disabled and confined to a hospital or health facility within this district shall be eligible to receive individual instruction in this district. (Education Code 48207)

HOME AND HOSPITAL INSTRUCTION (continued)

In such circumstances, it is the responsibility of the parent/guardian to notify the district of the student's presence in a qualifying hospital. (Education Code 48208)

Upon receiving such notification, the Superintendent or designee shall: (Education Code 48208)

1. Within five working days of the notification, determine whether the student is able to receive individualized instruction and, if so, when it shall begin. Instruction shall begin no later than five working days after the Superintendent or designee has determined that the student is able to receive individualized instruction.
2. Within five working days of the beginning of the individualized instruction, the Superintendent or designee shall provide written notification to the district in which the student was previously enrolled stating that the student shall not be counted by that district for purposes of computing average daily attendance, effective the date on which individualized instruction began.

Alternatively, the Superintendent or designee may enter into an agreement with the district in which the student was previously enrolled to have that district provide the individualized instruction. (Education Code 48208)

Parental Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians that: (Education Code 48208, 48980)

1. Individual instruction is available for temporarily disabled students as prescribed by Education Code 48206.3.
2. If a student becomes temporarily disabled, it is the parent/guardian's responsibility to notify the receiving district of the student's presence in a qualifying hospital.

(cf. 5145.6 - Parental Notifications)

Legal Reference: (see next page)

HOME AND HOSPITAL INSTRUCTION (continued)

Legal Reference:

EDUCATION CODE

44865 *Qualifications for home teachers*

45031 *Home teachers*

48200 *Minimum school day*

48206.3 *Students with temporary disabilities; individual instruction; definitions; computing average daily attendance*

48206.5 *Continuation of individual instruction programs for students with temp. disabilities*

48207 *Students with temporary disabilities in hospitals out- side of school district; compliance with residency requirements*

48208 *Presence of students with temporary disabilities in qualifying hospitals; notice by parents or guardians; commencement of individualized instruction*

48980 *Required notification of rights and availability of nutrition and individualized instruction programs*

51800-51802 *Employment of home teachers*

CODE OF REGULATIONS, TITLE 5

421 *Method of verification*

423 *Prolonged illness*

CONTINUATION EDUCATION

The Board of Trustees shall provide a continuation education program to meet the educational needs of district students who are not attending a high school or other appropriate educational institution and who are not legally exempted from compulsory continuation school attendance.

Students under 18 years of age who are employed at least 30 hours a week must attend a minimum of four 60-minute hours of instruction a week. Unemployed students must attend a minimum of 15 hours a week.

- (cf. 0420.4 - Charter Schools)*
- (cf. 5112.1- Exemptions from Attendance)*
- (cf. 6030 - Integrated Academic and Vocational Instruction)*
- (cf. 6158 - Independent Study)*
- (cf. 6164.2 - Guidance/Counseling Services)*
- (cf. 6178 - Vocational Education)*
- (cf. 6178.1 - Work Experience Education)*
- (cf. 6181 - Alternative Schools)*
- (cf. 6182 - Opportunity School/Class/Program)*
- (cf. 6183 - Home and Hospital Instruction)*
- (cf. 6185 - Community Day School)*

The Board shall establish a plan to coordinate instruction and training in the school with the home, employment and other agencies and shall designate one or more persons as coordinators. (5 CCR 11003)

Note: Districts that assign students to continuation schools are mandated by Education Code 48432.5 to adopt rules and regulations governing procedures for involuntary transfer of students to continuation schools; see AR 6184.

The Superintendent or designee shall develop administrative regulations governing the involuntary transfer of students into the continuation education program. (Education Code 48432.5)

The Superintendent or designee may allow the voluntary enrollment of students in the continuation education program as space permits and when it is determined to be in the best interests of the student.

CONTINUATION EDUCATION (continued)

The Board may maintain continuation classes during the district's regular school hours, during special school hours for these classes established by the Board, or during such hours and for such length of time during the day or evening that adult education classes are maintained. (Education Code 48434)

(cf. 6112 - School Day)

(cf. 6200 - Adult Education)

Legal Reference:

EDUCATION CODE

48400-48454 Compulsory continuation education in general, especially:

48401 Weekly minimum attendance requirement

48402 Minors not regularly employed

48410-48416 Compulsory continuation education

48430-48438 Continuation classes

48450-48454 Violation

48900 Grounds for suspension and expulsion

48903 Limitations on days of suspension

51224 Courses of study

51225.3 Requirements for graduation

60850-60856 High school exit examination

FAMILY CODE

7000-7002 Emancipation of minors law

7050 Purposes for which emancipated minor considered an adult

CODE OF REGULATIONS, TITLE 5

11000-11010 Continuation education

Management Resources:

WEB SITES

CDE: www.cde.ca.gov

CONTINUATION EDUCATION

Program Components

The curriculum offered by the continuation high school shall enable students to meet requirements for high school graduation prescribed in Education Code 51224-51225. (5 CCR 11004)

(cf. 6146.1 - High School Graduation Requirements)

In order to receive a high school diploma, students in continuation education must pass the high school exit examination. (Education Code 60850)

(cf. 6162.5 - Student Assessment)

Instruction in continuation education classes shall be based on individual needs as determined by the findings of the counseling and coordination services. (5 CCR 11002)

The Superintendent or designee shall provide to all minors in the district subject to compulsory continuation education a program that includes: (Education Code 48431; 5 CCR 11001)

1. Personal guidance

(cf. 6164.2 - Guidance/Counseling Services)

2. Occupational guidance

3. Follow-up services including:

- a. Visitations at places of employment to determine the effectiveness of the guidance and placement services
- b. Regular home contacts and parent conferences when students are not succeeding in the continuation program

(cf. 6020 - Parent Involvement)

- c. Regular contacts with students enrolled for only four hours per week and all students suspended from continuation education with the intent of eventually returning them to the full-time continuation education program

4. Placement in suitable employment whenever the student can benefit from such employment

The continuation high school shall be conducted for not less than 175 days during a school year. (5 CCR 11004)

CONTINUATION EDUCATION (continued)

Program Administration

The Principal of the continuation school shall be responsible for the organization and administration of the district's continuation education program and guidance, placement and follow-up. (5 CCR 11000)

Involuntary Transfer

Note: Districts that assign students to continuation schools are **mandated** by Education Code 48432.5 to adopt rules and regulations governing procedures for involuntary transfer of students to continuation schools.

Students eligible for continuation education classes shall be age 16 or 17 at the time of their enrollment and shall not have graduated from high school. (Education Code 48400, 48413)

A decision to transfer a student involuntarily into continuation education classes shall be based on a finding that the student meets either of the following conditions: (Education Code 48432.5)

1. The student committed an act enumerated in Education Code 48900.

Involuntary transfer to a continuation school shall be made only when other means fail to bring about student improvement. However, a student may be involuntarily transferred the first time he/she commits an act enumerated in Education Code 48900 if the principal determines that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48432.5)

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

2. The student has been habitually truant or irregular in legally required school attendance.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

3. The student has habitually failed classes and is credit deficient.
4. The student has habitually disrupted the educational process and/or school activities at the comprehensive school site.

Note: Education Code 48432.5 **mandates** that the district's rules and regulations pertaining to involuntary transfer of students to continuation schools contain the following provision regarding notice to the student and parent/guardian.

CONTINUATION EDUCATION (continued)

Prior to an involuntary transfer, the student and parent/guardian shall be given written notice that they may request a meeting with the Superintendent or designee. (Education Code 48432.5)

(cf. 5145.6 - Parental Notifications)

At the meeting, the student or parent/guardian shall be informed of the specific facts and reasons for the proposed transfer. The student or parent/guardian shall have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the student's behalf. The student may designate one or more representatives and witnesses to be present with him/her at the meeting. (Education Code 48432.5)

A written decision to transfer, stating the facts and reasons for the decision, shall be sent to the student and parent/guardian. It shall indicate whether the decision is subject to periodic review and the procedure for such review. (Education Code 48432.5)

The persons making the final decision for involuntary transfer shall not be members of the staff of the school in which the student is enrolled at the time. (Education Code 48432.5)

No involuntary transfer to a continuation school shall extend beyond the end of the semester following the semester when the acts leading to the involuntary transfer occurred. (Education Code 48432.5)

However, at the request of a student or parent/guardian, the Superintendent or designee shall conduct an annual review of the involuntary transfer.

Voluntary Enrollment

With the consent of the Superintendent or designee, a student may voluntarily enroll in continuation classes in order to receive special attention such as individualized instruction. Students so enrolled may return to the regular high school at the beginning of the following school year, or at any time the Superintendent or designee gives consent. (Education Code 48432.5)

Minimum Attendance Requirement

Each student in the continuation education program shall attend classes for not less than four 60-minute hours per week for the regular school term. The requirement may be met by attendance in a continuation education class and/or regional occupational center or program. (Education Code 48400)

CONTINUATION EDUCATION (continued)

If a student subject to compulsory attendance in continuation education classes cannot give satisfactory proof of regular employment, the student shall attend continuation education classes and/or a regional occupational center or program for not less than 15 hours per week during the period of unemployment. (Education Code 48402)

COMMUNITY DAY SCHOOL

The Board of Trustees recognizes the need to provide an appropriate alternative educational program for expelled students who are prohibited from attending regular schools in the district and for certain students referred by probation or district processes. The district shall operate one or more community day schools designed to meet the needs of these students. The Superintendent or designee shall ensure that any such school is operated in accordance with legal requirements related to enrollment, instructional time and facilities.

In order to foster positive attitudes and academic progress, the Board recognizes that community day schools must give students substantial individual help with their problems. Community day school staff shall collaborate with district counselors, psychologists, and other support staff and with the county office of education, law enforcement, probation, and human services agency staff who work with at-risk youth. To the extent possible, community day school programs shall provide a low student-teacher ratio as well as individualized instruction and assessment.

(cf. 1020 - Youth Services)

(cf. 5149 - At-Risk Students)

(cf. 6164.2 - Guidance/Counseling Services)

Note: Pursuant to Education Code 48662, Boards establishing a community day school are mandated to adopt policy that provides procedures for the involuntary transfer of students to the school. See the accompanying administrative regulation.

The Superintendent or designee shall establish procedures for the involuntary transfer of students to a community day school in accordance with law and administrative regulation.

(cf. 5113 - Absences and Excuses)

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

The Superintendent or designee may require community day school students to attend school for up to seven days each week in a directed program designed to provide students with the skills and attitudes necessary for success when they are returned to a regular school environment.

Legal Reference: (see next page)

COMMUNITY DAY SCHOOL (continued)

Legal Reference:

EDUCATION CODE

1980-1986 County community schools

17085-17096 Emergency portable facilities

17280-17316 Field Act, approvals

17365-17374 Field Act, fitness of occupancy

48660-48666 Community day schools

48900-48926 Suspension or expulsion

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

Management Resources:

CDE PROGRAM ADVISORIES

0306.96 Expulsion Policies and Expulsion Placements, SPB: 95/96-04

WEB SITES

CDE, Educational Options Office: <http://www.cde.ca.gov/spbranch/essdiv/edoptshome.html>

COMMUNITY DAY SCHOOL

Involuntary Transfer

A student may be assigned to a community day school only upon meeting one or more of the following conditions: (Education Code 48662)

1. The student is expelled for any reason.

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

2. The student is probation-referred pursuant to Welfare and Institutions Code 300 and/or 602.

3. The student is referred by a school attendance review board (SARB) or other district-level referral process.

The first priority for assignment to a community day school shall be given to students expelled pursuant to Education Code 48915(d). Second priority shall be given to students expelled for other reasons, and third priority shall be given to students referred according to item #2 or #3 above. These priorities are applicable unless the district has an agreement that the County Superintendent of Schools shall serve any of the above students. (Education Code 48662)

In the case of any student who has been identified as eligible for services under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973, assignment to a community day school shall be first approved by the student's Individualized Education Program (IEP) team or school site committee (e.g., student study team) as required by law.

(cf. 5144.2 - Suspension and Expulsion (Students with Disabilities))

(cf. 6159 - Individualized Education Program)

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

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

Note: Education Code 48662 **mandates** that Boards establishing a community day school adopt policy to provide procedures for the involuntary transfer of students to the school. The CDE recommends that these procedures include due process and notification for students who have been involuntarily transferred. Students transferred pursuant to an expulsion order (item #1 above) will receive due process and notice during the expulsion hearing; see AR 5144.1 - Suspension and Expulsion/Due Process. Students that are probation-referred (item #2 above) will receive due process and notice during the probation proceedings. For those students referred pursuant to a SARB, due process and notice may also be provided during the SARB hearing (item #3 above). Thus the following section applies only to those students involuntarily transferred as a result of a district-level referral process (item #3 above).

The following section should be modified to reflect district practice.

COMMUNITY DAY SCHOOL (continued)

At least 10 calendar days prior to the involuntary transfer of a student as a result of a district-level referral process, the Superintendent or designee shall provide written notice of the transfer to the student's parent/guardian or to the adult student age 18 or older. The notice shall contain a statement of the facts and circumstances upon which the transfer is based, its duration, and the conditions for readmission. The notice shall advise the student's parent/guardian or adult student of the opportunity to inspect and obtain copies of all documents supporting the transfer. In addition, the notice shall also state that the parent/guardian or adult student has five school days to request a meeting with the Superintendent or designee to discuss the transfer.

If the Superintendent designates an individual to represent the district at the meeting, the individual so designated shall not be a member of the staff of the school at which the student is currently enrolled.

At the meeting, the reason for the transfer shall be reviewed with the parent/guardian or adult student and the parent/guardian or adult student may present evidence on the student's behalf.

The Superintendent or designee shall send the parent/guardian or adult student written notice of the decision to transfer or not transfer within three school days of the meeting.

If the parent/guardian or adult student desires to appeal the Superintendent's decision to the Board, he/she shall file written notice of the intent to appeal within five school days of receiving the decision. The Board shall determine whether or not to hear the appeal within 15 calendar days. If the Board desires to hear the appeal, the Board shall decide the appeal within 30 calendar days of receipt of the notice of the appeal. The Board's decision shall be final.

Instruction

Academic programs offered in the community day school shall be comparable to those available to students of a similar age in the school district. (Education Code 48663)

Note: In addition to revenue limit funding, Education Code 48664 establishes incentive funding for community day schools.

The minimum school day for community day school students shall be 360 minutes of classroom instruction provided by a certificated employee of the district reporting attendance for apportionment purposes. Independent study shall not be used as a means of providing any part of this minimum day. (Education Code 48663)

(cf. 6158 - Independent Study)

COMMUNITY DAY SCHOOL (continued)

Facilities

To house community day school operations, the district shall do one or more of the following: (Education Code 17292.5)

1. Use available school facilities conforming with Field Act requirements
2. Apply for emergency portable classrooms pursuant to Education Code 17085-17096.
3. Upon certifying to the State Allocation Board that all reasonable efforts have been made to use facilities that conform with the Field Act requirements of item #1 above, enter into lease agreements for facilities for which a structural engineer has submitted a report stating that substantial structural hazards do not exist.

Every three years, the Superintendent or designee shall report to the State Allocation Board on the facilities used for the district's community day programs and efforts to place these programs in facilities that conform with the requirements of item #1 above. (Education Code 17292.5)

EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Board of Trustees recognizes that it is accountable to the students, parents/guardians and community for conducting a continual evaluation of the curriculum and the instructional program- in order to improve student achievement.

(cf. 0500 - Accountability)
(cf. 6000 - Concepts and Roles)
(cf. 6010 - Goals and Objectives)
(cf. 9000 - Role of the Board)

The Superintendent or designee shall provide the Board and the community with regular reports on student progress toward Board-established standards of expected achievement at each grade level in each area of study. In addition, he/she shall evaluate and report data for each district school and for every numerically significant subgroup of the student population, including, but not limited to, school and subgroup performance on statewide achievement indicators.

Based on these reports, the Board shall take appropriate actions to maintain the effectiveness of programs and to improve the quality of education that district students receive.

(cf. 0510 - School Accountability Report Card)
(cf. 6011 - Academic Standards)

Categorical Program Monitoring

The Superintendent or designee shall cooperate with the California Department of Education in the categorical program monitoring process to ensure that district categorical programs comply with federal and state laws and regulations. The Superintendent or designee shall report to the Board regarding the results of this monitoring process.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)
(cf. 1312.3 - Uniform Complaint Procedures)

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

(cf. 6171 - Title I Programs)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Vocational Education)

(cf. 6178.1 - Work Experience Education)

(cf. 6179 - Child Care and Development Programs)

Evaluation of Consolidated Categorical Programs

On an ongoing basis, the Superintendent or designee shall conduct a district self-evaluation which may utilize tools developed by the district or the CDE to ensure compliance of district categorical programs with legal requirements.

The Superintendent or designee shall conduct annual evaluations to determine whether the district's categorical programs funded through the state's consolidated application are supportive of the core curriculum and are effective in meeting the needs of the students they are intended to serve. As a basis for this evaluation, the Superintendent or designee shall recommend specific, measurable criteria that shall be used at each school and at the district level. These criteria shall include, but not necessarily be limited to, progress toward goals contained in the school's single plan for student achievement and progress of the total student population and each numerically significant subgroup toward growth targets on the statewide Academic Performance Index.

The Superintendent or designee shall submit the recommended criteria for approval by the Board. Evaluations conducted for each school shall be presented annually to the Board.

Western Association of Schools and Colleges (WASC) Accreditation

Note: The following **optional** section is for use by districts that participate in the evaluation process leading to accreditation by the Western Association of Schools and Colleges (WASC). WASC is a private, nonprofit organization whose Accrediting Commission for Schools provides regular assessments of public and private schools in order to support ongoing improvement of the educational program. The term of the accreditation process varies from one to six years as determined by WASC. Districts may seek accreditation for both elementary and secondary schools or, if desired, may revise the following section to specify schools that will seek accreditation (e.g., only secondary schools and/or middle schools). Districts also may revise the following section to apply to any other accrediting agency.

The Board believes that accreditation by the Western Association of Schools and Colleges (WASC) can foster excellence and ongoing academic improvement in the district's schools. The accreditation process also may demonstrate to parents/guardians and the community that the schools are meeting their goals and objectives and the WASC criteria for school effectiveness through a viable instructional program.

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

The Superintendent or designee shall undertake procedures whereby the district's schools may achieve and maintain full WASC accreditation status. The schools shall conduct a self-study in accordance with WASC requirements, cooperate with the WASC committee during a site visit, and develop and review action plans to increase the effectiveness of the instructional program for students. The Superintendent or designee shall regularly report to the Board on the status of district schools and any WASC recommendations for school improvement. The results of any inspection of a school by WASC shall be published no later than 60 days after the results are made available to the school. Publication shall be by notifying each parent/guardian in writing and/or by posting the information on the district or school web site, as determined by the Superintendent or designee.

Note: Education Code 35178.4, added by AB 1725 (Ch. 598, Statutes of 2001), requires Boards to take the following actions if a school that has elected to be accredited by WASC or any other chartered accrediting agency loses its accreditation status.

If any district school loses its accreditation status, the Board shall give official notice at a regularly scheduled Board meeting. The Superintendent or designee shall provide written notification to each parent/guardian of a student in the school that the school has lost its accreditation status, including the potential consequences of the loss of accreditation status. (Education Code 35178.4) The notice shall also be posted on the district and school web sites.

(cf. 5145.6 - Parental Notifications)

*Legal Reference:*EDUCATION CODE

33400-33407 Educational evaluations (by CDE)

35178.4 Notice of loss of accreditation status

44662 Evaluation and assessment guidelines

51041 Education program, evaluation and revisions

51226 Model curriculum standards

52034 Evaluations required for School Improvement Program

54650-54659 Education Improvement Incentive Program

62005.5 Failure to comply with purposes of funds

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3930-3937 Program requirements

3942 Continuity of funding

*Management Resources:*CSBA PUBLICATIONS

Maximizing School Board Leadership: Curriculum, 1996

CDE PUBLICATIONS

Update on the Status of Program Quality Review and Implementation of SB 374, Nov. 14, 2001

WEB SITES

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

CDE, School and District Accountability Division: <http://www.cde.ca.gov/ccpdiv>

WASC, Accrediting Commission for Schools: <http://www.acswasc.org>

ADULT EDUCATION

The Board of Trustees recognizes that education is a lifelong process and that it is important for individuals to continuously develop new skills.

The Superintendent or designee shall develop and oversee the district's adult education program. The Board shall approve all courses to be offered in this program.

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

Legal Reference:

EDUCATION CODE

8500-8538 *Adult education*

41975-41976.2 *Adult education; authorized classes and courses*

44865 *Qualifications for home teachers and teachers in special classes*

46190-46192 *Adult school; days of attendance*

46300.4 *Independent study in adult education*

46351-46352 *Adult classes*

51040 *Prescribed courses*

51225.3 *Requirements for graduation*

51240-51246 *Exemptions from attendance*

51730-51732 *Elementary school special day and evening classes*

51810-51815 *Community service classes*

52500-52523 *Adult schools*

52530-52531 *Use of hospitals*

52540-52544 *Adult English classes*

52550-52556 *Classes in citizenship*

52570-52572 *Disabled adults*

52610-52616.24 *Finances*

52651-52656 *Immigrant Workforce Preparation Act*

52900-52904 *Alternative education and work centers for high school dropouts*

60410 *Books for adult classes*

CODE OF REGULATIONS, TITLE 5

10501 *Adult education*

10508 *Records and reports*

10530-10560 *Standards*

10600-10615 *Adult education innovation*

UNITED STATES CODE, TITLE 8

1184 *Foreign students*

Management Resources:

CDE PUBLICATIONS

Adult Education Handbook for California, 1997

CDE LEGAL ADVISORIES

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

CDE PROGRAM ADVISORIES

0600.92 *Using Independent Study in Adult Education Programs: An Option*

0609.88 *Education Fees for F-1 Visa Students*

0622.87 *Discrimination Against the Handicapped in Adult Education Programs*

ADULT EDUCATION

All adult education programs, courses and classes and their enrollment period shall be listed in the district's catalog of adult education classes provided to the public. Additional classes not listed in the catalog may be organized if they meet the needs of the residents of the district and are approved by the Assistant Superintendent of Adult and Alternative Education. (Education Code 52523)

Enrollment

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period. (Education Code 52523)

For purposes of these programs, "adults" include persons age 18 or older or other persons not concurrently enrolled in a regular high school program. (Education Code 52610)

Closing Classes

Classes averaging less than 15 per class but more than 10 per class for any monthly period will be closed at the end of that term unless special permission is given by the assistant superintendent to continue them.

Classes averaging less than 10 per class for any monthly period will close at the end of that month unless special permission is given them by the adult education assistant superintendent.

Students possessing or seeking an F-1 visa designation shall not be enrolled in district adult school programs. Students currently enrolled with an F-1 visa designation shall continue to be eligible for enrollment in district adult schools until their visas expire or until they leave the United States. (8 USC 1184)

(cf. 5111.2 - Nonresident Foreign Students)

Concurrent Enrollment of High School Students

High school students shall be permitted to enroll in an adult education program, course or class for sound educational purposes. Such classes shall supplement and not supplant the regular high school curriculum. Sound educational purposes include, but are not limited to, the following: (Education Code 52523)

1. The adult education program, course or class is not offered in the regular high school curriculum.
2. The student needs the adult education program, course or class in order to make up deficient credits for graduation from high school.

ADULT EDUCATION (continued)

3. The adult education program, course or class allows the student to gain vocational and technical skills beyond that provided by the regular high school's vocational and technical education program.

(cf. 6178 - Vocational Education)

4. The adult education program, course or class supplements and enriches the high school student's educational experience.

High school students are expected to enroll in regular high school classes before seeking admission to any similar classes offered in the adult education program. A failed course, however, may be repeated through adult education.

Before enrolling in an adult education class, a certificated high school representative shall ensure that the student's school record includes written documentation of the following statements: (Education Code 52500.1, 52523)

1. That the student is enrolling voluntarily in the adult education class
2. That this enrollment will enhance the student's progress toward meeting educational requirements for high school graduation

The above statement shall be signed by the student, the parent/guardian and the certificated high school representative.

(cf. 6164.2 - Guidance/Counseling Services)

Courses

A proposed adult education class shall have an educational purpose and meet the following criteria required for approval by the California Department of Education:

1. The class shall be located in a facility which clearly identifies the class as being open to the general public, with the exception of apprenticeship training classes, classes designed to serve the needs of disabled adults, classes in state hospitals and classes in jails and prisons. (Education Code 52517, 52570)

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

2. Class time shall be devoted to instruction.
3. Course content shall be educational and intended to teach a skill or knowledge unrelated to repetitive practices.

ADULT EDUCATION (continued)

4. The course title shall clearly indicate its educational nature.

Adult education classes or courses shall offer instruction in one or more of the following categories: (Education Code 41976)

1. Parenting, including parent cooperative preschools, classes in child growth and development, and parent-child relationships
2. Elementary and secondary basic skills and other courses and classes required for the high school diploma
3. English as a second language (ESL)
4. Programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making and problem solving, and other classes required for preparation to participate in job-specific technical training
5. Programs for substantially disabled persons
6. Short-term vocational programs with high employment potential
7. Programs for older adults
8. Programs for apprentices
9. Home economics
10. Health and safety education

Classes for adults may be offered any day or evening, including weekends, for such length of time during the school year as determined by the Board of Trustees. (Education Code 52505, 52513)

Independent Study

The Superintendent or designee may make independent study available as an instructional strategy for students enrolled in adult education as appropriate to meet their individual needs.

(cf. 6158 - Independent Study)

Participation in independent study shall be voluntary. (Education Code 51747)

ADULT EDUCATION (continued)

For students 21 years of age or older, or students 19 years of age or older who have not been continuously enrolled in school since their 18th birthday, any course taken through independent study must be a course listed in Education Code 51225.3 or otherwise required by the Board as a prerequisite to receiving a diploma for high school graduation. (Education Code 46300.4)

(cf. 6143 - Courses of Study)

Fees

The district may charge adult education students a registration fee for each adult education class, with the following exceptions:

1. No fee shall be charged for a class for which high school credit is granted if the class is taken by an individual who does not hold a high school diploma. (Education Code 52612)
2. No charge shall be made for a class in an elementary subject or a class in English or citizenship for foreigners unless the student is a nonimmigrant alien with an F-1 visa status. Any nonimmigrants enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged. (Education Code 52612, 52613)

Except for those fees required by law, at the recommendation of the Superintendent or designee, the payment of fees may be waived in cases of unusual hardship.

The Board may fix a charge, not to exceed costs, for books furnished to adult education students. In some cases books may be obtained from the district at cost or may be obtained on loan with the payment of a refundable deposit. In addition, materials purchased from the incidental expense account may be sold to adult school students for use in their classes. (Education Code 52615, 60410)

(cf. 3260 - Fees and Charges)

Graduation Requirements

A certificate of completion of the eighth grade shall be awarded through the adult school upon successful completion of the following:

1. At least one term in the adult elementary program which includes reading, writing, arithmetic, spelling, current events, geography, California and U.S. history, civics and natural science

ADULT EDUCATION (continued)

2. Overall eighth-grade placement on a recognized standard achievement test
3. Successful passage of a district test in U.S. history and Constitution

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

(cf. 6146.1 - High School Graduation Requirements)

PRESCHOOL/EARLY CHILDHOOD EDUCATION

The Governing Board recognizes that high-quality preschool experiences for children ages 3-5 help them develop knowledge, skills, and attributes necessary to be successful in school and provide for a smooth transition into the elementary education program. Such programs should provide developmentally appropriate activities in a safe, well-supervised, cognitively rich environment.

(cf. 6011 – Academic Standards)

(cf. 6143 – Courses of Study)

Collaboration with Community Programs

The Superintendent or designee shall collaborate with other agencies, organizations and private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a community-wide plan to increase children's access to high-quality preschool programs.

(cf. 1020 – Youth Services)

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

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

Information about preschool options in the community shall be provided to parents/guardians upon request.

District Preschool Programs

The Board shall set priorities for establishing or expanding services as resources become available. In so doing, the Board shall give consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

To enable children of working parents/guardians to participate in the district's preschool program, the Superintendent or designee shall recommend strategies to provide a full-day program and/or to link to other full-day child care programs in the district or community to the extent possible.

The Board shall adopt standards which identify the knowledge, skills, and experience that students will be expected to attain in the district's preschool program in order to be prepared for the early primary grades, including but not limited to, development of language, cognitive, social, emotional, and physical skills.

The district's preschool program shall provide culturally and linguistically appropriate services and support the needs of English learners. The program also shall provide appropriate services for students with disabilities, including but not limited to early screening to identify special needs among preschool students and intervention services to assist students identified with special needs in accordance with law.

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

To maximize the ability of children to succeed in the preschool program, program staff shall support students' health through proper nutrition and physical activity and shall provide or make referrals to health and social services.

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate credential(s) or permit(s) issued by the Commission on Teacher Credentialing and meet any additional qualifications established by the Board.

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)