The Santa Clara County Board of Education desires to provide a comprehensive, research-based curriculum that motivates every student to succeed. The Santa Clara County Office of Education educational program shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school and develop to their full potential.

(cf. 9000 - Role of the Board)

Strategies for improving the educational program shall take into consideration the needs of individual students and subpopulations of students. Students who are failing or at risk of failing to meet academic standards shall be provided with alternative programs and/or supplemental assistance designed to raise achievement.

(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 6158 - Independent Study)
(cf. 6159 - Individualized Education Program)
(cf. 6164.5 - Student Success Teams)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

Inasmuch as parents/guardians are critical partners in their children's education, parents/guardians shall be provided with opportunities to be meaningfully involved both in support of their children's education program at school and with learning at home.

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

The County Board shall:

1. Establish standards of student achievement for core subjects at each grade level that are aligned with SCCOE’s vision for student learning, the specific needs and strengths of the students, the expectations of parents/guardians and the community, and available resources
CONCEPTS AND ROLES (continued)

(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the SCCOE)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6011 - Academic Standards)

2. Establish graduation requirements

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

3. Ensure that a process is in place, involving teachers, administrators, students, and parents/guardians, for the development and review of the curriculum

(cf. 6141 - Curriculum Development and Evaluation)

4. Adopt the curriculum and courses of study to be offered

(cf. 6143 - Courses of Study)

5. Adopt textbooks and other instructional materials

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

6. Support the professional staff's implementation of the curriculum by providing consistent policy direction, allocating resources based on educational program priorities, recognizing staff accomplishments, and including reasonable annual goals related to student learning in the Santa Clara County Superintendent of Schools’ evaluation process

(cf. 2140 - Evaluation of the County Superintendent)
(cf. 3100 - Budget)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 9310 - Board Policies)

7. Provide a continuing program of professional development to keep instructional staff, administrators, and Board members updated about current issues and research pertaining to curriculum, instructional strategies, and student assessment

(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4331 - Staff Development)
(cf. 9240 - Board Development)
CONCEPTS AND ROLES (continued)

8. Review and evaluate the educational program on the basis of state and federal accountability measures, disaggregated student achievement data, and other indicators and ensure that evaluation results are used to improve programs, curriculum, and/or instructional practices as necessary to enhance student achievement.

(cf. 0500 - Accountability)
(cf. 6162.5 - Student Assessment)
(cf. 6161.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6190 - Evaluation of the Instructional Program)

9. Communicate clear information about instructional goals, programs, and progress in student achievement to the community and media.

(cf. 0510 - School Accountability Report Card)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)

The County Superintendent or designee shall:

1. Review research related to curriculum issues

2. Select and/or develop curricula for recommendation to the County Board in accordance with SCCOE’s curriculum development and review process

3. Ensure the articulation of the curriculum between grade levels and with postsecondary education and the workplace

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

4. Determine the general methods of instruction to be used

5. Assign instructors and schedule classes for all curricular offerings

(cf. 4113 - Assignment)
(cf. 6112 - School Day)

(cf. 6117 - Year-Round Schedules)

6. Recommend instructional materials to the County Board and direct the purchase of approved materials and equipment

(cf. 3310 - Expenditures and Purchases)
CONCEPTS AND ROLES (continued)

7. Evaluate and report to the County Board on student achievement as demonstrated through testing and other types of appraisal, and recommend necessary changes in curriculum, programs, and instruction as indicated by student performance data

Comparability in Instruction

SCCOE shall provide comparable educational opportunities for all students. Instruction in the core curriculum shall be in no way diminished when students receive supplementary services funded by special governmental programs. Services funded by any categorical program shall supplement, not supplant, the provided core curriculum and any services which may be provided by other categorical programs.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6171 - Title I Programs)

Legal Reference:
EDUCATION CODE
51000-51007 Legislative intent, educational program
CODE OF REGULATIONS, TITLE 5
3940 Maintenance of effort
4424 Comparability of services
UNITED STATES CODE, TITLE 20
6321 Fiscal requirements/comparability of services

Management Resources:
CSBA PUBLICATIONS
Maximizing School Board Leadership: Curriculum, 1996
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
ACADEMIC STANDARDS

The Santa Clara County Board of Education recognizes that content and performance standards are necessary to clarify for students, parents/guardians and staff what students are expected to know and be able to do at each grade level and in each area of study. The County Board shall adopt high standards for student achievement that meet or exceed statewide standards and challenge all students to reach their full potential.

Santa Clara County Office of Education standards shall be developed through a process that involves staff, students, parents/guardians and community members. Standards shall be based on a review of state model standards and an assessment of the skills that students will need in order to be successful in the workplace and in higher education, including basic skills, problem-solving abilities and conceptual thinking. Special care shall be taken to ensure the proper articulation of standards among SCCOE schools.

(cf. 6010 - Goals and Objectives)

Staff shall continually assess students' progress toward meeting the standards and shall offer remedial assistance in accordance with Board policy. The standards shall also provide a basis for evaluating the instructional program, making decisions about curriculum and assessment, and, as required by law, evaluating teacher performance.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.5 - Student Assessment)
(cf. 6177 - Summer School)
(cf. 6190 - Evaluation of the Instructional Program)

While desiring academic standards to be specific and comprehensive, the County Board does not intend that these standards be so extensive as to describe everything that will be taught in the classroom. Staff shall have sufficient time and flexibility to provide instruction that supplements the standards. Staff shall also have flexibility to determine the best instructional methods to use in preparing students to meet the standards.

The Santa Clara County Superintendent of Schools or designee shall ensure that academic standards are regularly reviewed and updated as necessary.

Legal Reference: (see next page)
ACADEMIC STANDARDS (continued)

Legal Reference:

EDUCATION CODE
44662 Evaluation of certificated employees
51003 Statewide academic standards
60605-60605.5 Adoption of statewide academically rigorous content and performance standards
UNITED STATES CODE, TITLE 20
6311 State academic standards and accountability for Title I, Part A

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
World Language Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2009
Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, March 2008
California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, 2006
Physical Education Model Content Standards for California Public Schools, Kindergarten Through Grade Twelve, January 2005
Visual and Performing Arts Content Standards for California Public Schools, Prekindergarten Through Grade Twelve, January 2001
English-Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve, July 1999
History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998
Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998
English-Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve, December 1997
Mathematics Content Standards for California Public Schools, Kindergarten Through Grade Twelve, December 1997

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

Policy SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: July 15, 2009 San Jose, California
The Santa Clara County Board of Education recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Santa Clara County Superintendent of Schools or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in Santa Clara County Office of Education and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

The County Superintendent or designee shall regularly evaluate and report to the County Board on the effectiveness of the SCCOE parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

The County Superintendent or designee shall ensure that the SCCOE parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how SCCOE will carry out each activity listed in federal law. (20 USC 6318)
The County Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the SCCOE Title I funds will be allotted for parent involvement activities. (20 USC 6318)

(cf. 3100 - Budget)

The County Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with federal law.

Non-Title I Schools

The County Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the SCCOE and schools will address the purposes and goals described in Education Code. (Education Code 11504)

Legal Reference: (see next page)
PARENT INVOLVEMENT (continued)

Legal Reference:
EDUCATION CODE
11500-11506 Programs to encourage parent involvement
48985 Notices in languages other than English
51101 Parent rights and responsibilities
64001 Single plan for student achievement
LABOR CODE
230.8 Time off to visit child's school
UNITED STATES CODE, TITLE 20
6311 Parental notice of teacher qualifications and student achievement
6312 Local educational agency plan
6314 Schoolwide programs
6316 School improvement
6318 Parent involvement
CODE OF FEDERAL REGULATIONS, TITLE 28
35.104 Definitions, auxiliary aids and services
35.160 Communications

Management Resources:
CSBA PUBLICATIONS
Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006
STATE BOARD OF EDUCATION POLICIES
89-01 Parent Involvement in the Education of Their Children, rev. 1994
U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE
Parental Involvement: Title I, Part A, April 23, 2004
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Family, School, Community Partnerships: http://www.cde.ca.gov/ls/pf
California Parent Center: http://parent.sdsu.edu
California State PTA: http://www.capta.org
National Coalition for Parent Involvement in Education: http://www.ncpie.org
National PTA: http://www.pta.org
No Child Left Behind: http://www.ed.gov/nclb
Parent Information and Resource Centers: http://www.pirc-info.net
Parents as Teachers National Center: http://www.parentsasteachers.org
SCHOOL CALENDAR

The Santa Clara County Superintendent of Schools or designee shall recommend to the Santa Clara County Board of Education a calendar for each school that will meet the requirements of law as well as the needs of the community, students and the work year as negotiated with represented personnel.

Each school calendar shall show the beginning and ending school dates, legal and local holidays, orientation meeting days, minimum days, vacation periods and other pertinent dates.

(cf. 6112 - School Day)
(cf. 6115 - Ceremonies and Observances)
(cf. 6117 - Year-Round Schedules)
(cf. 6177 - Summer School)

Santa Clara County Office of Education shall offer a minimum of 180 days of instruction per school year.

(cf. 1431 - Waivers)

Staff development days shall not be counted as instructional days.

Notification of the schedule of minimum days shall be sent to all parents/guardians at the beginning of the school year. If any minimum days are added to the schedule, the County Superintendent or designee shall notify parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

If a school will be used as a polling place on an election day, the County Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and nonclassified staff. (Elections Code 12283)

(cf. 1400 - Relations Between Governmental Agencies and the Schools)
(cf. 5113 - Absences and Excuses)

Legal Reference: (see next page)
SCHOOL CALENDAR (continued)

Legal Reference:

**EDUCATION CODE**
- 37200-37202 School calendar
- 37220-37223 Holidays
- 37252-37254.1 Summer school
- 37300-37307 Year-Round School Demonstration Project
- 37600-37672 Continuous school programs: year-round schools, especially:
  - 37618 School calendar
- 37700-37711 Four-day week
- 41422 Schools not maintained for 175 days
- 41530-41532 Professional Development Block Grant
- 46200-46206 Incentives for longer instructional day and year
- 46300 Method of computing ADA
- 48980 Notice at beginning of term

**REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS**
- 44579-44579.6 Instructional Time and Staff Development Reform Program

**ELECTIONS CODE**
- 12283 School closures, election days

**COURT DECISIONS**

Management Resources:

**WEB SITES**
- CSBA: http://www.csba.org
- California Department of Education: http://www.cde.ca.gov
- California Public Employment Relations Board: http://www.perb.ca.gov
- Secretary of State's Office: http://www.ss.ca.gov
SCHOOL DAY

The Santa Clara County Board of Education shall fix the length of the school day subject to the provisions of law. (Education Code 46100)

(cf. 6111 - School Calendar)

The Santa Clara County Superintendent of Schools or designee shall schedule class periods giving consideration to course requirements and curricular demands, availability of school facilities, the age and attention span of students, and legal requirements.

The County Board encourages flexibility in scheduling so as to provide longer time blocks or class periods when appropriate and desirable to support student learning, provide more intensive study of core academic subjects or extended exploration of complex topics, and reduce transition time between classes.

(cf. 4131 - Staff Development)

Legal Reference:
EDUCATION CODE
8970-8974 Early primary program, including extended-day kindergarten
37202 Equal time in all schools
37670 Year-round schools
46010 Total days of attendance
46100 Length of schoolday
46110-46119 Kindergarten and elementary schools (day of attendance)
46140-46147 Junior high school and high school (day of attendance)
46160-46162 Alternative schedule - junior high and high school
46170 Minimum day - continuation schools
46180 Opportunity schools (minimum day)
46190-46192 Adult school (day of attendance)
46200-46206 Incentives for longer instructional day and year

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE
Kindergarten Information, June 7, 2002
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
The Uses of Time for Teaching and Learning, October 1996
Extending Learning Time for Disadvantaged Students, August 1995
NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING PUBLICATIONS
Prisoners of Time, April 1994
WEB SITES

Policy adopted: July 15, 2009
CEREMONIES AND OBSERVANCES

The Santa Clara County Board of Education recognizes the importance of having students observe holidays, celebrate events of cultural or historical significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the County Board, staff shall provide students with appropriate commemorative exercises so that they may acquire the knowledge, skills, and principles essential for informed, responsible citizenship in a democratic society.

(cf. 6111 - School Calendar)
(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6142.94 – History-Social Science Instruction)
(cf. 6142.3 - Civic Education)
(cf. 6142.4 - Learning Through Community Service)

Legal Reference:
EDUCATION CODE
37220-37223 Saturdays and holidays
44015.1 Week of the School Administrator
45203 Paid holidays
45460 Classified Employee Week
52720 Daily performance of patriotic exercises in public schools
52730 Patriotic exercises, daily instruction
GOVERNMENT CODE
430-439 Display of flags
3540-3549.3 Meeting and negotiating
UNITED STATES CODE, TITLE 4
6 Time and occasion for display of flag
7 Position and manner of display of flag
UNITED STATES CODE, TITLE 36
106 Note Constitution Day and Citizenship Day
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Constitution Day: New Mandate for Districts Receiving Federal Funds, CSBA Advisory, August 2005
FEDERAL REGISTER
WEB SITES
CSBA: http://www.csba.org
California Department of Education, History/Social Science Instructional Materials:
http://www.cde.ca.gov/ci/hs/im
CLASSROOM INTERRUPTIONS

The Santa Clara County Board of Education recognizes that class time should be dedicated to student learning. The County Board believes that classroom interruptions which are not related to the educational program should be kept at an absolute minimum.

The Santa Clara County Superintendent of Schools or designee shall establish administrative regulations to govern classroom interruptions.

Legal Reference:

EDUCATION CODE
32211 Restricting access to school grounds based on threatened disruption or interference
32212 Classroom interruptions
44810-44811 Disruptions; misdemeanor
48901.5 Authority to regulate use of electronic devices
51512 Prohibited use of electronic listening or recording device

Management Resources:

CSBA PUBLICATIONS
Instructional Time Task Force Report, 2007
The Santa Clara County Board of Education (County Board) desires to provide a research-based, sequential curriculum which promotes high levels of student achievement and emphasizes the development of basic skills, problem solving, and decision making. Upon recommendation of the Santa Clara County Superintendent of Schools (County Superintendent) or designee, the County Board shall adopt standards-based instructional materials for core subject areas in accordance with applicable law, Board policy, and administrative regulation.

(cf. 1312.2 - Complaints Concerning Instructional Materials)(cf. 6000 - Concepts and Roles)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.3 - Civic Education)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.5 - Environmental Education)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.93 - Science Instruction)
(cf. 6143 - Courses of Study)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6161.3 - Toxic Art Materials)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6178 - Career Technical Education)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 9000 - Role of the Board)

The County Superintendent or designee shall develop and maintain a curriculum and instructional plan that will:

1. Provide challenging content and performance standards in all subject areas.
2. Address the unique needs of SCCOE students based on ongoing assessment.
3. Promote high expectations for student achievement.
4. Assist students in meeting requirements for high school graduation and prepare them for higher educational opportunities.
5. Assist students in school to career transitions.
6. Increase opportunities for career technical education.
7. Incorporate educational technology to enhance student learning.

(cf. 0400 - SCCOE Technology Plan)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6011 - Academic Standards)

The curriculum shall be aligned with the Santa Clara County Office of Education's (SCCOE) vision and goals for student learning, Board policies, academic content standards, state curriculum frameworks, state and SCCOE assessments, graduation requirements, school and SCCOE improvement plans, and, when necessary, related legal requirements.

(cf. 0000 - Vision)
(cf. 0200 - Goals for SCCOE)
(cf. 0420 - School Plans/Site Councils)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)
(cf. 6171 - Title I Programs)
(cf. 9310 - Board Policies)

The County Superintendent or designee shall establish a process for curriculum development, selection, and/or adaptation which utilizes the professional expertise of teachers, principals, and administrators representing various grade levels, disciplines, special programs, and categories of students as appropriate. The process also may provide opportunities for input from students, parents/guardians, representatives of local businesses and postsecondary institutions, and other community members.

(cf. 1220 - Citizen Advisory Committees)

The selection and evaluation of instructional materials shall be coordinated with the curriculum development and evaluation process.

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

When presenting a recommended curriculum for adoption, the County Superintendent or designee shall provide research, data, or other evidence demonstrating the proven effectiveness of the proposed curriculum. He/she also shall present information about the resources that would be necessary to successfully implement the curriculum and describe any modifications or supplementary services that would be needed to make the curriculum accessible to all students.
The County Superintendent or designee shall establish a review cycle for regularly evaluating the taught curriculum in order to ensure continued alignment with state and SCCOE goals for student achievement. At a minimum, these reviews shall be conducted whenever the State Board of Education adopts new or revised content standards or the curriculum framework for a particular subject or when new law requires a change or addition to the curriculum.

(cf. 6190 - Evaluation of the Instructional Program)
Management Resources:
CSBA PUBLICATIONS
Maximizing School Board Leadership: Curriculum, 1996
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Content Standards for California Public Schools: Kindergarten Through Grade 12
Curriculum Frameworks for California Public Schools: Kindergarten Through Grade 12
WEB SITES
CSBA: http://www.csba.org
Association for Supervision and Curriculum Development: http://www.ascd.org
Association of California School Administrators: http://www.acsa.org
California Association for Supervision and Curriculum Development: http://www.cascd.org
California Department of Education, Curriculum and Instruction: http://www.cde.ca.gov/ci

Policy                        SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted:  October 20, 2010    San Jose, California
revised:  October 15, 2014
RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

The Santa Clara County Board of Education recognizes that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature or the arts. The County Board expects that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world.

(cf. 6143 - Courses of Study)

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is clearly forbidden in the public schools. Instruction about religion shall not promote or denigrate the beliefs or customs of any particular religion or sect, nor should a preference be shown for one religious viewpoint over another. Staff members shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces.

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 1330 - Use of SCCOE Facilities)
(cf. 1325 - Advertising and Promotion)
(cf. 5113 - Absences and Excuses)
(cf. 6145.5 - Student Organizations and Equal Access)

Staff shall not endorse, encourage or solicit religious or anti-religious expression or activities among students during class time. As part of their official duties, staff shall not lead students in prayer or other religious activities. However, staff shall not prohibit or discourage any student from praying or otherwise expressing his/her religious belief as long as this does not disrupt the classroom.

(cf. 5127 - Graduation Ceremony and Activities)

Students may express their beliefs about religion in their homework, artwork and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6144 - Controversial Issues)
(cf. 6154 - Homework/Make-up Work)

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the public schools. School-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature.
RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS  (continued)

Music, art, literature or drama programs having religious themes are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage. The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and are temporary in nature.

Legal Reference:

EDUCATION CODE
38130-38138 Civic Center Act
46014 Absences for religious purposes
51511 Religious matters properly included in courses of study
51938 Right of parent/guardian to excuse from sexual health instruction

UNITED STATES CODE, TITLE 20
4071-4074 Equal Access Act
6061 School prayer
7904 School prayer

COURT DECISIONS
Lassonde v. Pleasanton Unified School District, (2003, 9th Cir.) 320 F.3d 979
Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092
Lemon v. Kurtzman, (1971) 403 U.S. 602

Management Resources:

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

WEB SITES
California Department of Education:  http://www.cde.ca.gov
CSBA:  http://www.csba.org
Staff shall make every effort to schedule one-time events, such as examinations, school-sponsored trips, special laboratories, picture-taking days and class parties, to minimize conflicts with major religious holidays of all faiths.

(cf. 6111 - School Calendar)

Programs and Exhibits

When school programs and exhibits are in any way related to instruction about religion or religious holidays, the following guidelines shall be observed:

1. The principal or designee shall ensure that school-sponsored programs are presented in an objective manner, consistent with Board policy.

2. The principal or designee shall be kept informed of the program's development.

3. Program or exhibit planners shall take into consideration the diverse religious faiths represented in the community, student body and staff.
MULTICULTURAL EDUCATION

To foster intercultural understanding, communication and respect in an increasingly diverse society, curriculum and instruction at all grade levels shall reflect the perspective and experiences of various cultural, ethnic, racial and social groups. The Santa Clara County Board of Education desires that multicultural education be integrated across the curriculum into as many subjects as possible rather than providing isolated lessons on different cultures.

Santa Clara County Office of Education's comprehensive multicultural education program shall recognize the contributions of different groups of people to the history, life and culture of the local community, California, the United States and other nations. It may include but not be limited to instruction about the languages, cultural characteristics, significant events and individuals, and social, political and economic conditions of various ethnic groups. Cultural and ethnic awareness months and designated days honoring events and individuals may be incorporated into the curriculum.

While recognizing the unique aspects of different cultures and peoples, multicultural education shall also emphasize commonalities and challenge the stereotypes and biases that inhibit intergroup understanding. Multicultural education also shall be designed to contribute to the personal development of students through greater self-understanding, positive self-concept and pride in one's ethnic identity.

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 5137 - Positive School Climate)
(cf. 6115 - Ceremonies and Observances)
(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Legal Reference:
EDUCATION CODE
60040 Portrayal of cultural and racial diversity

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
adopted: July 15, 2009
The Santa Clara County Board of Education recognizes that the purpose of sexual health and HIV/AIDS prevention instruction is to provide students with the knowledge and skills necessary to protect them from unintended pregnancy and sexually transmitted diseases and to encourage students to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family. The County Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

(cf. 5030 - Student Wellness)
(cf. 6142.8 - Comprehensive Health Education)

The Santa Clara County Office of Education curriculum shall be aligned with the state's content standards, based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high-risk behaviors. The program shall comply with the requirements of law, Board policy, and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

(cf. 5141.22 - Infectious Diseases)
(cf. 5141.25 - Availability of Condoms)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6143 - Courses of Study)

The Santa Clara County Superintendent of Schools or designee may appoint a coordinator and/or an advisory committee regarding SCCOE’s comprehensive sexual health program. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the comprehensive sexual health education program. The County Board shall consider the advisory committee's recommendations when approving SCCOE’s program.

(cf. 1220 - Citizen Advisory Committees)

**Parent/Guardian Consent**

A parent/guardian may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51939)

(cf. 5022 - Student and Family Privacy Rights)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

*Legal Reference: (see next page)*
SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION  (continued)

Legal Reference:

EDUCATION CODE
220  Prohibition of discrimination
48980  Notice at beginning of term
51202  Instruction in personal and public health and safety
51210.8  Health education curriculum
51240  Excuse from instruction due to religious beliefs
51513  Materials containing questions about beliefs or practices
51930-51939  Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

HEALTH AND SAFETY CODE
1235.7  Parents surrendering physical custody of a baby

PENAL CODE
243.4 Sexual battery
261.5  Unlawful sexual intercourse
271.5  Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20
1232h  Protection of student rights
7906  Sex education

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008
Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

WEB SITES
CSBA:  http://www.csba.org
American Academy of Pediatrics:  http://www.aap.org
American College of Obstetricians and Gynecologists:  http://www.acog.org
American Public Health Association:  http://www.apha.org
California Department of Education, Sex Education and HIV/STD Instruction:  
http://www.cde.ca.gov/ls/he/se
California Department of Public Health:  http://www.cdph.ca.gov
California Healthy Kids Resource Center:  http://www.californiahealthykids.org
California Safe Schools Coalition:  http://www.casafeschools.org
Centers for Disease Control and Prevention:  http://www.cdc.gov
National Academy of Sciences:  http://www.nationalacademies.org
U.S. Department of Health and Human Services, Office of the Surgeon General:  
http://www.surgeongeneral.gov
U.S. Food and Drug Administration:  http://www.fda.gov
The Santa Clara County Board of Education recognizes that citizen involvement in civic and political institutions is essential to a democratic government and desires to provide a comprehensive civic education program to help students acquire the knowledge, skills, and principles essential for informed, responsible citizenship.

The County Board shall approve, upon the recommendation of the Santa Clara County Superintendent of Schools or designee, academic standards and curriculum in civics and government that are aligned with state academic standards and curriculum frameworks.

The County Superintendent or designee shall determine specific courses within the K-12 curriculum in which civic education and government may be explicitly and systematically taught. He/she also shall encourage the integration of civic education into other subjects as appropriate.

The civic education program shall provide students with an understanding of the rights and responsibilities of citizens in American democracy and the workings of federal, state, and local governments. As appropriate, instruction should include an examination of fundamental American documents, including, but not limited to, the Declaration of Independence, the United States Constitution, the Federalist Papers, and other significant writings and speeches.

To develop a sense of political effectiveness, instruction should develop students' understanding of the importance of civic participation in a democratic society. Service learning, extracurricular and cocurricular activities, class and school elections, and observation of local government processes may be used to reinforce classroom instruction by linking civic knowledge to practical experience and encouraging civic involvement.

Instruction also should promote a student's understanding of shared democratic principles and values, such as personal responsibility, justice, equality, respect for others, civic-mindedness, and patriotism, and enable students to make their own commitment to these civic values.
CIVIC EDUCATION (continued)

Constitution/Citizenship Day

Each year on or near September 17, in commemoration of Constitution and Citizenship Day, the Santa Clara County Office of Education shall hold an educational program for students in grades K-12 pertaining to the United States Constitution which shall include exercises and instruction in the purpose, meaning, and importance of the Constitution, including the Bill of Rights. (Education Code 37221; P.L. 108-447, Sec. 111)

(cf. 6115 - Ceremonies and Observances)

Legal Reference: (see next page)
CIVIC EDUCATION (continued)

Legal Reference:
Educati0n Code
233.5 Teaching of principles
33540 Standards for government and civics instruction
37221 Commemorative exercises including anniversary of U.S. Constitution
48205 Absence from school for jury duty or precinct board service
51210 Courses of study, grades 1-6
51220 Courses of study, grades 7-12
Elections Code
12302 Precinct boards, appointment of students
United States Code, Title 20
6711-6716 Education for Democracy Act
United States Code, Title 36
101-144 Patriotic observances

Management Resources:
CSBA Publications
School Board Leadership: The Role and Function of California's School Boards, 1996
Federal Register
American Bar Association Publications
Essentials of Law-Related Education, rev. 2003
California Department of Education Publications
History-Social Science Content Standards
Center for Civic Education Publications
Education for Democracy: California Civic Education Scope & Sequence, 2003
National Standards for Civics and Government, 1994
National Assessment of Educational Progress (NAEP) Publications
1998 Civics Report Card for the Nation, November 18, 1999
Web Sites
CSBA: http://www.csba.org
American Bar Association, Law-Related Education Projects: http://www.abanet.org/publiced/lre
American Political Science Association: http://www.apsanet.org
Bill of Rights Institute: http://www.billofrightsinstitute.org
California Association of Student Leaders: http://www.casl1.org
California Council for the Social Studies: http://www.ccss.org
Center for California Studies: http://www.csus.edu/calst
Center for Civic Education: http://www.civiced.org
Center for Information and Research on Civic Learning and Engagement: http://www.civicyouth.org
Center for Youth Citizenship: http://www.youthcitizenship.org
Constitutional Rights Foundation: http://www.crf-usa.org
National Assessment of Educational Progress (NAEP), Civics Assessment:
http://nces.ed.gov/nationsreportcard/civics
National Council for the Social Studies: http://www.ncss.org

Policy
SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: September 16, 2009
San Jose, California
The Santa Clara County Board of Education recognizes that service learning can enhance academic outcomes, help students develop the skills and knowledge necessary to become informed and responsible citizens, and aid in individual career development. Service learning experiences may also motivate students by providing them the opportunity to apply their studies to school and community needs and showing them that they can make a contribution to their community through involved citizenship.

(c.f. 1020 - Youth Services)
(c.f. 6000 - Concepts and Roles)
(c.f. 6011 - Academic Standards)
(c.f. 6142.3 - Civic Education)

Service Learning

The County Board supports service learning instructional strategies as integral components of the Santa Clara County Office of Education curriculum. The County Board encourages staff to collaborate with local public and nonprofit agencies in order to develop service learning activities that meet educational objectives, align with state and local academic standards, and address current community needs.

(c.f. 1600 - Relations Between other Governmental Agencies and the Schools)
(c.f. 1700 - Relations Between Private Industry and the Schools)

The Santa Clara County Superintendent of Schools or designee shall develop a service learning plan which:

1. Integrates service learning into one or more of the core academic areas of science, English, social science, or mathematics at each grade span (K-5, 6-8, and 9-12) and includes instructional formats planned by teachers and students

2. Ensures that the service learning opportunities offered help meet identified community needs and include a balance of on-campus and off-campus activities

3. Involves administrators, students, teachers, parents/guardians, and community members in the development, implementation, and evaluation of the service learning plan, including a determination as to how projects will be evaluated as well as how supervision and transportation issues will be addressed

(c.f. 6143 - Courses of Study)

The County Superintendent or designee shall provide the County Board with regular reports on the implementation of the plan and its effectiveness in meeting SCCOE’s goals for service learning.

(c.f. 6190 - Evaluation of the Instructional Program)
(c.f. 9000 - Role of the Board)
SERVICE LEARNING/COMMUNITY SERVICES CLASSES (continued)

Community Service Classes

SCCOE shall offer community service classes which acquaint students in grades 7-12 with the history and importance of volunteer service and with a wide range of identified school and community needs. Students shall be offered volunteer opportunities which support and strengthen their understanding of academic instruction and help them recognize the relevance of what they are learning in school and how it relates to their community.

The community service course shall be required for high school graduation. On a case-by-case basis, the County Superintendent or designee may allow students to fulfill the community service graduation requirement by performing alternative academic tasks.

(cf. 6146.1 - High School Graduation Requirements)

The County Superintendent or designee shall determine how credits shall be awarded and how students will be evaluated, supervised, and, if off-campus activities are included, transported to the off-campus location.

Notifications

Parents/guardians shall receive information about the service learning or community service opportunities offered by the SCCOE and their benefits for both the community and the student. SCCOE shall ask parents/guardians to acknowledge this information and provide consent before their child participates in any off-campus service activities.

Legal Reference: (see next page)
SERVICE LEARNING/COMMUNITY SERVICE CLASSES (continued)

Legal Reference:

EDUCATION CODE
233.5 Teaching of principles
35160 Authority of Governing boards
35160.1 Broad authority of school districts
37220.6 Cesar Chavez Day of Service and Learning
51210 Areas of study, grades 1-6
51220 Areas of study, grades 7-12
51745 Independent study
UNITED STATES CODE, TITLE 42
12501-12682 National and Community Service Trust Act of 1993
COURT DECISIONS

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Service Learning: http://www.cde.ca.gov/ci/cr/sl
Learn and Serve America: http://www.learnandserve.org
National Service Learning Clearinghouse: http://www.servicelearning.org
Youth Service California: http://www.yscal.org
ENVIRONMENTAL EDUCATION

The Santa Clara County Board of Education recognizes that schools play a crucial role in educating students about the importance of the environment and in preparing them to be stewards of natural resources. The County Board believes that students should value the environment, respect all life forms, understand the basic ecological principles which support the planet, and live an ecologically responsible life-style.

(cf. 6000 - Concepts and Roles)
(cf. 6142.3 - Civic Education)

The Santa Clara County Superintendent of Schools or designee shall develop an environmental education program that is aligned with state academic standards and curriculum frameworks. The County Superintendent or designee shall determine how the Santa Clara County Office of Education environmental education program will be integrated into the science curriculum and other subjects and courses in which the concepts may be explicitly and systematically taught.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.93 - Science Instruction)
(cf. 6143 - Courses of Study)

The goal of the SCCOE environmental education program shall be to provide students with an understanding of the interactions and interdependence of human societies and natural systems, people's dependence and influence on natural systems, the ways that natural systems change and how people can benefit and influence that change, the fact that there are no boundaries to prevent matter from flowing between systems, and the fact that decisions affecting resources and natural systems are complex and involve many factors.

The SCCOE program shall emphasize a coordination of instructional resources with active student participation in onsite resource conservation and management programs and the promotion of service learning partnerships.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3511 - Energy and Water Management)
(cf. 3511.1 - Integrated Waste Management)
(cf. 3514 - Environmental Safety)
(cf. 5030 - Student Wellness)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6153 - School-Sponsored Trips)

Legal Reference: (see next page)
ENVIRONMENTAL EDUCATION (continued)

Legal Reference:

EDUCATION CODE
8700-8707 Environmental education
8720-8723 Conservation education service
8760-8773 Outdoor science, conservation, and forestry
33541 Science requirements
37222 John Muir; recognition of his contributions
51210 Areas of study, grades 1-6
51220 Areas of study, grades 7-12
51795-51797 School instructional gardens
60041 Ecological systems and their protection

PUBLIC RESOURCES CODE
71300-71305 Statewide environmental education

Management Resources:

WEB SITES
California Environmental Protection Agency, Education and the Environment Initiative:
http://www.calepa.ca.gov/Education/EEI
California Department of Education, Environmental Education:
http://www.cde.ca.gov/pd/ca/sc/oeeintro.asp
California Integrated Waste Management Board, School Waste Management Education and Assistance:
http://www.ciwmmb.ca.gov/Schools
California Regional Environmental Education Community: http://www.creeec.org
PHYSICAL EDUCATION AND ACTIVITY

The Santa Clara County Board of Education recognizes the positive benefits of physical activity on student health and academic achievement. The County Board desires to provide a physical education program that supports Santa Clara County Office of Education's coordinated student wellness program, provides an adequate amount of moderate to vigorous physical activity, builds interest and proficiency in movement skills, and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

(cf. 5030 - Student Wellness)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6145.2 - Athletic Competition)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

The County Board shall approve the components of the physical education program. SCCOE's program shall be aligned with state model content standards and curriculum frameworks for physical education and shall provide a developmentally appropriate sequence of instruction including, at appropriate grade levels, the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives such as self-defense and fencing.

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)

The SCCOE program shall provide equal opportunities for participation in physical education instruction regardless of gender.

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

An appropriate alternative activity or exemption from the physical education class shall be provided for a student with disabilities in accordance with his/her individualized education program or Section 504 accommodation plan.

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

Physical education staff shall appropriately adjust the amount or type of physical exercise required of students during air pollution episodes, hot weather, or other inclement conditions or as needed to accommodate individual student health needs.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
PHYSICAL EDUCATION AND ACTIVITY (continued)

The SCCOE's physical education program shall be provided by appropriately credentialed teachers. Continuing professional development shall be offered to physical education teachers and to classroom teachers serving as instructors of physical education in order to enhance the quality of instruction and the variety of activities offered.

(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)

The Santa Clara County Superintendent of Schools or designee shall annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9. (Education Code 60800)

The County Superintendent or designee shall annually report to the County Board the results of the physical fitness testing for each school and applicable grade level. He/she shall also report to the County Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241 as described below, and any other data agreed upon by the County Board and the County Superintendent or designee to evaluate program quality and the effectiveness of the SCCOE's program in meeting goals for physical activity.

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

The County Superintendent or designee shall report the aggregate results of the physical fitness testing in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510 - School Accountability Report Card)

Temporary Exemptions

The County Superintendent or designee may grant a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.

2. The student is enrolled for one-half time or less.

Two-Year Exemptions

With a student's consent, the County Superintendent or designee may exempt the student from any two years of physical education courses during grades 10-12 provided that the student has satisfactorily met any five of the six standards of the state's physical fitness test in grade 9. (Education Code 51241)
PHYSICAL EDUCATION AND ACTIVITY  (continued)

Upon request by students and/or their parents/guardians, the County Superintendent or designee may administer the physical fitness test to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Permanent Exemptions

The County Superintendent or designee may grant a permanent exemption from physical education to a student under any of the following conditions:  (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years.

2. The student is enrolled as a postgraduate student.

3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Other Exemptions

The County Superintendent or designee may grant an exemption from physical education under the following special circumstances:

1. The student in grades 10-12 is excused for up to 24 clock hours in order to participate in automobile driver training.  (Education Code 51222)

2. The student in grades 10-12 attends a regional occupational center or program and attendance in physical education courses results in hardship because of the travel time involved. (Education Code 52316)

3. The student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

Legal Reference:  (see next page)
PHYSICAL EDUCATION AND ACTIVITY  (continued)

Legal Reference:

EDUCATION CODE
33126 School accountability report card
33350-33354 CDE responsibilities re: physical education
35256 School accountability report card
49066 Grades; physical education class
51210 Course of study, grades 1-6
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51241 Temporary, two-year or permanent exemption from physical education
51242 Exemption from physical education for athletic program participants
52316 Excuse from attending physical education classes
60800 Physical performance test

CODE OF REGULATIONS, TITLE 5
1040-1048 Physical performance test
3051.5 Adapted physical education for individuals with exceptional needs
10060 Criteria for high school physical education programs

UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42
1751 Note Local wellness policy

ATTORNEY GENERAL OPINIONS

Management Resources:

CSBA PUBLICATIONS
Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010
Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009
Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009
Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005
Adapted Physical Education Guidelines for California Schools, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS
2008 Physical Activity Guidelines for Americans, October 2008

Management Resources continued: (see next page)
PHYSICAL EDUCATION AND ACTIVITY  (continued)

Management Resources: (continued)

WEB SITES
CSBA: http://www.csba.org
California Healthy Kids Resource Center: http://www.californiahealthykids.org
California Project LEAN (Leaders Encouraging Activity and Nutrition): http://www.californiaprojectlean.org
Centers for Disease Control and Prevention: http://www.cdc.gov
Educational Data System, California physical fitness: http://www.eddata.com/projects/current/cpf
Healthy People 2010: http://www.healthypeople.gov
National Association for Sport and Physical Education: http://www.aahperd.org/naspe
President's Council on Physical Fitness and Sports: http://www.fitness.gov
The California Endowment: http://www.calendow.org
COMPREHENSIVE HEALTH EDUCATION

The Santa Clara County Board of Education believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors. The Santa Clara County Office of Education health education program shall be part of a coordinated school health system which supports the well-being of students and is linked to SCCOE and community services and resources.

(cf. 1020 - Youth Services)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3554 - Other Food Sales)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.63 - Steroids)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.3 - Health Examinations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.6 - School Health Services)
(cf. 5141.7 - Sun Safety)
(cf. 5142 - Safety)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.2 - Guidance/Counseling Services)

Goals for the SCCOE health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition education and physical activity.

(cf. 0200 - Goals for the School District)
(cf. 5030 - Student Wellness)
(cf. 6142.7 - Physical Education and Activity)

The SCCOE shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades K-12 which is aligned with the state’s content standards and curriculum framework. The Santa Clara County Superintendent of Schools or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, Board policy, and administrative regulation.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6143 - Courses of Study)

As appropriate, the County Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the SCCOE health education program.
Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

(cf. 1220 - Citizen Advisory Committees)
(cf. 1240 - Volunteer Assistance)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 6020 - Parent Involvement)
(cf. 6145.8 - Assemblies and Special Events)
(cf. 6162.8 - Research)

The County Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards and effective instructional methodologies.

(cf. 4131 - Staff Development)

The County Superintendent or designee shall provide periodic reports to the County Board regarding the implementation and effectiveness of the SCCOE health education program which may include, but not be limited to, a description of the SCCOE program and the extent to which it is aligned with the state's content standards and curriculum framework, the amount of time allotted for health instruction at each grade level, and student achievement of SCCOE standards for health education.

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

Legal Reference:  (see next page)
COMPREHENSIVE HEALTH EDUCATION (continued)

Legal Reference:

EDUCATION CODE
8850.5 Family relationships and parenting education
35183.5 Sun protection
49413 First aid training
49430-49436 Pupil Nutrition, Health and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and dangerous drugs
51210 Areas of study
51210.8 State content standards for health education
51220.5 Parenting skills; areas of instruction
51260-51269 Drug education
51513 Personal beliefs
51880-51881.5 Health education, legislative findings and intent
51890-51891 Comprehensive health education programs
51913 District health education plan
51920 Inservice training, health education
51930-51939 Comprehensive sexual health and HIV/AIDS prevention education

CALIFORNIA CODE OF REGULATIONS, TITLE 5
11800-11801 District health education plan

Management Resources:

CSBA PUBLICATIONS
Asthma Management in the Schools, Policy Brief, March 2008
Physical Education and California Schools, Policy Brief, rev. October 2007
Promoting Oral Health for California’s Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007
Sun Safety in Schools, Policy Brief, July 2006

AMERICAN ASSOCIATION FOR HEALTH EDUCATION PUBLICATIONS
National Health Education Standards: Achieving Excellence, 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008
Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

WEB SITES
CSBA: http://www.csba.org
American Association for Health Education: http://www.aahperd.org
American School Health Association: http://www.ashaweb.org
California Association of School Health Educators: http://www.cashe.org
California Department of Education, Health Education: http://www.cde.ca.gov/ci/he
California Department of Public Health: http://www.cdph.ca.gov
California Healthy Kids Resource Center: http://www.californiahealthykids.org
California Subject Matter Project, Physical Education-Health Project: http://csmp.ucop.edu/cpehp
Center for Injury Prevention Policy and Practice: http://www.cippp.org
Centers for Disease Control and Prevention: http://www.cdc.gov
National Center for Health Education: http://www.nche.org
National Hearing Conservation Association: http://www.hearingconservation.org

Policy adopted: September 16, 2009
SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
The Santa Clara County Board of Education believes that science education should focus on giving students an understanding of key scientific concepts and a capacity for scientific ways of thinking. Students should become familiar with the natural world and the interrelation of science, mathematics and technology. As part of their science instruction, students should learn how to apply scientific knowledge and ways of thinking for individual and social purposes.

(cf. 0440 -SCCOE Technology Plan)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6143 - Courses of Study)

As a matter of principle, science teachers are professionally bound to limit their teaching to content that meets the criteria of scientific fact, hypothesis and theory as these terms are used in natural sciences. A scientific fact is an understanding based on confirmable observations and is subject to test and rejection. A scientific hypothesis is an attempt to frame a question as a testable proposition. A scientific theory organizes and explains a range of natural phenomena on the basis of facts and hypotheses. Scientific theories are constantly subject to testing, modification and refutation as new evidence and new ideas emerge.

Philosophical and religious theories are based, at least in part, on faith, and are not subject to scientific test and refutation. Such beliefs shall not be discussed in science classes, but may be addressed in the social science and language arts curricula.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6142.91 - Reading/Language Arts Instruction)

Legal Reference:
EDUCATION CODE
51210 Areas of study, grades 1 through 6
51220 Areas of study, grades 7 through 12

Management Resources:
CDE PUBLICATIONS
Science Framework for California Public Schools, 1990
SBE POLICIES
Policy Statement on the Teaching of Natural Sciences, January 13, 1989
COURSES OF STUDY

The Santa Clara County Board of Education recognizes that a well-articulated sequence of courses fosters academic progress and provides for the best possible use of instructional time. The Santa Clara County Office of Education’s course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school, college, and/or the workplace.

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The Santa Clara County Superintendent of Schools or designee shall establish processes for ensuring the articulation of courses across grade levels within the SCCOE and, as necessary, shall work with representatives of appropriate area districts to ensure articulation of courses between elementary and secondary schools.

Elementary Grades

County Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary school course of study.

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

Secondary Grades

SCCOE shall offer all otherwise qualified students in secondary grades a course of study that, upon graduation from high school, prepares them to meet the requirements and prerequisites for admission to California public colleges and universities and/or attain entry-level employment skills in business or industry. (Education Code 51228)

The County Superintendent or designee shall ensure that all otherwise qualified students have a timely opportunity, within the four years before graduation, to enroll in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation from high school. (Education Code 51228)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6141.5 - Advanced Placement)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)
(cf. 6178 - Career Technical Education)

In addition, the course of study for high school students shall include instruction in skills and knowledge for adult life and career technical training. (Education Code 51224)
COURSES OF STUDY  (continued)

The County Superintendent or designee shall develop a process by which courses are submitted to the University of California (UC) for review and certification in order to meet university admission criteria. He/she shall maintain an accurate list of all current high school courses that have been so certified and shall ensure that the list is provided annually to each student in grades 9-12 and that updated lists are made readily available. (Education Code 66204)

At the beginning of each school year, the County Superintendent or designee shall provide written notice to parents/guardians of students in grades 9-12 that, to the extent possible, shall not exceed one page in length and that includes all of the following: (Education Code 51229)

1. A brief explanation of the college admission requirements

2. A list of the current UC and California State University (CSU) web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU

3. A brief description of what career technical education is, as defined by the California Department of Education (CDE)

4. The Internet address for the portion of the web site of the CDE where students can learn more about career technical education

5. Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses

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

Legal Reference: (see next page)
COURSES OF STUDY (continued)

Legal Reference:

EDUCATION CODE
33319.3 Driver education; CDE materials on road rage
33540 Government and civics instruction in interaction with government agencies
48980 Parental notifications
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and restricted dangerous drugs
51204 Course of study designed for student's needs
51204.5 History of California; contributions of men, women and ethnic groups
51210-51212 Areas of study for grades 1-6
51220-51229 Course of study for grades 7-12
51241 Exemption from physical education
51911-51921 Comprehensive health educational plans
51930-51939 California Comprehensive Sexual Health and HIV/AIDS Prevention Act
51940 Curriculum for brain and spinal cord injury prevention
53278-53280 Supplemental School Counseling Program
66204 Certification of high school courses as meeting university admission criteria

HEALTH AND SAFETY CODE
11032 Definition of dangerous drugs

CODE OF REGULATIONS, TITLE 5
10020-10049 Automobile driver education and training
10060 Physical education program

UNITED STATES CODE, TITLE 20
6101-6251 School-to-Work Opportunities Act of 1994

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California Career Resource Network: http://www.californiacareers.info
California Colleges.edu: http://www.californiacolleges.edu
California Department of Education: http://www.cde.ca.gov
University of California, Certified Course Lists: http://doorways.ucop.edu/list
University of California, College Prep Online Courses and Services: http://www.uccp.org
Santa Clara COE
Board Policy
Controversial Issues

BP 6144
Instruction

The Santa Clara County Board of Education recognizes that the SCCOE's educational program may sometimes include instruction related to controversial issues that may arouse strong reactions based on personal values and beliefs, political philosophy, culture, religion, or other influences. Instruction concerning such topics shall be relevant to the adopted course of study and curricular goals and should be designed to develop students' critical thinking skills, ability to discriminate between fact and opinion, respect for others, and understanding and tolerance of diverse points of view.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.3 - Civic Education)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The County Board expects administrators and teachers to exercise professional judgment when deciding whether or not a particular issue is suitable for study or discussion. They shall consult with the Superintendent or designee as necessary to determine the appropriateness of the subject matter, guest speakers, and/or related instructional materials or resources.

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

When providing instruction related to a controversial issue, the following guidelines shall apply:

1. The topic shall be suitable to the age and maturity of the students.

2. Instruction shall be presented in a balanced manner, addressing all sides of the issue without bias or prejudice and without promoting any particular point of view.

3. The teacher may express a personal opinion provided he/she identifies it as a personal opinion and clarifies that he/she is not speaking on behalf of the school or district. The teacher shall not express an opinion for the purpose of persuading students to his/her point of view.

4. No student's viewpoint shall be suppressed, provided such expression is not malicious or abusive toward others. Students shall be assured of their right to form and express an opinion without jeopardizing their relationship with the teacher or school.
5. Students shall be informed of conduct expected during such instruction and the importance of being courteous and respectful of the opinions of others.

(cf. 5022 - Student and Family Privacy Rights)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)

6. Adequate factual information shall be provided to help students objectively analyze and evaluate the issue and draw their own conclusions.

7. The instruction shall not reflect adversely upon persons because of their race, ethnicity, national origin, sex, sexual orientation, gender identity or expression, disability, religion, or any other basis prohibited by law.

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

8. The subject matter of the instruction shall not otherwise be prohibited by state or federal law.

When a guest speaker is invited to make a presentation related to a controversial issue, the Board requires that he/she be notified of this policy and the expectations and goals regarding the instruction. If the guest speaker is presenting only one point of view on an issue, the teacher shall be responsible for ensuring that students also receive information on opposing viewpoints.

(cf. 6145.8 - Assemblies and Special Events)

When required by law or otherwise deemed appropriate by the teacher or administrator, parents/guardians shall be notified prior to instruction related to any controversial issue and parent/guardian consent shall be obtained for student participation. Students whose parents/guardians decline such instruction may be offered the option to participate in an alternative activity of similar value.

A student or parent/guardian with concerns regarding instruction about controversial issues shall be directed to appropriate SCCOE complaint procedures.

(cf. 1312.2 - Complaints Concerning Instructional Materials)
Legal Reference:
EDUCATION CODE
220  Prohibition of discrimination
51500  Prohibited instruction or activity
51510  Prohibited study or supplemental materials
51511  Religious matters properly included in courses of study
51530  Prohibition and definition regarding advocating or teaching communism with intent to indoctrinate
51933  Sex education courses
51938  Right of parent/guardian to excuse child from sexual health instruction
60040  Portrayal of cultural and racial diversity
60044  Prohibited instructional materials
60045  Criteria for instructional materials

Policy
adopted: October 20, 2010
Revised: January 15, 2014
CONTROVERSIAL ISSUES

Controversial issues may be discussed in the classroom, provided that:

1. The issue is related to the course of study and provides opportunities for critical thinking, for developing tolerance, and for understanding conflicting points of view.

2. The issue has a meaningful relationship to matters of concern to the students.

3. Available information about the issue is sufficient to allow alternative points of view to be discussed and evaluated on a factual basis.

4. All sides of the issue are given a proper hearing, using established facts as primary evidence.

5. The issue has points of view which can be understood and defined by the students.

6. The teacher does not use his/her position to forward his/her own religious, political, economic or social bias. The teacher may express a personal opinion if he/she identifies it as such and does not express the opinion for the purpose of persuading students to his/her point of view.

7. Discussion or study of the issue is instigated by the students or by the established curriculum, but not by a source outside of the schools.

8. The discussion does not reflect adversely upon persons because of their race, sex, color, creed, national origin, ancestry, handicap or occupation.

9. The oral or written presentation does not violate state or federal law.

The Santa Clara County Superintendent of Schools or designee shall have the authority to judge whether the above conditions are being met.
The Santa Clara County Board of Education believes that assemblies and special events should promote a positive school climate and be related to the Santa Clara County Office of Education educational program. Assemblies may provide information that supplements the curriculum or may showcase student achievement in academics, athletics, music, art, drama, or other extracurricular or cocurricular activities.

(cf. 5137 - Positive School Climate)
(cf. 6000 - Concepts and Roles)
(cf. 6115 - Ceremonies and Observances)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6143 - Courses of Study)

The principal shall ensure that speakers and community resources featured in school assemblies and special events are carefully selected and represent a balanced viewpoint. Prospective speakers shall agree to present material of educational relevance that is appropriate to the maturity of the audience, with no statements that are obscene, vulgar, or that incite violence.

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6144 - Controversial Issues)

The principal shall schedule assemblies and special events so as to maximize the effectiveness of instructional time and to satisfy the requirements of law and negotiated agreements.

(cf. 6111 - School Calendar)
(cf. 6112 - School Day)

During the assembly, students shall show respect to all performers and speakers. Students who disrupt the program shall lose the privilege of attending the assembly and may be subject to disciplinary action.

(cf. 5131.4 - Student Disturbances)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference: (see next page)
ASSEMBLIES AND SPECIAL EVENTS (continued)

Legal Reference:

EDUCATION CODE
37200-37202 School calendar
37220-37223 Holidays
46010 Total days of attendance
46100 Length of schoolday
48980 Notice at beginning of term
51202 Instruction in personal and public health and safety
51240 Excuse from instruction due to religious beliefs
51513 Materials containing questions about beliefs or practices
51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act
Santa Clara County Office of Education

Board Policy
High School Graduation Requirements

BP 6146.1
Instruction

The Santa Clara County Board of Education (County Board) desires to prepare all students to obtain a high school diploma to enable them to take advantage of opportunities for postsecondary education and/or employment.

(cf. 5127 - Graduation Ceremonies and Activities)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6143 - Courses of Study)
(cf. 6146.3 - Reciprocity of Academic Credit)

Course Requirements

To obtain a high school diploma students shall complete at least the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)
   (cf. 6142.91 - Reading/Language Arts Instruction)

2. Two courses in mathematics (Education Code 51225.3)
   At least one mathematics course, or a combination of the two mathematics courses required for completion in grades 9-12, shall meet or exceed state academic content standards for Algebra I. (Education Code 51224.5)
   Completion, prior to grade 9, of Algebra coursework that meets or exceeds state academic content standards shall satisfy the Algebra coursework requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)
   (cf. 6011 - Academic Standards)
   (cf. 6142.92 - Mathematics Instruction)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)
   (cf. 6142.93 - Science Instruction)
4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

(cf. 6142.3 - Civic Education)
(cf. 6142.93 - History-Social Science Instruction)

5. One course in visual or performing arts, foreign language, or American Sign Language or career technical education (CTE) (Education Code 51225.3)

(cf. 6142.2 - World/Foreign Language Instruction)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6178 - Career Technical Education)
(cf. 6178.2 - Regional Occupational Center/Program)

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

(cf. 6142.7 - Physical Education and Activity)

7. Ten units in computer applications

8. Ten units in life skills, health and HIV/AIDS prevention

9. Ten units that fulfills a service learning requirement

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

10. Ten units that requires senior students to complete a senior multidisciplinary project.

11. Forty units in general electives

Santa Clara County Office of Education students will complete 220 units for graduation, effective June 2017.

Because the prescribed course of study may not accommodate the needs of some students, County Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.11 - Alternative Credits Toward Graduation)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

The County Superintendent or Superintendent’s designee shall exempt or waive specific course requirements for foster youth or children of military families in accordance with Education Code 51225.1 and 49701.
High School Exit Examination

As a condition for high school graduation, each student completing grade 12 shall have successfully passed the state exit examination in language arts and mathematics unless he/she receives a waiver or exemption. (Education Code 60851, 60859)

Supplemental instruction shall be offered to any student in grade 7-12 who does not demonstrate "sufficient progress," as defined in Board policy 6179 – Supplemental Instruction, toward passing the exit exam. (Education Code 60851)

Students who have passed all state and local graduation requirements by the end of grade 12 except one or both parts of the exit exam shall be informed of educational options available within the SCCOE and/or the community to enable them to continue their progress toward a high school diploma or the equivalent of a diploma.

Students who have passed all SCCOE's graduation requirements by the end of Grade 12 except one or both parts of the exit exam also are eligible to receive a certificate of completion or comparable form of recognition to indicate that they have completed the required course of study.

The County Superintendent or Superintendent’s designee shall regularly report to the County Board regarding the number of students who have fulfilled all local and state graduation requirements except for the passage of the exit exam and the resources that have been offered to such students.

Retroactive Diplomas

The SCCOE may retroactively grant a high school diploma to a former student who was interned by order of the federal government during World War II or who is an honorably discharged veteran
of World War II, the Korean War, or the Vietnam War, provided that he/she was enrolled in a SCCOE school immediately preceding the internment or military service and he/she did not receive a diploma because his/her education was interrupted due to the internment or military service. (Education Code 51430)

The SCCOE also may retroactively grant a diploma to a deceased former student who satisfies the above conditions. The diploma shall be received by the deceased student's next of kin. (Education Code 51430)

Legal Reference:
EDUCATION CODE
37252 Supplemental instructional programs
37254 Supplemental instruction based on failure to pass exit exam by end of grade 12
37254.1 Required student participation in supplemental instruction
47612 Enrollment in charter school
48200 Compulsory attendance
48412 Certificate of proficiency
48430 Continuation education schools and classes
48645.5 Acceptance of coursework
49701 Interstate Compact on Educational Opportunity for Military Children
51224 Skills and knowledge required for adult life
51224.5 Algebra instruction
51225.1 Exemption from district graduation requirements
51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course
51225.3 High school graduation
51225.5 Honorary diplomas; foreign exchange students
51228 Graduation requirements
51240-51246 Exemptions from requirements
51250-51251 Assistance to military dependents
51410-51412 Diplomas
51420-51427 High school equivalency certificates
51450-51455 Golden State Seal Merit Diploma
51745 Independent study restrictions
56390-56392 Recognition for educational achievement, special education
60850-60859 High school exit examination
66204 Certification of high school courses as meeting university admissions criteria
CODE OF REGULATIONS, TITLE 5
1600-1651 Graduation of students from grade 12 and credit toward graduation
COURT DECISIONS

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Department of Education, High School: http://www.cde.ca.gov/ci/gshs
University of California, List of Approved a-g Courses:
http://www.universityofcalifornia.edu/admissions/freshman/requirements
CERTIFICATE OF PROFICIENCY/HIGH SCHOOL EQUIVALENCY

The Santa Clara County Board of Education desires that every student have the opportunity to earn a high school diploma through successful completion of class work and examination. However, when a student is unable to do so, County Board encourages completion of an alternative program that allows him/her to obtain an equivalent certificate.

(cf. 5147 - Dropout Prevention)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)
(cf. 6200 - Adult Education)

Eligible persons may obtain a certificate of proficiency or a high school equivalency certificate in accordance with law, Board policy and administrative regulation.

The Santa Clara County Superintendent of Schools or designee shall make information available to interested persons regarding the eligibility and examination requirements of each program.

(cf. 6164.2 - Guidance/Counseling Services)

Legal Reference:
EDUCATION CODE
48400-48403 Persons subject to compulsory continuation education
48410 Persons exempt from continuation classes
48412 Certificate of proficiency; examination fees
48413 Enrollment in continuation classes
48414 Reenrollment in district
51420-51427 High school equivalency certificate
CODE OF REGULATIONS, TITLE 5
11520-11523 Proficiency examination and certificate
11530-11532 High school equivalency certificate (GED)

Management Resources:
CDE PUBLICATIONS
Adult Education Handbook for California, 1997
WEB SITES
CDE, GED Office: http://www.cde.ca.gov/ged
CDE, High School Proficiency: http://www.cde.ca.gov/statetests/chspe
RECIPROCITY OF ACADEMIC CREDIT

To determine whether students transferring into the Santa Clara County Office of Education have met SCCOE course requirements, the Santa Clara County Superintendent of Schools or designee shall establish procedures to evaluate the comparability of courses and/or students' understanding of course content. Such procedures shall include methods for determining the number of years of school attendance, the specific courses completed by the student and the value of credits earned.

(cf. 5111 - Admission)
(cf. 5117 - Interdistrict Attendance)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)
(cf. 6146.4 - Differential Graduation and Competency Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.5 - Student Assessment)

SCCOE shall accept for credit full or partial coursework satisfactorily completed by students while attending a public school, a juvenile court school or nonpublic nonsectarian school or agency. (Education Code 48645.5)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

Pending evaluation of the transferring student's academic performance, the student shall be placed at the grade level reached prior to enrollment. Within 30 days of enrollment, the principal or designee shall complete the evaluation and determine the student's appropriate grade placement.

Legal Reference:
EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts
47612.5 Charter schools operations, general requirements
48011 Admission from kindergarten or other school
48645.5 Coursework completed in public school, juvenile court school or nonpublic nonsectarian school
51225.3 Requirements for graduation
51228 Minimum curriculum standards
60605 Academic content and performance standards; assessments
60641-60649 Standardized Testing and Reporting Program
64001 Single plan for student achievement

Policy adopted: October 20, 2010
SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES

The Santa Clara County Board of Education recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the Santa Clara County Office of Education’s regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and county-wide assessments.

(cf. 6159 - Individualized Education Program)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Certificate of Educational Achievement or Completion

Instead of a high school diploma, a student with disabilities may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the board in the district in which the student attended school or the district with jurisdiction over the student as identified in his/her IEP

2. Satisfactorily met his/her IEP goals and objectives during high school as determined by the IEP team

3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services

(cf. 6146.1 - High School Graduation Requirements)

A student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

(cf. 5127 - Graduation Ceremonies and Activities)

Legal Reference: (see next page)
DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES (continued)

Legal Reference:
EDUCATION CODE
56341  Individualized education program team
56345  Elements of the IEP
56390-56392  Certificate of completion, special education
60850-60859  High school exit examination
CODE OF REGULATIONS, TITLE 5
3070  Graduation
UNITED STATES CODE, TITLE 20
1400-1482  Individuals with Disabilities Education Act
CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.818  Individuals with Disabilities Education Act, especially:
300.320  Definition of IEP

Management Resources:
WEB SITES
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office of Special Education and Rehabilitative Services:
http://www.ed.gov/about/offices/list/osers/index.html?src=mr
SCHOOL-SPONSORED TRIPS

The Santa Clara County Board of Education recognizes that school-sponsored trips are an important component of a student's development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the Santa Clara County Office of Education course of study or school-related social, educational, cultural, athletic, or other extracurricular or cocurricular activities.

(cf. 6143 - Courses of Study)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

Requests for school-sponsored trips involving out-of-state, out-of-country, or overnight travel shall be submitted to the Santa Clara County Superintendent of Schools or designee. The County Superintendent or designee shall review and approve the request. All other school-sponsored trips shall be approved in advance by the principal.

(cf. 3312.2 - Educational Travel Program Contracts)

The principal shall establish a process for approving a staff member's request to conduct a school-sponsored trip. When planning trips, staff shall consider student safety, objectives of instruction, the most effective use of instructional time, the distance from school, SCCOE and student expense, and transportation and supervision requirements. Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.

(cf. 3530 - Risk Management/Insurance)
(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 5142 - Safety)
(cf. 5143 - Insurance)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

No field trip shall be authorized if any student would be excluded from participation because of a lack of sufficient funds. The County Superintendent or designee shall coordinate with community groups to supply funds for students in need. (Education Code 35330)

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 1700 - Relations Between Private Industry and the Schools)

SCCOE funds shall not be used to pay student expenses for out-of-state or out-of-country field trips or excursions. However, expenses of instructors, chaperones, and other personnel participating in such trips, as well as incidental expenses for the use of equipment during the trip, may be paid from SCCOE funds. (Education Code 35330)
SCHOOL-SPONSORED TRIPS (continued)

Legal Reference:

EDUCATION CODE
8760 Authorization of outdoor science and conservation programs
32040-32044 First aid equipment: field trips
35330 Excursions and field trips
35331 Provision for medical or hospital service for pupils (on field trips)
35332 Transportation by chartered airline
35350 Transportation of students
48908 Duties of pupils; authority of teachers

BUSINESS AND PROFESSIONS CODE
17540 Travel promoters
17550-17550.9 Sellers of travel
17552-17556.5 Educational travel organizations

Management Resources:
WEB SITES
American Red Cross:  http://www.redcross.org
California Association of Directors of Activities:  http://www.cada1.org
SCHOOL-SPONSORED TRIPS

Supervision

Students on school-sponsored trips are under the jurisdiction of the Santa Clara County Office of Education and shall be subject to SCCOE and school rules and regulations.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Santa Clara County Superintendent of Schools or designee shall ensure that adequate supervision is provided on all school-sponsored trips and that there is an appropriate ratio of adults to students present on the trip. If the trip involves water activities, this ratio shall be revised as necessary.

Parent/Guardian Permission

Before a student can participate in a school-sponsored trip, the teacher shall obtain parent/guardian permission for the trip. Whenever a trip involves water activities, the parent/guardian shall provide specific permission for his/her child to participate in the water activities. SCCOE shall provide an alternative educational experience for students whose parents/guardians do not wish them to participate in a trip.

All persons making the field trip or excursion shall be deemed to have waived all claims against SCCOE or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents/guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims. (Education Code 35330)

Safety Issues

1. While conducting a trip, the teacher, employee, or agent of the school shall have the school's first aid kit in his/her possession or immediately available. (Education Code 32041)

   Whenever trips are conducted in areas known to be infested with poisonous snakes, the first aid kit taken on the trip shall contain medically accepted snakebite remedies. In addition, a teacher, employee, or agent of the school who has completed a first aid course which is certified by the American Red Cross and which emphasizes the treatment of snakebites shall participate in the trip. (Education Code 32043)

2. SCCOE shall provide or make available medical and/or hospital insurance for students injured while participating in any excursion or field trip. (Education Code 35331)

(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 5143 - Insurance)
SCHOOL-SPONSORED TRIPS (continued)

3. If the County Superintendent or designee receives threat level warnings from the Homeland Security Advisory System pertaining to the destination of a school-sponsored trip, he/she shall implement precautions necessary to protect the safety of students and staff.

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

4. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating SCCOE as an additional insured, for not less than $500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.

(cf. 3530 - Risk Management/Insurance)
(cf. 5141.7 - Sun Safety)

5. Before trips of more than one day, the principal or designee may hold a meeting for staff, chaperones, parents/guardians, and students to discuss safety and the importance of safety-related rules for the trip.

(cf. 5142 - Safety)
INDEPENDENT STUDY

The Santa Clara County Board of Education authorizes independent study as an optional alternative instructional strategy for students, including adult education students, whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan and enabling students to reach curriculum objectives and fulfill graduation requirements. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6200 - Adult Education)

The Santa Clara County Superintendent of Schools or designee shall approve independent study for an individual student only upon determining that the student is prepared to meet the SCCOE requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom.

The minimum period of time for any independent study option shall be five school days.

The County Superintendent or designee shall ensure that a written independent study agreement, as prescribed by law, exists for each participating student. (Education Code 51747)

To foster each participating student's success in independent study, the County Board establishes the following maximum lengths of time which may elapse between the date an assignment is made and the date by which the student must complete the assigned work:

1. One week for students in grades K-3
2. Two weeks for students in grades 4-8
3. Three weeks for students in grades 9-12, continuation or adult education

When circumstances justify a longer time, the County Superintendent or designee may extend the maximum length of an assignment to a period not to exceed eight weeks, pursuant to a written request with justification.

Supervising teachers should carefully set the duration of independent study assignments, within the limits specified above, and establish an appropriate schedule for student-teacher conferences in order to help identify students falling behind in their work or in danger of failing or dropping out of school. Except in unusual circumstances, it is expected that the supervising teacher will meet with each participating student at least once a week to discuss the student's progress.

(cf. 5147 - Dropout Prevention)
INDEPENDENT STUDY  (continued)

When any participating student fails to complete three consecutive independent study assignments in a period of 15 school days, or misses two appointments with his/her supervising teacher without valid reasons, an evaluation shall be conducted to determine whether it is in the student's best interest to remain in independent study.

The County Superintendent or designee shall annually report to the County Board the number of students participating in independent study, the average daily attendance (ADA) generated for apportionment purposes, the quality of these students' work as measured by standard indicators, and the number and proportion of independent study students who graduate or successfully complete independent study.

Home-Based Independent Study

The County Superintendent or designee shall encourage parents/guardians desiring to teach their children at home to have their children participate in independent study. Such participation allows continued contact and cooperation between the school system and the home-based student.

Legal Reference:  (see next page)
INDEPENDENT STUDY (continued)

Legal Reference:

EDUCATION CODE
17289 Exemption for facilities
42238 Revenue limits
44865 Qualifications for home teachers and teachers in special classes and schools; consent to assignment
46300-46300.6 Methods of computing ADA
47612.5 Independent study in charter schools
48204 Residency based on parent employment
48206.3 Home or hospital instruction; students with temporary disabilities
48220 Classes of children exempted
48340 Improvement of pupil attendance
48915 Expulsion; particular circumstances
48916.1 Educational program requirements for expelled students
48917 Suspension of expulsion order
51225.3 Requirements for high school graduation
51745-51749.3 Independent study programs
56026 Individuals with exceptional needs
FAMILY CODE
6550 Authorization affidavits
CODE OF REGULATIONS, TITLE 5
11700-11703 Independent study
COURT DECISIONS

Management Resources:

CDE PUBLICATIONS
WEB SITES
California Consortium for Independent Study: http://www.ccis.org
California Department of Education, Independent Study: http://www.cde.ca.gov/sp/eo/is

Policy adopted: October 21, 2009
SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
INDEPENDENT STUDY

Educational Opportunities

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
   (cf. 6143 - Courses of Study)

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum

3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum

4. Continuing and special study during travel

5. Volunteer community service activities that support and strengthen student achievement
   (cf. 6142.4 - Service Learning/Community Service Classes)

In addition, when requested by the parent/guardian due to emergencies, vacation or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

(cf. 5113 - Absences and Excuses)

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

(cf. 6146.1 - High School Graduation Requirements)

Equivalency

The Santa Clara County Office of Education independent study option shall be substantially equivalent in quality and quantity to classroom instruction, thus enabling students participating in independent study to complete the adopted course of study within the customary time frame. Students in independent study shall have access to the same services and resources that are available to other students in the school. (5 CCR 11701.5)

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

SCCOE shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless his/her individualized education program specifically provides for such participation. (Education Code 51745)

(cf. 6159 - Individualized Education Program)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

(cf. 6183 - Home and Hospital Instruction)

Written Agreements

A written agreement shall be developed for each student participating in independent study for five or more school days. (Education Code 46300, 51747)

The written independent study agreement for each participating student shall include, but not be limited to, all of the following: (Education Code 51747)

1. The manner, frequency, time and place for submitting the student's assignments and for reporting his/her progress
2. The objectives and methods of study for the student's work, and the methods used to evaluate that work
3. The specific resources, including materials and personnel, that will be made available to the student
4. The SCCOE independent study policy describing the maximum length of time allowed between an assignment and its completion and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one semester, or one-half year if the school is on a year-round calendar
INDEPENDENT STUDY  (continued)

6. A statement of the number of course credits or, for an elementary student, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion.

7. A statement that independent study is an optional educational alternative in which no student may be required to participate.

8. In the case of a student who is referred or assigned to any school, class or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction.

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

The agreement also may include a schedule for achieving objectives and completing the agreement and a schedule of conferences between the student and supervising teacher.

The curriculum and methods of study specified in the written agreement shall be consistent with Board policy, administrative regulations and procedures for curriculum and instruction. (5 CCR 11702)

(cf. 6143 - Courses of Study)

Before beginning the independent study, each written agreement shall be signed and dated by the student, the parent/guardian or caregiver of the student if the student is under age 18, the certificated employee designated as responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. (Education Code 51747)

The agreement shall state that the parent/guardian's signature confirms his/her permission for the student's independent study as specified in the agreement.

Student Rights and Responsibilities

Students participating in independent study shall have the right, continuously, to enter or return to the regular classroom mode of instruction, including upon termination of the agreement.

Independent study students who are late, miss scheduled conferences or do not submit assigned work on time shall not be reported as tardy or truant. However, the independent study administrator shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:
INDEPENDENT STUDY (continued)

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has missed the number of assignments specified in Board policy and the written independent study agreement as precipitating an evaluation, the Santa Clara County Superintendent of Schools or designee shall conduct an evaluation which may result in termination of the independent study agreement and the student's return to a regular classroom or alternative instructional program.

Administration of Independent Study

Each student's independent study shall be coordinated, evaluated and carried out under the general supervision of a certificated employee. (Education Code 51747.5)

The responsibilities of the independent study administrator shall be to:

1. Ensure that the SCCOE independent study option is operated in accordance with law, Board policy and administrative regulation
2. Approve the participation of students requesting independent study
3. Facilitate the completion of written independent study agreements
4. Approve all credits earned through independent study and forward the information to the appropriate staff so that the information becomes part of the student's record
5. Authorize the selection of staff to be assigned to supervise independent study
6. Supervise any staff assigned to independent study functions who are not regularly supervised by another administrator
7. Complete or coordinate the preparation of all necessary records and reports
8. Establish and maintain in a systematic manner all records required by law, Board policy and administrative regulation
9. Monitor student participation in independent study so that the SCCOE stays within prescribed limits and income to the SCCOE is maximized
INDEPENDENT STUDY (continued)

10. Develop and manage the budget for independent study

11. Obtain and maintain current information and skills required for the operation of an independent study strategy that meets established standards for the SCCOE educational programs

12. Assure a smooth transition into and out of the independent study mode of instruction

13. Prepare and submit reports as required by the Santa Clara County Board of Education or the County Superintendent

Supervising Teachers

The principal may recommend and the independent study administrator shall approve the assignment of teachers to directly supervise independent study. The teacher may be the student's regular classroom teacher, particularly for elementary students.

The ratio of students to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other SCCOE education programs.

The teacher supervising independent study shall:

1. Complete designated portions of the written independent study agreement and add additional information to the written agreement when appropriate

2. Supervise and approve coursework

3. Design all lesson plans and assignments

4. Assess all student work and determine and assign grades or other approved measures of achievement

5. Personally judge the time value of assigned work or work products completed and submitted by the student

6. Select and save with each agreement representative samples of the student's completed and evaluated assignments on not less than a monthly basis, preferably biweekly, and signed or initialed and dated in accordance with item #3 in the section on "Records" below

7. Sign and complete the agreement when the student has reached his/her objectives or the agreement is terminated
INDEPENDENT STUDY (continued)

8. Maintain a daily or hourly attendance register in accordance with item #4 in the section on "Records" below

9. Maintain any other required records and files on a current basis

Records

For audit purposes, the County Superintendent or designee shall maintain the following records: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study

2. A separate listing of the students and adult education students, by grade level, program and school, who have participated in independent study, identifying units of the curriculum attempted and units of the curriculum completed by students in grades K-8 and identifying course credits attempted by and awarded to students in grades 9-12 and in adult education, as specified in their written agreements

3. A file of all agreements, with representative samples of each student's or adult education student's work products bearing the supervising teacher's signed or initialed and dated notations indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher

4. A daily or hourly attendance register, as appropriate to the program in which the students are participating, separate from classroom attendance records, and maintained on a current basis as time values of student or adult education work products are personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

The County Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

Each school shall maintain records for the students at that school.

A written record of the findings of any evaluation conducted after the student has missed the number of assignments specified in Board policy shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

(cf. 5125 - Student Records)
INDIVIDUALIZED EDUCATION PROGRAM

The Santa Clara County Board of Education desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free appropriate public education and be placed in the least restrictive environment which meets their needs to the extent provided by law.

(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 4112.23 - Special Education Staff)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

The Santa Clara County Superintendent of Schools or designee shall develop administrative regulations regarding the appointment of the individualized education program (IEP) team, the contents of the IEP, and the development, review, and revision of the IEP.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

Legal Reference: (see next page)
INDIVIDUALIZED EDUCATION PROGRAM (continued)

Legal Reference:

EDUCATION CODE
51225.3 Requirements for high school graduation and diploma
56055 Rights of foster parents pertaining to foster child's education
56136 Guidelines for low incidence disabilities areas
56195.8 Adoption of policies
56321 Development or revision of IEP
56321.5 Notice to include right to electronically record
56340.1-56347 Instructional planning and individualized education program
56350-56352 IEP for visually impaired students
56380 IEP reviews; notice of right to request
56390-56392 Certificate of completion, special education
56500-56509 Procedural safeguards
60640-60649 Standardized Testing and Reporting Program
60850 High school exit examination, students with disabilities
60852.3 High school exit examination, exemption for the class of 2006

FAMILY CODE
6500-6502 Age of majority

GOVERNMENT CODE
7572.5 Seriously emotionally disturbed child, expanded IEP team

WELFARE AND INSTITUTIONS CODE
300 Children subject to jurisdiction
601 Minors habitually disobedient
602 Minors violating law defined as crime

CODE OF REGULATIONS, TITLE 5
853-853.5 Standardized Testing and Reporting Program, accommodations
1215.5-1218 High School Exit Examination, accommodations for students with disabilities
3021-3029 Identification, referral and assessment
3040-3043 Instructional planning and the individualized education program

UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.818 Individuals with Disabilities Education Act

COURT DECISIONS
Schaffer v. Weast (2005) 125 S. Ct. 528
Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072
Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398

ATTORNEY GENERAL OPINIONS

Management Resources:

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

WEB SITES
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office of Special Education and Rehabilitative Services:
http://www.ed.gov/about/offices/list/osers/osep

Policy SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010 San Jose, California
INDIVIDUALIZED EDUCATION PROGRAM

Members of the Individualized Education Program (IEP) Team

Santa Clara County Office of Education shall ensure that the individualized education program team for any student with a disability includes the following members: (20 USC 1414(d)(1); 34 CFR 300.321; Education Code 56341, 56341.2, 56341.5)

1. One or both of the student's parents/guardians, and/or a representative selected by the parent/guardian

2. If the student is or may be participating in the regular education program, at least one regular education teacher

   If more than one regular education teacher is providing instructional services to the student, the SCCOE may designate one such teacher to represent the others.

3. At least one special education teacher or, where appropriate, at least one special education provider for the student

4. A representative of the SCCOE who is:
   a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
   b. Knowledgeable about the general education curriculum
   c. Knowledgeable about the availability of SCCOE and/or special education local plan area (SELPA) resources

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

5. An individual who can interpret the instructional implications of assessment results

   This individual may already be a member of the team as described in items #2-4 above or in item #6 below.

6. At the discretion of the parent/guardian or SCCOE, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

   The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team. (Education Code 56341)

7. Whenever appropriate, the student with a disability
INDIVIDUALIZED EDUCATION PROGRAM (continued)

8. For transition service participants:
   a. The student, of any age, with a disability if the purpose of the meeting is the consideration of the student's postsecondary goals and the transition services needed to assist the student in reaching those goals pursuant to 34 CFR 300.320(b)

      If the student does not attend the IEP team meeting, the SCCOE shall take other steps to ensure that the student's preferences and interests are considered.

   b. To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for transition services

      If a representative of such other local agency has been invited but does not attend the meeting, the SCCOE shall take other steps to obtain participation of the agency in the planning of any transition services. (Education Code 56341)

9. For students suspected of having a specific learning disability in accordance with 34 CFR 300.308 (formerly 300.540) and 34 CFR 300.310 (formerly 300.542), at least one individual who is qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist, or remedial reading teacher (Education Code 56341)

   In accordance with 34 CFR 300.310 (formerly 300.542), at least one team member other than the student's regular education teacher shall observe the student's academic performance in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age. (Education Code 56341)

10. For students who have been placed in a group home by the juvenile court, a representative of the group home

If a student with a disability is identified as potentially requiring mental health services, SCCOE shall request the participation of the county mental health program in the IEP team meeting. (Education Code 56331)

Upon request of the parent/guardian of a child who was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), the SCCOE shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (20 USC 1414(d)(1)(D); 34 CFR 300.321; Education Code 56341)
INDIVIDUALIZED EDUCATION PROGRAM (continued)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian consents and SCCOE agrees, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting involves a discussion of the member's area of the curriculum or related service, the IEP team member may be excused from the meeting if the parent/guardian consents in writing to the excusal and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (20 USC 1414(d)(1)(C); 34 CFR 300.321; Education Code 56341)

Parent/Guardian Participation and Other Rights

The Santa Clara County Superintendent of Schools or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (34 CFR 300.322; Education Code 56341.5)

The County Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (34 CFR 300.322; Education Code 56341.5)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform the parents/guardians of the provisions of 34 CFR 300.321(a)(6) and (c) relating to the participation on the IEP team of other individuals who have knowledge or special expertise about the student, and 34 CFR 300.321(f) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting
4. For students beginning at age 16 (or younger than 16 if deemed appropriate by the IEP team):
   a. Indicate that the purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to 20 USC 1414(d)(1)(A)(i)(VIII), 34 CFR 300.320(b), and Education Code 56345.1
   b. Indicate that the SCCOE will invite the student to the IEP team meeting
   c. Identify any other agency that will be invited to send a representative

(cf. 5145.6 - Parental Notifications)
At each IEP team meeting convened by SCCOE, the staff administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

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

The parent/guardian shall have the right and opportunity to examine all of his/her child's school records upon request and before any IEP meeting. Upon receipt of an oral or written request, SCCOE shall provide complete copies of the records within five business days. (Education Code 56043)

(cf. 5125 - Student Records)

If neither parent/guardian can attend the meeting, the County Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (20 USC 1414(f); 34 CFR 300.322; Education Code 56341.5)

An IEP team meeting may be conducted without a parent/guardian in attendance if SCCOE is unable to convince the parent/guardian that he/she should attend. In such a case, SCCOE shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including: (34 CFR 300.322; Education Code 56341.5)

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

Parents/guardians and SCCOE shall have the right to audiotape the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If SCCOE gives notice of intent to audiotape a meeting and the parent/guardian objects or refuses to attend because the meeting would be audiotaped, the meeting shall not be audiotaped. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audiotapes
2. Request that the audiotapes be amended if the parents/guardians believe they contain information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
INDIVIDUALIZED EDUCATION PROGRAM  (continued)

3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

SCCOE shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English.  (34 CFR 300.322; Education Code 56345.1)

SCCOE shall give the parents/guardians of a student with disabilities a copy of his/her child's IEP at no cost.  (34 CFR 300.322)

Contents of the IEP

The IEP shall be a written statement determined in a meeting of the IEP team. It shall include, but not be limited to, all of the following:  (20 USC 1414(d)(1)(A); 34 CFR 300.320; Education Code 56043, 56345, 56345.1)

1. A statement of the present levels of the student's academic achievement and functional performance, including:

   a. The manner in which the student's disability affects his/her involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)

   b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities

2. A statement of measurable annual goals, including academic and functional goals, designed to do the following:

   a. Meet the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general education curriculum

   b. Meet each of the student's other educational needs that result from his/her disability

   c. For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
INDIVIDUALIZED EDUCATION PROGRAM (continued)

3. A description of the manner in which the progress of the student toward meeting the annual goals described in item #2 above will be measured and when the SCCOE will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards.

4. A statement of the specific special educational instruction and related services and supplementary aids and services, based on peer-reviewed research, to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
   a. Advance appropriately toward attaining the annual goals
   b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
   c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in Education Code 56345(a) (cf. 3541.2 - Transportation for Students with Disabilities)

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in item #4 above.

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and county-wide assessments.

   If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or county-wide assessment, a statement of all of the following:
   a. The reason that the student cannot participate in the regular assessment
   b. The reason that the particular alternate assessment selected is appropriate for the student

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
INDIVIDUALIZED EDUCATION PROGRAM (continued)

7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications.

8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
   a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.
   b. The transition services, including courses of study, needed to assist the student in reaching those goals.

9. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to Education Code 56041.5 that will transfer to the student upon reaching age 18.

Where appropriate, the IEP shall also include: (Education Code 56345)

1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the SCCOE prescribed course of study and to meet or exceed proficiency standards required for graduation.

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

2. Linguistically appropriate goals, objectives, programs, and services for students whose native language is not English.

3. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE).

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

4. Provision for transition into the regular education program if the student is to be transferred from a special class or center or nonpublic, nonsectarian school into a regular education program in a public school for any part of the school day.
INDIVIDUALIZED EDUCATION PROGRAM (continued)

The IEP shall include descriptions of activities intended to:

a. Integrate the student into the regular education program, including indications of the nature of each activity and the time spent on the activity each day or week

b. Support the transition of the student from the special education program into the regular education program

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6178 - Career Technical Education)
(cf. 6181 - Alternative Schools/Programs of Choice)

5. Specialized services, materials, and equipment for students with low incidence disabilities, consistent with the guidelines pursuant to Education Code 56136

Development, Review, and Revision of the IEP

In developing the IEP, the IEP team shall consider all of the following: (20 USC 1414(d)(3)(A); 34 CFR 300.324; Education Code 56341.1, 56345)

1. The strengths of the student

2. The concerns of the parents/guardians for enhancing the education of their child

3. The results of the initial assessment or most recent assessment of the student

4. The academic, developmental, and functional needs of the student

5. In the case of a student whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior

6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP

7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, his/her future needs for instruction in Braille or the use of Braille, and other appropriate reading and writing media.
INDIVIDUALIZED EDUCATION PROGRAM (continued)

8. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, including the following: (Education Code 56345)

a. The student's primary language mode and language, which may include the use of spoken language, with or without visual cues, and/or the use of sign language

b. The availability of a sufficient number of age, cognitive, and language peers of similar abilities which may be met by consolidating services into a local plan area-wide program or providing placement pursuant to Education Code 56361

c. Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language consistent with existing law regarding teacher training requirements

d. Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities consistent with the federal Vocational Rehabilitation Act and the federal Americans with Disabilities Act

9. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-9 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the IEP team must include a statement to that effect in the student's IEP. (Education Code 56341.1)

The County Superintendent or designee shall ensure that the IEP team: (20 USC 1414(d)(4); 34 CFR 300.324; Education Code 56043, 56341.1, 56380)

1. Reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and the appropriateness of placement
INDIVIDUALIZED EDUCATION PROGRAM (continued)

2. Revises the IEP, as appropriate, to address:
   
   a. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate
   
   b. The results of any reassessment conducted pursuant to Education Code 56381
   
   c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 305(a)(2) and Education Code 56381(b)
   
   d. The student's anticipated needs
   
   e. Other matters

3. Considers the special factors listed in items #5-9 above when reviewing the IEP

The IEP team shall also meet: (Education Code 56343)

1. Whenever the student has received an initial formal assessment and, when desired, when the student receives any subsequent formal assessment

2. Upon request by the student's parent/guardian or teacher to develop, review, or revise the IEP

If a participating agency other than SCCOE fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (20 USC 1414(d); 34 CFR 300.324; Education Code 56345.1)

As a member of the IEP team, the regular education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of: (20 USC 1414(d)(3)(C); 34 CFR 300.324; Education Code 56341)

1. Appropriate positive behavioral interventions and supports and other strategies for the student

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

2. Supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320
INDIVIDUALIZED EDUCATION PROGRAM (continued)

To the extent possible, SCCOE shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(A); 34 CFR 300.324)

The student shall be allowed to provide confidential input to any representative of his/her IEP team. (Education Code 56341.5)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and SCCOE may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, SCCOE shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (20 USC 1414(d)(3)(D); 34 CFR 300.324)

If a student with disabilities residing in a licensed children's institution or foster family home has been placed by SCCOE in a nonpublic, nonsectarian school, SCCOE shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

(cf. 6173.1 - Education for Foster Youth)

When an IEP calls for a residential placement as a result of a review by an expanded IEP team, the IEP shall include a provision for a review, at least every six months, by the full IEP team of all of the following: (Education Code 56043)

1. The case progress
2. The continuing need for out-of-home placement
3. The extent of compliance with the IEP
4. Progress toward alleviating the need for out-of-home care

Timelines for the IEP and for the Provision of Services

At the beginning of each school year, SCCOE shall have an IEP in effect for each student with a disability within SCCOE jurisdiction. (34 CFR 300.323; Education Code 56344)

SCCOE shall ensure that a meeting to develop an initial IEP is conducted within 30 days of a determination that a student needs special education and related services. SCCOE shall also ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with his/her IEP. (34 CFR 300.323; Education Code 56344)
INDIVIDUALIZED EDUCATION PROGRAM (continued)

An IEP required as a result of an assessment of the student shall be developed within 60 days (not counting days between the student's regular school sessions, terms or days of school vacation in excess of five school days) from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56344)

However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for a student for whom a referral has been made 20 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time limit shall recommence on the date that student's school days reconvene. (Education Code 56344)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, SCCOE shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

A regular education or special education teacher may request a review of the classroom assignment of a special education student by submitting a written request to the County Superintendent or designee. The County Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the County Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the County Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

SCCOE shall ensure that the student's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. SCCOE shall also ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

Before providing special education and related services, SCCOE shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). If the parent/guardian refuses to consent to the initiation of services, SCCOE shall not provide the services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f). If the parent/guardian does not
INDIVIDUALIZED EDUCATION PROGRAM (continued)

consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)

If the parent/guardian refuses all services in the IEP after having consented to those services in the past, SCCOE shall file a request for a due process hearing. If SCCOE determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and SCCOE agree otherwise. (Education Code 56346)

Transfer Students

To facilitate a transfer student's transition, SCCOE shall take reasonable steps to promptly obtain the records of a student with disabilities transferring into SCCOE, including his/her IEP and the supporting documents related to the provision of special education services. (34 CFR 300.323; Education Code 56325)

If a student with disabilities transfers to a SCCOE program during the school year from a district within this same SELPA, SCCOE shall continue, without delay, to provide services comparable to those described in the existing IEP, unless the student's parent/guardian and SCCOE agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (34 CFR 300.323; Education Code 56325)

If a student with disabilities transfers to SCCOE during the school year from a California district outside of the SELPA, SCCOE shall provide the student with FAPE, including services comparable to those described in the previous IEP. Within 30 days, SCCOE shall, in consultation with the parents/guardians, adopt the previous IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (34 CFR 300.323; Education Code 56325)

If a student with disabilities transfers to SCCOE during the school year from an out-of-state district, SCCOE shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as SCCOE conducts an assessment, if SCCOE determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (34 CFR 300.323; Education Code 56325)
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

The Santa Clara County Board of Education desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.6 - Parental Notifications)
(cf. 6159 - Individualized Education Program)
(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education Students)
(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

The Santa Clara County Superintendent of Schools or designee shall represent the Santa Clara County Office of Education in any due process hearing conducted with regard to SCCOE students and shall inform the County Board about the result of the hearing.

The County Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the SCCOE uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference: (see next page)
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Legal Reference:

EDUCATION CODE
56000 Education for individuals with disabilities
56001 Provision of the special education programs
56020-56035 Definitions
56195.7 Written agreements
56195.8 Adoption of policies for programs and services
56300-56385 Identification and referral, assessment
56440-56447.1 Programs for individuals between the ages of three and five years
56500-56509 Procedural safeguards, including due process rights
56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5
3000-3100 Regulations governing special education
4600-4671 Uniform complaint procedures

UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42
11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34
99.10-99.22 Inspection, review and procedures for amending education records
104.36 Procedural safeguards
300.1-300.818 Assistance to states for the education of students with disabilities, especially:
300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Management Resources:

FEDERAL REGISTER
Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029

WEB SITES
California Department of Education, Special Education: http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs:
http://www.ed.gov/about/offices/list/osers/osep
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Prior Written Notice

The Santa Clara County Superintendent of Schools or designee shall send to the parents/guardians of any student with disabilities a prior written notice within a reasonable time: (20 USC 1415(c); 34 CFR 300.102, 300.300, 300.503; Education Code 56500.4, 56500.5)

1. Before the Santa Clara County Office of Education initially refers the student for assessment

2. Before SCCOE proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student

3. Before SCCOE refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student

4. Before the student graduates from high school with a regular diploma thus resulting in a change in placement

5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to his/her child

This notice shall include: (20 USC 1415(c); 34 CFR 300.503; Education Code 56500.4)

1. A description of the action proposed or refused by SCCOE

2. An explanation as to why SCCOE proposes or refuses to take the action

3. A description of each assessment procedure, test, record, or report SCCOE used as a basis for the proposed or refused action

4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained

5. Sources for parents/guardians to obtain assistance in understanding these provisions

6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected

(cf. 6159 - Individualized Education Program)
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

7. A description of any other factors relevant to SCCOE proposal or refusal

(cf. 5145.6 - Parental Notifications)

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and: (20 USC 1415(d)(1); 34 CFR 300.504; Education Code 56301)

1. Upon initial referral or parent/guardian request for assessment

2. Upon receipt of the first state compliance complaint in a school year

(cf. 1312.3 - Uniform Complaint Procedures)

3. Upon receipt of the first due process hearing request in a school year

4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when a decision is made to remove a student because of a violation of a code of conduct constituting a change of placement

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

5. Upon request by a parent/guardian

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: (20 USC 1415(d)(2); 34 CFR 300.504; Education Code 56301)

1. Independent educational evaluation

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

2. Prior written notice

3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to his/her child's continued receipt of special education and related services

4. Access to educational records

(cf. 5125 - Student Records)
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for SCCOE to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures

6. The availability of mediation

7. The student's placement during the pendency of any due process complaint

8. Procedures for students who are subject to placement in an interim alternative educational setting

9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense

10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations

11. State-level appeals

12. Civil actions, including the time period in which to file those actions

13. Attorney's fees

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; the right of the parent/guardian and/or the SCCOE to electronically record the proceedings of IEP meetings in accordance with Education Code 56341; and information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind. (Education Code 56321, 56321.5, 56321.6)

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Format of Parent/Guardian Notices

The parents/guardians of a student with a disability shall be provided written notice of their rights in a language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (34 CFR 300.503; Education Code 56341, 56506)

If the native language or other mode of communication of the parent/guardian is not a written language, SCCOE shall take steps to ensure that: (34 CFR 300.503)

1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication.
2. The parent/guardian understands the contents of the notice.
3. There is written evidence that items #1 and #2 have been satisfied.

SCCOE may place a copy of the procedural safeguards notice on the SCCOE web site. (20 USC 1415(d))

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)

Due Process Complaints

A parent/guardian and/or SCCOE may initiate due process hearing procedures whenever: (20 USC 1415(b); Education Code 56501)

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
3. The parent/guardian refuses to consent to an assessment of his/her child.
4. There is a disagreement between a parent/guardian and SCCOE regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION  
(continued)

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: (20 USC 1415(b); 34 CFR 300.508; Education Code 56502)

1. The student's name

2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student

(cf. 6173 - Education for Homeless Children)

3. The name of the school the student attends

4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem

5. A proposed resolution to the problem to the extent known and available to the complaining party at the time

Parties filing a due process complaint shall file their request with the Superintendent of Public Instruction or designated contracted agency. (Education Code 56502)

SCCOE's Response to Due Process Complaints

If SCCOE has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, SCCOE shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415(c)(1); 34 CFR 300.508)

If SCCOE has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, SCCOE shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415(c)(1); 34 CFR 300.508):

1. An explanation of why SCCOE proposed or refused to take the action raised in the complaint

2. A description of other options that the IEP team considered and the reasons that those options were rejected

3. A description of each evaluation procedure, assessment, record, or report SCCOE used as the basis for the proposed or refused action
4. A description of the factors that are relevant to SCCOE proposal or refusal

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, SCCOE shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

Informal Process/Pre-Hearing Mediation Conference

Prior to or upon initiating a due process hearing, the County Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. The County Superintendent or designee shall have the authority to resolve the issue(s). In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. (Education Code 56502)

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)
The Santa Clara County Board of Education may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 4112.23 - Special Education Staff)
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6159 - Individualized Education Program)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

When entering into agreements with nonpublic, nonsectarian schools or agencies, the County Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

Legal Reference: (see next page)
NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

Legal References:

EDUCATION CODE
56034-56035  Definitions of nonpublic, nonsectarian school and agency
56042  Placement not to be recommended by attorney with conflict of interest
56101  Waivers
56163  Certification
56168  Responsibility for education of student in hospital or health facility school
56195.8  Adoption of policies
56360-56369  Implementation of special education
56711  Computation of state aid
56740-56743  Apportionments and reports
56760  Annual budget plan; service proportions
56775.5  Reimbursement of assessment and identification costs

GOVERNMENT CODE
7570-7588  Interagency responsibilities for providing services to children with disabilities, especially:
7572.55  Seriously emotionally disturbed child; out-of-state placement

FAMILY CODE
7911-7912  Interstate compact on placement of children

WELFARE AND INSTITUTIONS CODE
362.2  Out-of-home placement for IEP
727.1  Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5
3001  Definitions
3061-3069  Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20
1400-1487  Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34
300.129-300.148  Children with disabilities in private schools

COURT DECISIONS

Management Resources:

CDE LEGAL ADVISORIES
0317.99  Nonpublic School/Agency Waivers and Reimbursement to Parents

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

WEB SITES
CDE:  http://www.cde.ca.gov
US Department of Education, Office of Special Education and Rehabilitative Services:
http://www.ed.gov/offices/OSERS
NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Placement and Services

Procedures specified in law shall govern the selection of appropriate nonpublic school or agency services.

Contracts with a nonpublic school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Individual services agreements shall be for the length of time for which nonpublic, nonsectarian school services are specified in the student's individualized education program (IEP), not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

(cf. 6159 - Individualized Education Program)

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the Santa Clara County Office of Education to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. The administrative provisions of the contract shall also include procedures for recordkeeping and documentation, and the maintenance of school records by the contracting SCCOE to ensure that appropriate high school graduation credit is received by the student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code 56366)

(cf. 3541.2 - Transportation for Students with Disabilities)

The master contract shall include a description of the process being utilized by SCCOE to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether the student is making appropriate educational progress. (Education Code 56366)

The SCCOE IEP team shall annually review the IEP of a student placed in a nonpublic, nonsectarian school or agency. The student's IEP and contract shall specify the review schedules. (5 CCR 3068)

When a special education student meets the SCCOE requirements for completion of prescribed course of study and adopted differential proficiency standards as designated in the student's IEP, the district which developed the IEP shall award the diploma. (5 CCR 3069)

(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)
APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

In order to protect the rights of students with disabilities, the Santa Clara County Superintendent of Schools or designee shall appoint a surrogate parent to represent a student with disabilities as necessary in accordance with law. He/she shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3515.6 - Criminal Background Checks for Contractors)
(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 4112.23 - Special Education Staff)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)
(cf. 6159 - Individualized Education Program)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

Legal Reference: (see next page)
APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS  (continued)

Legal Reference:

**EDUCATION CODE**
56028  Parent
56050  Surrogate parents
56055  Rights of foster parents

**GOVERNMENT CODE**
7570-7588  Interagency responsibilities for providing services to disabled children, especially:
7579.5  Surrogate parent; appointment; qualifications; liability

**WELFARE AND INSTITUTIONS CODE**
300  Children subject to jurisdiction
361  Limitations on parental control
601  Minors habitually disobedient or truant
602  Minors violating laws
726  Limitations on parental control

**UNITED STATES CODE, TITLE 20**
1400-1482  Individuals with Disabilities Education Act, especially:
1415  Procedural safeguards

**UNITED STATES CODE, TITLE 42**
11434a  Definitions

**CODE OF FEDERAL REGULATIONS, TITLE 34**
300.30  Definition parent
300.519  Surrogate parents

Management Resources:

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

**WEB SITES**
California Department of Education:  http://www.cde.ca.gov
U.S. Department of Education, Office of Special Education and Rehabilitative Services:
http://www.ed.gov/about/offices/list/osers/index.html

Policy  SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010  San Jose, California
APPONITON OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

Conditions Necessitating a Surrogate

The Santa Clara County Superintendent of Schools or designee shall appoint a surrogate parent to represent a student with disabilities under one or more of the following circumstances: (Government Code 7579.5; 20 USC 1415(b)(2); 34 CFR 300.519)

1. No parent/guardian for the student can be identified.
2. The Santa Clara County Office of Education, after reasonable efforts, cannot discover the location of a parent or legal guardian of the student.
3. The student is adjudicated a dependent or ward of the court pursuant to Welfare and Institutions Code 300, 601 or 602 and all of the following conditions are satisfied:
   a. The court has referred the student for special education and related services or the student has a valid individualized education program (IEP)
   b. The court has specifically limited the right of the parent/guardian to make educational decisions for his/her child
   c. The student has no responsible adult to represent him or her pursuant to Welfare and Institutions Code 361 or 726 or Education Code 56055

(cf. 6159 - Individualized Education Program)

4. The student is an unaccompanied homeless youth not in the custody of a parent/guardian, as defined in 42 USC 11434a

(cf. 6173 - Education for Homeless Children)

5. The student has reached the age of majority but has been declared incompetent by a court of law

Appointment of Surrogate Parents

Upon a determination that a student needs a surrogate parent, the County Superintendent or designee shall make reasonable efforts to ensure that the surrogate is appointed within 30 days. (20 USC 1412(b)(2)(B))
When appointing a surrogate parent, the County Superintendent or designee shall give first preference to a relative caretaker, foster parent or court-appointed special advocate, provided any of these individuals exists and is willing and able to serve. If none of these individuals is willing or able to act as a surrogate parent, the County Superintendent or designee shall select the surrogate parent of his/her choice. If the student is moved from the home of the relative caretaker or foster parent who was appointed as the student's surrogate parent, the County Superintendent or designee shall appoint another surrogate parent if a new appointment is necessary to ensure adequate representation of the student. (Government Code 7579.5)

The County Superintendent or designee shall ensure that individuals to be appointed as surrogate parents have passed a criminal background check and have demonstrated interest and skill in working with students with disabilities.

Surrogate parents shall have no interests that conflict with the student's educational interests and shall have knowledge and skills that ensure adequate representation of the student. If a conflict of interest arises after the appointment of a surrogate parent, the County Superintendent or designee shall terminate the appointment and appoint another surrogate parent. (34 CFR 300.519; Government Code 7579.5)

Duties of Surrogate Parent

The surrogate parent shall have all the rights relative to the student's education that a parent has under the Individuals with Disabilities Education Act pursuant to 20 USC 1400-1482 and 34 CFR 300.1-300.818. The surrogate parent may represent the student in all matters relating to identification, assessment, instructional planning and development, educational placement, review and revision of the IEP, and in other matters relating to the provision of a free and appropriate public education. (Education Code 56050; Government Code 7579.5)

In addition, the representation of the surrogate parent shall include the provision of written consent to the IEP including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to Government Code 7570-7588. (Education Code 56050)

Surrogate parents shall volunteer their services to SCCOE and serve without compensation. SCCOE may reimburse them for mileage and other incidental expenses directly associated with their duties as surrogate parents.

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

(cf. 5141 - Health Care and Emergencies)

(cf. 3350 - Travel Expenses)
APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS  (continued)

Surrogate parents shall have access to the student's school records as necessary to fulfill their responsibilities as surrogate parents and in accordance with Board policy and administrative regulation.

(cf. 5125 - Student Records)

Termination of Appointment

The County Superintendent or designee shall terminate the appointment of a surrogate parent under the following conditions:

1. When the student is no longer in need of special education (Government Code 7579.5)

2. When the student reaches 18 years of age, unless he/she chooses not to make education decisions for himself/herself or is deemed by a court to be incompetent (Government Code 7579.5)

3. Another responsible adult is appointed to make educational decisions for the student (Government Code 7579.5)

4. The right of the parent/guardian to make educational decisions for the student is fully restored (Government Code 7579.5)

5. When the surrogate parent no longer satisfies the requirements for appointment as a surrogate parent, as specified above
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

A special education student's behavior shall be subject to the disciplinary measures applicable to all students for such infractions unless it is a serious behavior problem as defined below.

(cf. 5131 - Conduct)
(cf. 5144 - Discipline)

More serious behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

Definitions

**Serious behavioral problems** are behaviors which are self-injurious, assaultive or cause property damage, and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective. (5 CCR 3001)

**Behavioral intervention** is a systematic implementation of procedures that result in lasting positive changes in the individual's behavior. "Behavioral intervention" means the design, implementation and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. Behavioral interventions are designed to provide the individual greater access to a variety of community settings, social contacts and public events and ensure the individual's right to placement in the least restrictive environment, pursuant to the student's IEP. The use of behavioral interventions shall not cause pain or trauma, shall respect the individual's human dignity and personal privacy, and shall assure his/her physical freedom, social interaction and individual choice. (5 CCR 3001)

**Behavioral intervention plan** is a written document which is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the student's IEP.

**Behavioral intervention case manager** is a designated certificated school/ Santa Clara County Office of Education staff member or other qualified personnel contracted by SCCOE, and trained in behavior analysis with emphasis on positive behavioral interventions. (5 CCR 3001)

**Behavioral emergency** is the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective. (5 CCR 3001)
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

Functional Analysis Assessment

When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her IEP, the student's IEP team shall determine whether the instructional/behavioral approaches specified in the student's IEP have proven ineffective. If the IEP team finds that these approaches have been ineffective, a functional analysis assessment shall be conducted. (5 CCR 3052)

(cf. 6159 - Individualized Education Program)

Before a functional analysis assessment begins, parents/guardians shall be notified and consent obtained pursuant to Education Code 56321. No such assessment shall preclude a parent/guardian from requesting a functional analysis assessment on the basis of language and speech disorders or specific learning disabilities. (5 CCR 3052)

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

The functional analysis assessment shall be conducted by, or be under the supervision of, a person with documented training in behavior analysis with an emphasis on positive behavioral interventions. This staff shall: (5 CCR 3052)

1. Observe the targeted inappropriate behavior, its frequency, duration and intensity
2. Observe events immediately preceding the behavior
3. Observe the consequences of the behavior to determine the purpose it serves for the student
4. Analyze the environment in which the behavior most frequently occurs
5. Analyze records for medical and health factors which may influence behavior
6. Review the history of the behavior, including the effectiveness of interventions used in the past

The parent/guardian shall receive a complete written report of the assessment. The report shall include: (5 CCR 3052)

1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

2. A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the behavior and a functional analysis of the behavior across all appropriate settings in which it occurs.

3. A description of the rate of alternative behaviors, their antecedents and consequences.

4. A proposed behavioral intervention plan for consideration by the IEP team.

Behavioral Intervention Plan

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, SCCOE shall implement a behavioral intervention plan in accordance with 34 CFR 300.530, Board policy and administrative regulation.

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

Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. If such a plan is needed, the IEP team shall be expanded to include a behavioral intervention case manager, qualified staff knowledgeable of the student's health needs, and others with expertise as deemed necessary by the parent/guardian, SCCOE, or Special Education Local Plan Area (SELPA). This team shall develop a written behavioral intervention plan which includes: (5 CCR 3001)

1. A summary of relevant and determinative information gathered from the functional analysis assessment.

2. An objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s).

3. The student's goals and objectives specific to the behavioral intervention plan.

4. A detailed description of interventions to be used and the circumstances for their use.

5. Specific schedules for recording the frequency of intervention use and the frequency of the targeted and replacement behaviors, including specific criteria for discontinuing an intervention for lack of effectiveness or replacing it with a specified and identified alternative.

6. Criteria by which the procedure will be faded or phased-out, or less intense/restrictive intervention schedules or techniques that will be used.
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

7. Those behavioral interventions which will be used in the home, residential facility, work site or other noneducational settings

8. Specific dates when the IEP team will periodically review the efficacy of the program

9. The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan

Based on the results of the functional analysis assessment, interventions specified in the plan may include: (5 CCR 3052)

1. Altering the identified antecedent event to prevent the occurrence of the behavior

2. Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior

3. Teaching the student adaptive behaviors which ameliorate negative conditions that promote the display of inappropriate behaviors

4. Manipulating the consequences for the display of inappropriate behaviors and alternative, acceptable behaviors, so that the alternative behaviors more effectively produce desired outcomes

Acceptable responses to targeted behavior may include, but are not limited to, one or more of the following: (5 CCR 3052)

1. The behavior is ignored, but not the student.

2. The student is verbally or verbally and physically redirected to an activity.

3. The student is provided with feedback.

4. The message of the behavior is acknowledged.

5. A brief physical prompt is provided to interrupt or prevent aggression, self-abuse or property destruction.

The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation. (5 CCR 3052)
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in noneducational settings. (5 CCR 3001)

At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team. (5 CCR 3052)

If the IEP team determines that changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and, based on the outcomes, propose changes to the plan. (5 CCR 3052)

The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications without an IEP team meeting. The parent/guardian shall be notified of the need for modification and shall be able to review the existing program evaluation data prior to implementing the modification. Parents/guardians shall be informed of their right to question any modification to the plan through the IEP procedures. (5 CCR 3052)

The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team. (5 CCR 3052)

Emergency Interventions

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans. (5 CCR 3052)

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (5 CCR 3052)

Parents/guardians shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Santa Clara County Superintendent of Schools or designee for review. This report shall include: (5 CCR 3052)
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan
6. Details of any injuries sustained by students or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the County Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional analysis assessment, and determine the necessity for an interim behavioral intervention plan. The IEP team shall document the reasons for not conducting an assessment and/or not developing an interim plan. (5 CCR 3052)

If the behavior emergency report is for a student who has a behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (5 CCR 3052)

Prohibited Interventions

SCCOE prohibits any use of the following: (5 CCR 3052)

1. Any intervention designed or likely to cause physical pain
2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom
4. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

5. Use of any material or objects which simultaneously immobilize all hands and feet, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention

6. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room

7. Any intervention that precludes adequate supervision of the student

8. Any intervention that deprives the student of one or more of his/her senses

9. Force exceeding what is reasonable and necessary under the circumstances

Legal Reference:
EDUCATION CODE
49001 Prohibition of corporal punishment
56321 Notice of parental rights; consent of parents
56500-56508 Procedural safeguards, including due process rights
56520-56524 Behavioral Interventions
CODE OF REGULATIONS, TITLE 5
3001 Definitions
3052 Designated positive behavioral interventions
UNITED STATES CODE, TITLE 20
1412 State eligibility
1415 Procedural safeguards
CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.818 Assistance to states for the education of students with disabilities

Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
EQUIPMENT, BOOKS AND MATERIALS

The Santa Clara County Board of Education recognizes that student learning is enhanced when students have access to high-quality textbooks, equipment and other instructional materials for each of the subjects they are studying. To adequately support the County Board-approved curriculum, instructional materials also should be up to date.

The Santa Clara County Superintendent of Schools or designee shall develop procedures for determining the sufficiency of Santa Clara County Office of Education instructional materials in providing accurate, current information and ensuring that students have access to standards-based materials. When new instructional materials have been chosen in accordance with the SCCOE selection and evaluation policy, the County Board shall make final decisions regarding their purchase.

(cf. 0440 - SCCOE Technology Plan)
(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Legal Reference:
EDUCATION CODE
60010 Definitions
60040-60047 Instructional requirements and materials
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials
60240-60252 State Instructional Materials Fund
60400-60411 High school textbooks
60420-60424 Instructional Materials Funding Realignment Program
CODE OF REGULATIONS, TITLE 5
9505-9532 Instructional materials, especially:
9531-9532 Instructional Materials Funding Realignment Program

Management Resources:
WEB SITES
CDE, Curriculum Frameworks and Instructional Resources Division: http://www.cde.ca.gov/cfir
Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants COE flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the COE may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Santa Clara County Board of Education desires that instructional materials present a broad spectrum of knowledge and viewpoints, reflect the diversity of our society, and enhance the use of multiple teaching strategies and technologies. The County Board shall adopt instructional materials based on a determination that such materials are aligned with the state content standards, meet other criteria specified in law, and are an effective learning resource to help students achieve grade-level competency.

(cf. 6000 - Concepts and Roles)
(cf. 9000 - Role of the Board)

To ensure that instructional materials effectively support the Santa Clara County Office of Education’s adopted courses of study, the selection of textbooks, technology-based materials, other educational materials, and tests shall be aligned with the development and evaluation of the SCCOE curriculum and standards.

(cf. 0440 -SCCOE Technology Plan)
(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6162.5 - Student Assessment)
(cf. 6163.1 - Library Media Centers)

The Santa Clara County Superintendent of Schools or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the County Board. This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members.

All recommended instructional materials shall be available for public inspection at the SCCOE office.

(cf. 5020 - Parent Rights and Responsibilities)

Individuals who participate in selecting and evaluating instructional materials shall not have a conflict of interest in the materials being reviewed, as defined in administrative regulation.

(cf. 9270 - Conflict of Interest)
Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

In accordance with the Instructional Materials Funding Realignment Program, the County Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history/social science. Students in grades K-8 shall be provided with instructional materials adopted by the State Board of Education.

When the County Board determines that standards-aligned textbooks and instructional materials have been provided to all students in accordance with Education Code 60422, it shall so certify. A copy of the certification shall be kept on file in the SCCOE office.

The County Superintendent or designee shall ensure that the SCCOE satisfies the criteria necessary to access funds under the state's Student Textbook and Instructional Materials Incentive Account pursuant to Education Code 60252.

The SCCOE may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the SCCOE curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the County Board before the materials are adopted.

**Public Hearing on Sufficiency of Instructional Materials**

The County Board shall annually conduct one or more public hearings on the sufficiency of the SCCOE's instructional materials. At the hearing(s), the County Board shall determine, through a resolution, whether each student in each school has sufficient textbooks and/or instructional materials that are aligned to the state content standards adopted pursuant to Education Code 60605 in each of the following subjects: (Education Code 60119)

1. Mathematics
2. Science
3. History/social science
4. English language arts, including the English language development component of an adopted program
The County Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks. The County Board shall determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The County Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. The County Superintendent or designee shall post, 10 days prior to the hearing and in three public places within SCCOE, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

If the County Board determines that there are insufficient textbooks and/or instructional materials, the County Board shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks and/or instructional materials. The County Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Legal Reference: (see next page)
SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Legal Reference:

EDUCATION CODE
1240 County Superintendent, general duties
1240.3 Definition of sufficiency for categorical flexibility
33050-33053 General waiver authority
33126 School accountability report card
35272 Education and athletic materials
42605 Tier 3 categorical flexibility
44805 Enforcement of course of studies; use of textbooks, rules and regulations
49415 Maximum textbook weight
51501 Subject matter reflecting on race, color, etc.
60000-60005 Instructional materials, legislative intent
60010 Definitions
60040-60048 Instructional requirements and materials
60060-60062 Requirements for publishers and manufacturers
60070-60076 Prohibited acts (re instructional materials)
60110-60115 Instructional materials on alcohol and drug education
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials
60226 Requirements for publishers and manufacturers
60240-60252 State Instructional Materials Fund
60350-60352 Core reading program instructional materials
60400-60411 High school textbooks
60420-60424 Instructional Materials Funding Realignment Program
60510-60511 Donation for sale of obsolete instructional materials
60605 State content standards

CODE OF REGULATIONS, TITLE 5
9505-9535 Instructional materials, especially:
9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

CSBA PUBLICATIONS

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE
1002.90 Selection of Instructional Materials, CIL: 90/91-02

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Policy
SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: July 15, 2009 San Jose, California
Instruction

AR 6161.1(a)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants COE flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the COE may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

Instructional Materials Funding Realignment Program

The Santa Clara County Office of Education shall use state funds received under the Instructional Materials Funding Realignment Program to ensure that each student is provided with standards-aligned textbooks or instructional materials, in an electronic or hard-bound format, in the core curriculum areas of reading/language arts, mathematics, science, and history-social science. (Education Code 60422, 60422.1)

Instructional materials for grades K-8 shall be selected from the list of standards-aligned materials adopted by the State Board of Education (SBE). Instructional materials for grades 9-12 shall be adopted by the Santa Clara County Board of Education. Standards-aligned materials in each core curriculum area shall be provided to each student at the beginning of the first school term that commences no later than 24 months after those materials are adopted by the SBE or the County Board, as applicable. (Education Code 60422)

(cf. 6011 - Academic Standards)

For grades 9-12, the Santa Clara County Superintendent of Schools or designee shall review instructional materials in history-social science, mathematics, reading/language arts, and science using a standards map in order to determine the extent to which the materials are aligned to the content standards adopted by the SBE.

After the County Board has certified that all students have been provided with standards-aligned instructional materials in the core curriculum areas, SCCOE may use any remaining program funds for the purposes specified in Education Code 60242. (Education Code 60119, 60422)

Criteria for Selection and Adoption of Instructional Materials

Instructional materials adopted by the County Board shall:

1. For basic instructional materials in grades K-8, be selected from among the list of materials approved by the SBE in accordance with law (Education Code 60200)

(cf. 1431 - Waivers)
SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS  (continued)

2. For instructional materials in high schools, be provided by publishers who comply with the requirements of Education Code 60040-60048, 60060-60062, and 60226 (Education Code 60400)

3. Not reflect adversely upon persons because of their race, color, creed, national origin, ancestry, sex, disability, or occupation, or contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 60044)

4. To the satisfaction of the County Board, be accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels (Education Code 60045)

5. With the exception of literature and trade books, use proper grammar and spelling (Education Code 60045)

6. Not provide any exposure to a commercial brand name, product, or corporate or company logo unless the County Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60200, 60048)
   a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by the SBE.
   b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.

7. Meet the requirements of Education Code 60040-60043 for specific subject content

8. Support the SCCOE adopted courses of study and curricular goals

  (cf. 6141 - Curriculum Development and Evaluation)
  (cf. 6143 - Courses of Study)

9. Contribute to a comprehensive, balanced curriculum

10. Demonstrate reliable quality of scholarship as evidenced by:
   a. Accurate, up-to-date, and well-documented information
   b. Objective presentation of diverse viewpoints
   c. Clear, concise writing and appropriate vocabulary
d. Thorough treatment of subject

11. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels

12. Include materials that stimulate discussion of contemporary issues and improve students' thinking and decision-making skills

13. Contribute to the proper articulation of instruction through grade levels

14. As appropriate, have corresponding versions available in languages other than English

15. Include high-quality teacher's guides

16. Meet high standards in terms of the quality, durability, and appearance of paper, binding, text, and graphics

17. When available from the publishers, include options for lighter weight materials in order to help minimize any injury to students by the combined weight of instructional materials

**Instructional Materials Evaluation Committee**

The County Superintendent or designee may establish an instructional materials evaluation committee to evaluate and recommend instructional materials for Board approval. This committee shall substantially be composed of teachers and may also include administrators, other staff who have subject-matter expertise, parents/guardians, community members, and students as appropriate.

*(cf. 1220 - Citizen Advisory Committees)*

The committee shall review instructional materials using criteria provided above and in law, and shall provide the County Board with documentation supporting its recommendations.

**Conflict of Interest**

To ensure integrity and impartiality in the evaluation and selection of instructional materials, any SCCOE employee participating in the evaluation of instructional materials shall not:

1. Accept any emolument, money, or other valuable thing or inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)
Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)  

(cf. 9270 - Conflict of Interest)  

2. Be employed by or receive compensation from any person, firm, organization, or any of its subsidiaries or controlling entities submitting instructional materials to the SCCOE  

3. Have or negotiate a contractual relationship with any person, firm, or organization or any of its subsidiaries or controlling entities submitting instructional materials to the SCCOE  

4. Have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the SCCOE
Resolution on Sufficiency of Textbooks or Instructional Materials

Whereas, the Santa Clara County Board of Education, in order to comply with the requirements of Education Code 60119, held a public hearing on (date), at (time) o'clock, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

Whereas, the County Board provided at least 10 days notice of the public hearing by posting it in at least three public places within the Santa Clara County Office of Education stating the time, place, and purpose of the hearing, and;

Whereas, the County Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

Whereas, information provided at the public hearing detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the SCCOE programs, and;

Whereas, the definition of "sufficient textbooks or instructional materials" means that each student, including English learners, has a textbook or instructional materials, or both, to use in class and to take home, and;

Whereas between the 2008-09 through the 2012-13 fiscal years, the definition of "sufficient textbooks or instructional materials" also means that all students who are enrolled in the same course within SCCOE, have standards-aligned textbooks or instructional materials from the same adoption cycle, and;

Finding of Sufficient Instructional Materials

Whereas, sufficient textbooks and instructional materials were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

- Mathematics:  (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)

- Science:  (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)
SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

- History-social science: (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)

- English/language arts, including the English language development component of an adopted program: (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)

Note: The Board must also include a written determination for the following subject areas, though these determinations are not a condition for receipt of instructional materials funds.

Whereas, sufficient textbooks or instructional materials were provided to each student enrolled in foreign language or health classes, and;

Whereas, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive;

Therefore, it is resolved that for the _________ school year, SCCOE, has provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

Finding of Insufficient Instructional Materials

Whereas, information provided at the public hearing and to the County Board at the public meeting detailed that insufficient textbooks or instructional materials were provided to students in the following subjects and grade levels at SCCOE schools: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in mathematics, science, history-social science, English/language arts, foreign language, and health.)

Whereas, sufficient textbooks or instructional materials were not provided at each school listed above due to the following reasons: (For each school at which there is an insufficiency, list the reasons why each student does not have sufficient instructional materials in each subject and grade level listed above.)

Therefore, it is resolved, that for the _________ school year, SCCOE has not provided each student with sufficient textbooks and instructional materials consistent with the cycles and content of the curriculum framework, and;
SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS  (continued)

Be it further resolved, that the following actions will be taken to ensure that all students have sufficient textbooks or instructional materials in all subjects that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which this determination is made. (List actions to be taken to resolve insufficiency. See Education Code 60119(a)(2)(B) for other funds that may be used to ensure sufficient instructional materials.)

PASSED AND ADOPTED THIS _____ day of __________, ______ at a meeting, by the following vote:

AYES:______  NOES:______  ABSENT:______

Attest:

____________________________  _______________________
Secretary  President
SUPPLEMENTARY INSTRUCTIONAL MATERIALS

The Santa Clara County Board of Education encourages teachers to use supplementary instructional materials which are relevant to curriculum objectives and compatible with Santa Clara County Office of Education goals and objectives. By using such materials, teachers can introduce content and instructional strategies that enrich the curriculum, enhance learning, help students make critical judgments, and stimulate their intellectual growth.

Teachers shall carefully preview all supplementary instructional materials in order to ensure that, in their professional judgment, the materials are:

1. Directly related to the course of study in which they are being used
2. Appropriate for students' ages and maturity levels

Supplementary instructional materials must also be consistent with criteria developed for the selection and evaluation of other instructional materials. If the teacher believes that the materials may be in conflict with SCCOE criteria, the teacher shall confer with the principal or designee before using them.

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

When using supplementary materials, teachers shall provide appropriate introductory and follow-up activities. In addition, teachers shall ensure that supplementary materials do not supplant the use of basic texts or teaching activities.

All materials must be used within legal copyright limits.

(cf. 6162.6 - Use of Copyrighted Materials)

Visual Media

When a teacher desires to utilize a video media that has not been approved by SCCOE for use in the grade level taught, the teacher shall preview the media to determine whether in his/her professional judgment it is consistent with SCCOE criteria for the selection of instructional materials. All visual media must be appropriate for the curriculum and the students' ages.

If the teacher has any questions about how established SCCOE criteria apply to the media, he/she shall confer with the principal or designee before showing any visual media.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)  
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)  
(cf. 6144 - Controversial Issues)

Legal Reference: (see next page)
SUPPLEMENTARY INSTRUCTIONAL MATERIALS  (continued)

Legal Reference:

EDUCATION CODE
233.5 Duty re instruction in morals, manners and citizenship
18111 Exclusion of books by governing board
51510 Prohibited study or supplemental materials
51511 Religious matters properly included
51933 Sex education materials
60010 Definitions
COURT DECISIONS
DAMAGED OR LOST INSTRUCTIONAL MATERIALS

The Santa Clara County Board of Education recognizes that instructional materials are an expensive resource and that each student is entitled to sufficient instructional materials in accordance with law. Instructional materials provided for use by students remain the property of the Santa Clara County Office of Education. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3260 - Fees and Charges)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

When materials are lost or so damaged that they are no longer usable, the student shall be immediately issued a replacement material. However, students or parents/guardians shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Santa Clara County Superintendent of Schools or designee shall determine an appropriate charge.

If it can be demonstrated to the County Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the County Superintendent or designee may excuse the student or parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/guardian, SCCOE may withhold the student's grades, diploma and transcripts in accordance with law, Board policy, and administrative regulation.

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 5131.5 - Vandalism and Graffiti)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

EDUCATION CODE
48904 Willful misconduct; limit of liability of parent or guardian
48904.3 Withholding grades, diplomas or transcripts of students causing property damage or injury
60119 Public hearing on sufficiency of materials
60411 Purchase and use; property of district

CIVIL CODE
1714.1 Liability of parent or guardian for act of willful misconduct by a minor

CODE OF REGULATIONS, TITLE 5
305 Student responsible for care of property

Management Resources:
WEB SITES
California Department of Education: http://www.cde.ca.gov
The Santa Clara County Board of Education (County Board) recognizes that state achievement test results provide an indication of student progress in achieving state academic standards and may be used to promote high-quality teaching and learning. The Santa Clara County Superintendent of Schools (County Superintendent) or designee shall administer mandatory student assessments within the California Assessment of Student Performance and Progress (CAASPP) as required by law and in accordance with Board policy and administrative regulation.

(cf. 6011 - Academic Standards)
(cf. 6162.54 - Test Integrity/Test Preparation)

The County Board strongly encourages all students at the applicable grade levels to participate in the state assessments in order to maximize the usefulness of the data and enable the SCCOE to meet participation levels required for state and federal accountability systems. The County Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

(cf. 0520.2 - Title I Program Improvement Schools)

The County Superintendent shall annually examine the state assessment results by site, grade level, and student subgroup in order to revise the local control and accountability plan and other SCCOE or school plans as necessary to improve student achievement for underperforming student groups.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:
EDUCATION CODE
49076 Student records; access
51041 Evaluation of educational program
52052 Academic Performance Index; numerically significant student subgroups
52060-52077 Local control and accountability plan
56345 Individualized education program, contents
60600-60630 Assessment of academic achievement
60640-60649 California Assessment of Student Performance and Progress 60660-60663
Electronic learning assessment resources
60810  Assessment of language development
99300-99301  Early Assessment Program
CODE OF REGULATIONS, TITLE 5
850-864  State Assessments
UNITED STATES CODE, TITLE 20
1412(a)(17)  Participation of students with disabilities in state assessments
6311  Adequate yearly progress
CODE OF FEDERAL REGULATIONS, TITLE 34
200.1  Standards and assessment

Management Resources:
CSBA PUBLICATIONS
Supporting Student Achievement: Student Assessment System in Flux, Governance Brief, June 2013
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Assembly Bill 484 Questions and Answers
CALIFORNIA STATE UNIVERSITY PUBLICATIONS
The Early Assessment Program: Handbook for School Site Leaders, 2008
SMARTER BALANCED ASSESSMENT CONSORTIUM PUBLICATIONS
Usability, Accessibility, and Accommodations Guidelines, September 2013
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
WEB SITES
CSBA:  http://www.csba.org
California State University, Early Assessment Program: http://www.calstate.edu/eap
Smarter Balanced Assessment Consortium:  http://www.smarterbalanced.org
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy
adopted:  October 20, 2010
revised:  October 15, 2014

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
HIGH SCHOOL EXIT EXAMINATION

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants COE flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the COE may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

The Santa Clara County Board of Education desires to ensure that Santa Clara County Office of Education students who graduate from high school can demonstrate grade-level competency in reading, writing, and mathematics and are given the opportunity to learn the subjects covered in the high school exit examination required for high school graduation.

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.5 - Student Assessment)
(cf. 6162.54 - Test Integrity/Test Preparation)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)

The Santa Clara County Superintendent of Schools or designee shall ensure that SCCOE programs and services, including, but not limited to, instructional materials, staff development, and remediation programs, are aligned with the exit exam.

The County Superintendent or designee shall administer the exit exam in accordance with law. (Education Code 60850)

Students may be allowed to take the exit exam with variations, accommodations, or modifications in accordance with law and administrative regulation.

Legal Reference: (see next page)
HIGH SCHOOL EXIT EXAMINATION (continued)

Legal Reference:

EDUCATION CODE
35146 Closed sessions
35186 Williams Uniform Complaint Procedures
37252-37254.1 Supplemental instruction
51041 Evaluation of educational program
52378 Supplemental school counseling program
56026 Individuals with exceptional needs
56101 Waiver of code or regulation
60810 Assessment of language development
60850-60859 Exit examination

CODE OF REGULATIONS, TITLE 5
1200-1225 High school exit examination

UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34
300.503 Prior notice

COURT DECISIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Independent Evaluation of the California High School Exit Examination (CAHSEE), Annual Reports,
Human Resources Research Organization

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for
Educators and Policy-Makers, December 2001

WEB SITES
CSBA: http://www.csba.org
California Department of Education, California High School Exit Examination:
http://www.cde.ca.gov/ta/tg/hs/index.asp
Educational Testing Service: http://www.ets.org/cahsee
U.S. Department of Education, Office for Civil Rights:
http://www.ed.gov/about/offices/list/ocr/index.html

Policy adopted: July 15, 2009

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
HIGH SCHOOL EXIT EXAMINATION

Definitions

*Variation* means a change in the manner in which the test is presented or administered or in how a student is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code 60850. (5 CCR 1200)

*Accommodation* means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. (Education Code 60850)

*Modification* means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores. (Education Code 60850)

Test Site Coordinators

On or before July 1 of each school year, the Santa Clara County Superintendent of Schools shall designate a high school exit examination coordinator from among employees and shall notify the test contractor of the identity and contact information of the coordinator. The coordinators or County Superintendent or designee shall be available throughout the year, shall serve as the liaison between Santa Clara County Office of Education and the California Department of Education (CDE) for all matters related to the exit exam, and shall perform additional duties specified in 5 CCR 1209-1211.5. (5 CCR 1209)

Annually, the coordinators or County Superintendent or designee shall designate a test site coordinator for each test site to fulfill the responsibilities specified in 5 CCR 1210-1211.5. (5 CCR 1210)

All test site coordinators shall sign a test security affidavit/agreement pursuant to 5 CCR 1211.5.

Access to exam materials shall be limited to students taking the exit exam and individuals who have signed the test security affidavit, including employees directly responsible for test administration. All test site coordinators shall be responsible for inventory control. (5 CCR 1211)

Administration

The County Superintendent or designee shall administer the exit exam in each SCCOE high school on the dates designated by the Superintendent of Public Instruction as exam days or make-up days. (Education Code 60851)

The exit exam shall be administered as follows: (Education Code 60851, 60852.3; 5 CCR 1204, 1204.5)
HIGH SCHOOL EXIT EXAMINATION  (continued)

1. Students in grade 10, including students with disabilities who are otherwise exempt from the requirements of the exam, shall take each section of the exit exam once during the school year, either during the grade 10 census administration or the SCCOE-designated grade 10 make-up administration.

2. Students in grade 11 who have not yet passed one or both sections of the exit exam shall have up to two opportunities during the school year to take the section(s) of the exam not yet passed and may elect to take the exam during these opportunities. These students may be tested in successive administrations within a school year. Students should be offered appropriate remediation or supplemental instruction before being retested.

3. Students in grade 12 shall have at least three opportunities to take the section(s) of the exit exam not yet passed. Students in grade 12 may elect to take the exam up to five times during the school year and may take the exam in successive administrations. Students should be offered appropriate remediation or supplemental instruction before being retested.

(cf. 6179 - Supplemental Instruction)

4. Adult education students shall have up to three opportunities per year to take the section(s) of the exit exam not yet passed and may elect to take the exam during these opportunities. Students should be offered appropriate remediation or supplemental instruction before being retested.

(cf. 6200 - Adult Education)

If a student does not possess sufficient English language skills to be assessed on the exit exam, the County Superintendent or designee may defer the exam requirement for a period of up to 24 calendar months of enrollment in the California public school system until the student has completed six months of instruction in reading, writing, and comprehension in the English language. (Education Code 60852)

(cf. 6174 - Education for English Learners)

Test administrators at the test sites shall be responsible for the accurate identification of eligible students to whom the exit exam is to be administered. This identification shall be made through the use of photo identification or positive recognition by an employee of the SCCOE. (5 CCR 1203)

Any student found to have cheated, assisted others in cheating, or compromised the security of the exit exam shall not receive a score from that test administration. (5 CCR 1220)

(cf. 5131.9 - Academic Honesty)
HIGH SCHOOL EXIT EXAMINATION  (continued)

(cf. 6162.54 - Test Integrity/Test Preparation)

Testing Variations for All Students

The County Superintendent or designee may provide any student taking the exit exam with extra time within a testing day, simplified or clarified test directions (but not test questions), student marks (other than responses) including highlighting in test booklets, and/or testing in a small group setting.  (5 CCR 1215)

A student may also be provided the following testing variations if they are regularly used in the classroom:  (5 CCR 1215)

1. Special lighting, special acoustics, or special or adaptive furniture
2. Visual magnifying or audio amplification equipment
3. Noise buffers (e.g., an individual carrel or study enclosure)
4. Testing of individual students in a separate room provided that the student is directly supervised by an employee who has signed the test security affidavit
5. Colored overlay, mask, or other means to maintain visual attention to the exam or test items
6. Manually Coded English or American Sign Language to present test administration directions

At least 30 working days before the proposed administration of the exit exam, the County Superintendent or designee shall submit a request to the CDE for a case-by-case review of a proposed variation that is not specified in law. The request shall include a description of the requested variation(s) and, if applicable, a certification that the student's individualized education program (IEP) or Section 504 plan specifies that the requested variation is appropriate and necessary to access the exam due to the student's identified disability(ies) and that such variation is currently listed in his/her IEP or Section 504 plan.  (5 CCR 1218)

Testing Variations for English Language Learners

In addition to testing variations allowed for all students, identified English language learners may be allowed the following testing variations if regularly used in the classroom or for assessments:  (5 CCR 1217)
HIGH SCHOOL EXIT EXAMINATION  (continued)

1. Flexible setting: English language learners may have the opportunity to be tested in a separate room with other English language learners provided that the students are directly supervised by an employee who has signed the test security affidavit.

2. Flexible schedule: English learners may have additional supervised breaks within a testing day.

3. Flexible time: English learners may have extra time on the exam within a testing day.

4. Translated directions: English learners may have the opportunity to hear the test directions printed in the test contractor's manual translated into their primary language. English learners may have the opportunity to ask clarifying questions about the test directions in their primary language.

5. Glossaries: English learners may have access to translation glossaries (English to primary language and/or primary language to English). The glossaries are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries shall include no definitions, formulas, or parts of speech.

Accommodations/Modifications for Students with Disabilities

A student with disabilities shall be permitted to take the exit exam with accommodations or modifications when the student's IEP or his/her Section 504 plan specifies their use on the exit exam, for standardized testing, or during classroom instruction and assessments. (Education Code 60850; 5 CCR 1215.5, 1216)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

The use of accommodations shall not invalidate a student's test score(s). Accommodations may include: (5 CCR 1215.5)

1. Presentation accommodations, including large-print versions in 20-point font, exam items enlarged if larger than 20-point font is required, Braille transcriptions provided by the test contractor, audio or oral presentation of the mathematics section of the exam, or use of Manually Coded English or American Sign Language to present test questions on the mathematics section of the exam or any prompts or passages present in the writing task
HIGH SCHOOL EXIT EXAMINATION  (continued)

2. Response accommodations, including responses marked in the test booklet and transferred to the answer document by an employee who has signed the test security affidavit; responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe for selected-response items (e.g., multiple-choice test questions); responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter on the writing portion of the exam and the student indicates all spelling and language conventions; word processing software with spell and grammar check tools turned off on the writing portion of the exam; or an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the exit exam.

3. Scheduling/timing accommodations, including testing over more than one day after consultation with the test contractor, supervised breaks within a section of the exam, and administration of the exam at the most beneficial time of day to the student after consultation with the test contractor.

4. Setting accommodations, including tests administered by a test examiner to a student at home or in the hospital.

For purposes of receiving a high school diploma, the use of modifications shall invalidate a student's test score for the section of the exam for which the modification(s) were used. If the score is equivalent to a passing score, the student may be eligible for a waiver, as detailed below. Modifications may include: (5 CCR 1216)

1. Arithmetic table or formulas, calculators, or math manipulatives on the mathematics section of the exit exam.

2. Audio or oral presentation of the multiple-choice portion of the English language arts section of the exit exam.

3. Manually Coded English or American Sign Language to present the multiple-choice portion on the English language arts section of the exit exam.

4. Spell checkers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the exit exam.

5. Mechanical or electronic devices or other assistive devices that are not used solely to record the student's responses, including, but not limited to, transcribers, scribes, voice recognition or voice-to-text software, and that identify a potential error in the student's response or that correct spelling, grammar, or conventions on the writing portion of the exit exam.
HIGH SCHOOL EXIT EXAMINATION (continued)

6. Responses dictated orally, in Manually Coded English, or in American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions.

7. Dictionary on any section of the exam.

Exemption for Students with Disabilities Beginning in 2009-10

SCCOE shall grant a diploma to a student with a disability who has not passed the exit exam if all of the following criteria are satisfied: (Education Code 60852.3)

1. The student has an IEP or Section 504 plan.

2. The IEP or 504 plan states that the student is scheduled to receive a high school diploma.

3. The student has satisfied or will satisfy all other state and SCCOE requirements for the receipt of a high school diploma on or after July 1, 2009.

Waiver for Students with Disabilities

When a student with disabilities has taken any section of the exit exam with one or more modifications and has received the equivalent of a passing score, his/her parent/guardian may request that the student receive a waiver of the requirement to successfully pass the exam. Upon receipt of such request, the principal shall submit a request for a waiver to the Santa Clara County Board of Education. The County Board may waive the requirement to successfully pass the exit exam if the principal certifies that the student has all of the following: (Education Code 60851)

1. An IEP or Section 504 plan in place that requires the accommodations or modifications to be provided to the student when taking the exit exam.

2. Sufficient high school level coursework either satisfactorily completed or in progress in the high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam.

3. An individual score report showing that the student has received the equivalent of a passing score on the exit exam while using a modification that fundamentally alters what the exam measures as determined by the State Board of Education.

In order to protect the student's privacy rights, the waiver request shall be considered in closed session. Final Board action on the waiver request shall be taken in open session and shall be a matter of public record. The student's name shall not be disclosed in open session.
HIGH SCHOOL EXIT EXAMINATION (continued)

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

The principal or designee shall notify parents/guardians of students with disabilities about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

Each year, the County Superintendent or designee shall provide the CDE with data regarding students with disabilities and the SCCOE waiver process as specified in 5 CCR 1207.1.

Records

The County Superintendent or designee shall maintain a summary data file of all students who participate in each test administration. This summary data file shall include the following information for the English language arts section and the mathematics section for each administration: (5 CCR 1205)

1. The date on which each section of the exam was taken
2. The full name of each student who took each section of the exam
3. The grade level of each student at the time each section of the exam was taken
4. Whether each student has satisfied the requirement to successfully pass each section of the exam

In addition, the County Superintendent or designee shall provide the test contractor with the student demographic information specified in 5 CCR 1207.

Within 60 days of receiving electronic data files from the test contractor, the County Superintendent or designee shall enter the following information in each student's permanent record: (5 CCR 1206)

1. The date on which the student took each section of the exam
2. Whether the student has satisfied the requirement to successfully pass each section of the exam

(cf. 5125 - Student Records)
HIGH SCHOOL EXIT EXAMINATION  (continued)

Notifications

At the beginning of each school year, the County Superintendent or designee shall provide written notification of the exit exam requirement to all students in grades 9-12 and to their parents/guardians. Such notification shall also be provided to any student who transfers into the SCCOE after the beginning of the school year at the time of the student's transfer. The notification shall include, at a minimum, the date of the exam, the requirements for passing the exam, and the consequences of not passing the exam, and shall inform the parent/guardian that passing the exam is a condition of graduation. The County Superintendent or designee shall maintain documentation that the parent/guardian of each student has been sent this written notification. (Education Code 48980, 60850; 5 CCR 1208)

(cf. 5145.6 - Parental Notifications)
(cf. 6146.1 - High School Graduation Requirements)

Prior to each administration of the exit exam, the County Superintendent or designee shall notify students of the provisions of 5 CCR 1220 related to the consequences of cheating. (5 CCR 1220)
HIGH SCHOOL EXIT EXAMINATION

Parent/Guardian Request for Waiver of the High School Exit Examination Requirement for a Student with Disabilities

Please return the completed form to the principal of your child's high school. My child, [name] is a student with disabilities attending [high school]. He/she has taken the high school exit examination with modifications that alter what the test measures and has received the equivalent of a passing score on one or more parts of the exam.

I hereby request that the principal submit a request to the Santa Clara County Board of Education for a waiver of the requirement that my child successfully pass the exit examination in order to receive a high school diploma. I understand that, in order to receive such a waiver, state law requires that my child have all of the following:

1. An individualized education program (IEP) adopted pursuant to the Individuals with Disabilities Education Act or a plan adopted pursuant to Section 504 of the Rehabilitation Act of 1973 that specifies the use of the modification(s) on the exit exam, standardized testing, or classroom instruction and assessments

2. Sufficient high school level coursework either satisfactorily completed or in progress in the Santa Clara County Office of Education high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam

3. An individual score report showing that my child has received the equivalent of a passing score on the exam while using a modification that fundamentally alters what the exit exam measures as determined by the State Board of Education

I hereby certify that, to the best of my knowledge, my child satisfies the conditions listed above.

Parent/Guardian Signature: ___________________________ Date: ___________________
Pursuant to Education Code 60851, the parent/guardian of [student's name], a child with disabilities, has requested that the Santa Clara County Board of Education waive the requirement that his/her child successfully pass the high school exit examination in order to receive a diploma from [high school name]. His/her child has taken the high school exit exam with one or more modifications that fundamentally alter what the test measures as determined by the State Board of Education, and has achieved the equivalent of a passing score on one or both parts of the exam.

I certify that the student qualifies for a waiver because he/she satisfies all of the following conditions:

1. Has an individualized education program (IEP) adopted pursuant to the Individuals with Disabilities Education Act or Section 504 plan that specifies the use of the modification(s) on the exit exam, standardized testing or classroom instruction and assessments. *(Attach the IEP or Section 504 plan that indicates the modification needed to participate and access the high school exit exam.)*

   a. Describe the nature of the student's disability as identified on the IEP or Section 504 plan:

   b. Describe any modification(s) used on the English/language arts section of the exam:

   c. Describe any modification(s) used on the mathematics section of the exam:

   d. List the rationale as to why the modification used was necessary to allow the student to access the test:

   e. Describe the accommodations/modifications that the student regularly uses for English/language arts in the classroom and on other assessments:

   f. Describe the accommodations/modifications that the student regularly uses for mathematics in the classroom and on other assessments:
HIGH SCHOOL EXIT EXAMINATION (continued)

2. Has sufficient high school level coursework either satisfactorily completed or in progress in the high school curriculum sufficient to have attained the skill and knowledge otherwise needed to pass the high school exit examination. *(Attach transcript showing coursework completed.)*

Summarize the student's academic preparation and performance in the subject areas of English/language arts and/or mathematics (depending on the subject of the waiver request) that demonstrate high school level achievement:

3. Has an individual score report showing that he/she has achieved the equivalent of a passing score on the exit exam (350 or more points) using a modification that fundamentally alters what the exam measures. *(Attach a copy of the exit exam Student and Parent Report showing "equivalent of a passing score" in either the English/language arts/and/or math portion of the exam.)*

Certified by: [principal's signature]________________________ Date:______________
The Santa Clara County Board of Education recognizes that SCCOE staff and students may use a variety of copyrighted materials in the educational program and other SCCOE operations. When such materials have not been purchased by the SCCOE for the intended use, the County Board expects staff and students to respect the protections afforded by federal law to the copyright owners of those materials and respect any limitations by the copyright holder to the license of such materials.

Any literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, audiovisual or motion picture, sound, architectural, or other original work shall be assumed to be a copyrighted work, regardless of whether the work appears in print, audio, video, electronic, or other fixed and tangible form.

Before reproducing a copyrighted material for instructional or other SCCOE purposes, a staff member shall determine if the material is in the public domain or if the intended use of the material meets the criteria for fair use or another exception pursuant to 17 USC 107-122. If the material is not in the public domain or no recognized exception applies, the staff member shall seek permission of the copyright holder before using the material.

The Santa Clara County Superintendent of Schools or designee shall inform staff that inclusion of an attribution citing the author and source of a copyrighted material does not absolve the staff member from the responsibility to either obtain permission or satisfy criteria for fair use or another exception.

If a staff member is uncertain as to whether the intended use of the material meets the criteria for fair use or another exception, he/she shall take the safest course and seek permission from the copyright holder to use the material or, if it is impracticable to obtain permission, shall contact the Superintendent or designee for clarification and assistance. Students shall not copy or distribute copyrighted works to others. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school
equipment.

(cf. 3300 - Expenditures and Purchases)
(cf. 3312 - Contracts)
(cf. 6163.4 - Student Use of Technology)

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

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

Legal Reference:
EDUCATION CODE
35182  Computer software
UNITED STATES CODE, TITLE 17
101-122  Subject matter and scope of copyright, especially:
102  Definitions
106  Copyright protection
107  Fair use of copyrighted works
110  Limitations on exclusive rights: Exemption of certain performances and displays
504  Penalties for copyright infringement
COURT DECISIONS
Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

Management Resources:
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Copyright Law: Do Schools Need a License to Show a Movie?, School Law Review, July 2010
U.S. COPYRIGHT OFFICE PUBLICATIONS
Circular 22: How to Investigate the Copyright Status of a Work, rev. 2013
Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office, rev. 2012

Policy  SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010  San Jose, California
Revised: January 15, 2014
USE OF COPYRIGHTED MATERIALS

Each employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the principal/designee may request permission to reproduce the material from its copyright holders.

Requests for permission to use copyrighted materials shall include the following information:

1. Title, author(s), editor(s) or publisher, producer(s) or distributor.
2. Edition, copyright and/or production year.
3. Exact amount of material to be used (i.e., lines, pages, running time, etc.).
4. Nature of the use (i.e., how many times, when and with whom the material will be used).
5. Number of copies to be made.
6. How the material will be reproduced.
7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

The following guidelines differentiate between permitted and prohibited uses of printed material, sheet and recorded music, videotapes, films, filmstrips or slide programs, off-air taping (radio or television), and computer software.

Printed Materials

Permitted Uses:

1. Single copies at the request of an individual teacher:
   b. An article from a magazine or newspaper.
   c. A short story, short essay or short poem, whether or not from a collective work.
   d. A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine or newspaper.
USE OF COPYRIGHTED MATERIALS  (continued)

2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
   a. A complete poem if less than 250 words and if printed on not more than two pages.
   b. An excerpt from a longer poem, not to exceed 250 words.
   c. A complete article, story or essay of less than 2,500 words.
   d. An excerpt from a larger prose work not to exceed 10 percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
   e. One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

Prohibited Uses:

1. Copying more than one work or two excerpts from a single author during one class term.

2. Copying more than three works from a collective work or periodical volume during one class term.

3. Copying materials for more than one course in the school where the copies are made.

4. More than nine sets of multiple copies for distribution to students in one class term.

5. Copying used to create, replace or substitute for anthologies or collective works.

6. Copying of "consumable" works such as workbooks, standardized tests, answer sheets, etc.

7. Copying that substitutes for the purchase of books, publishers' reprints or periodicals.

8. Repeated copying of the same item by the same teacher from term to term.
USE OF COPYRIGHTED MATERIALS (continued)

The above prohibitions do not apply to current news magazines and newspapers.

Videotapes, Films, Filmstrips or Slide Programs

Permitted Uses:

1. A single copy of a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.

2. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.

3. Selected slides may be reproduced from a series if reproduction does not exceed 10% of the total or excerpt the essence of the work.

4. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed 10% of photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.

5. A single overhead transparency may be created from a single page of a "consumable" workbook.

6. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed 10% of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.

Prohibited Uses:

1. Reproduction of an audiovisual work in its entirety.

2. Conversion from one media format to another, e.g., film to videotape, unless permission is secured.

3. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as the copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film via closed-circuit television outside the building is not permitted.
USE OF COPYRIGHTED MATERIALS (continued)

Radio - Off-Air Taping

Permitted Uses:

1. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.

2. Copies of broadcasts by national public radio may be made by SCCOE employees and retained for an indefinite period for educational purposes.

Prohibited Uses:

Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music), is governed by the same copyright laws that apply to off-air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

Television - Off-Air Taping

Permitted Uses:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.

2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first 10 consecutive school days in the 45 calendar-day retention period.

3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
USE OF COPYRIGHTED MATERIALS  (continued)

5. After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes; i.e., to determine whether or not to include the broadcast program in the teaching curriculum; they may not be used for student exhibition or any other nonevaluation purpose without authorization.

6. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

Prohibited Uses:

1. Off-air recording in anticipation of teacher requests.

2. Using the recording for instruction after the 10-day use period.

3. Holding the recording for weeks or indefinitely because:
   a. Units needing the program concepts are not taught within the 10-day use period.
   b. An interruption or technical problems delayed its use.
   c. Another teacher wishes to use it, or for any other supposedly "legitimate" educational reason.

4. On occasion a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.

5. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

Software Copyright

Permitted Uses:

Copies of Santa Clara County Office of Education -owned software may be made only when:

1. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
USE OF COPYRIGHTED MATERIALS (continued)

2. The copy is used for archival or "backup" purposes. This copy may be held only as a
file copy and must be destroyed when the program is no longer rightfully owned by
SCCOE unless the copyright owner authorizes its sale, lease or transfer as part of the
sale, lease or transfer of the original program. (17 USC 117)

Prohibited Uses:

1. Copies of copyrighted programs may not be made for any purpose other than the two
permitted above.

2. When permission is obtained from the copyright holder to use software on a disk-
sharing system, efforts will be made to secure software from copying.

3. Illegal copies of copyrighted programs shall not be made or used on school
equipment.

(cf. 4132/4232/4332 - Publication or Creation of Materials)
STUDENT USE OF TECHNOLOGY

The Santa Clara County Board of Education intends that technological resources provided by the Santa Clara County Office of Education be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

(cf. 0440 - SCCOE Technology Plan)
(cf. 1113 - SCCOE Web Sites)
(cf. 4040 - Employee Use of Technology)
(cf. 5131 - Conduct)
(cf. 6163.1 - Library Media Centers)

The Santa Clara County Superintendent of Schools or designee shall notify students and parents/guardians about authorized uses of SCCOE computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with SCCOE regulations and the Acceptable Use Agreement.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.12 - Search and Seizure)

Before a student is authorized to use the SCCOE technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold SCCOE or any SCCOE staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless SCCOE personnel for any damages or costs incurred.

(cf. 6162.6 - Use of Copyrighted Materials)

The County Superintendent or designee, with input from students and appropriate staff, shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the SCCOE technological resources and to help ensure that SCCOE adapts to changing technologies and circumstances.

Use of SCCOE Computers for Online Services/Internet Access

The County Superintendent or designee shall ensure that all SCCOE computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)
To reinforce these measures, the County Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The County Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

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

Student use of SCCOE computers to access social networking sites is prohibited. To the extent possible, the County Superintendent or designee shall block access to such sites on SCCOE computers with Internet access.

Legal Reference: (see next page)
STUDENT USE OF TECHNOLOGY  (continued)

Legal Reference:

EDUCATION CODE
51006  Computer education and resources
51007  Programs to strengthen technological skills
51870-51874  Education technology
60044  Prohibited instructional materials

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

UNITED STATES CODE, TITLE 15
6501-6506  Children's Online Privacy Protection Act

UNITED STATES CODE, TITLE 20
6751-6777  Enhancing Education Through Technology Act, Title II, Part D, especially:
6777  Internet safety

UNITED STATES CODE, TITLE 47
254  Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 16
312.1-312.12  Children's Online Privacy Protection Act

CODE OF FEDERAL REGULATIONS, TITLE 47
54.520  Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

CSBA PUBLICATIONS
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

FEDERAL TRADE COMMISSION PUBLICATIONS
How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000

MY SPACE.COM PUBLICATIONS
The Official School Administrator's Guide to Understanding MySpace and Resolving Social Networking Issues

WEB SITES
CSBA: http://www.csba.org
American Library Association: http://www.ala.org
California Coalition for Children's Internet Safety: http://www.cybersafety.ca.gov
California Department of Education: http://www.cde.ca.gov
Center for Safe and Responsible Internet Use: http://csriu.org
Web Wise Kids: http://www.webwisekids.org
STUDENT USE OF TECHNOLOGY

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

(cf. 0440 - District Technology Plan)
(cf. 4040 - Employee Use of Technology)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

(cf. 6163.1 - Library Media Centers)

Online/Internet Services: User Obligations and Responsibilities

Students are authorized to use Santa Clara County Office of Education equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below, and SCCOE’s Acceptable Use Agreement.

1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.

2. Students shall use SCCOE’s system safely, responsibly, and primarily for educational purposes.

3. Students shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

(cf. 5131 - Conduct)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
STUDENT USE OF TECHNOLOGY (continued)

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

4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using email, chat rooms, or other forms of direct electronic communication. Students also shall be cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.

*Personal information* includes the student's name, address, telephone number, Social Security number, or other personally identifiable information.

5. Students shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.

(cf. 3513.3 - Tobacco-Free Schools)
(cf. 5131.6 - Alcohol and Other Drugs)

6. Students shall not use the system to engage in commercial or other for-profit activities.

7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.

8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.

(cf. 5131.9 - Academic Honesty)
(cf. 6162.6 - Use of Copyrighted Materials)

9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy SCCOE equipment or materials or manipulate the data of any other user, including so-called "hacking."

(cf. 5131.5 - Vandalism and Graffiti)

10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or use another individual's identity.
STUDENT USE OF TECHNOLOGY (continued)

11. Students shall report any security problem or misuse of the services to the teacher or principal.

SCCOE reserves the right to monitor use of SCCOE’s systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications, including email, are not private and may be accessed by SCCOE for the purpose of ensuring proper use.

(cf. 5145.12 - Search and Seizure)

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

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION

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

(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School)
(cf. 6164.6 - Identification and Education Under Section 504)

The Santa Clara County Superintendent of Schools or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment. (Education Code 56301)

The County Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

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

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 4112.23 - Special Education Staff)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.6 - Parental Notifications)
(cf. 6159 - Individualized Education Program)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

Legal Reference: (see next page)
IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

Legal Reference:
EDUCATION CODE
44265.5  Professional preparation for teachers of impaired students
56000-56885  Special education programs, especially:
56195.8  Adoption of policies
56300-56304  Identification of individuals with disabilities
56320-56331  Assessment
56333-56338  Eligibility criteria for specific learning disabilities
56340-56347  Instructional planning and individualized education program
56381  Reassessment of students
56425-56432  Early education for individuals with disabilities
56441.11  Eligibility criteria, children ages 3-5
56445  Transition to grade school; reassessment
56500-56509  Procedural safeguards
GOVERNMENT CODE
95000-95029.5  California Early Intervention Services Act
CODE OF REGULATIONS, TITLE 5
3021-3029  Identification, referral and assessment
3030-3031  Eligibility criteria
UNITED STATES CODE, TITLE 20
1232g  Family Educational Rights and Privacy Act of 1974
1412  State eligibility
1415  Procedural safeguards
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35  Evaluation and placement
104.36  Procedural safeguards
300.1-300.818  Individuals with Disabilities Education Act, especially:
300.301-300.306  Evaluations and reevaluations
COURT DECISIONS

Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education:  http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs:
http://www.ed.gov/about/offices/list/osep/osep

Policy
SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: October 20, 2010
San Jose, California
IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION

Referrals for Special Education Services

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

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

Initial Evaluation for Special Education Services

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

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

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

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

(cf. 6159 - Individualized Education Program)

Prior to conducting an initial evaluation, SCCOE shall provide the parent/guardian with prior written notice in accordance with 34 CFR 300.503. In addition, as part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information: (34 CFR 300.304, 300.504; Education Code 56329)
IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION  (continued)

1. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities, as defined in Education Code 56026, and shall discuss the evaluation, the educational recommendations, and the reasons for the recommendations.

2. When making a determination of eligibility for special education, SCCOE shall not determine that a student is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368 of the No Child Left Behind Act, lack of appropriate instruction in mathematics, or limited English proficiency.

3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian.

4. If a parent/guardian disagrees with an evaluation obtained by SCCOE, the parent/guardian has the right to obtain, at public expense, an independent educational evaluation of the student from qualified specialists, in accordance with 34 CFR 300.502. A parent/guardian is entitled to only one such evaluation at public expense each time SCCOE conducts an assessment with which the parent/guardian disagrees. If SCCOE observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to the independent educational evaluation. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the SCCOE proposed placement and setting, if any, regardless of whether the independent educational evaluation is initiated before or after the filing of a due process hearing proceeding.

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

If the parent/guardian obtains an independent educational evaluation at private expense, the results of the evaluation shall be considered by SCCOE with respect to the provision of a free appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student. If SCCOE observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of a student, an equivalent opportunity
shall apply to an independent educational evaluation of the student in the student's current educational placement and setting, if any, proposed by SCCOE, regardless of whether the independent educational evaluation is initiated before or after the filing of a due process hearing.

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

(cf. 5145.6 - Parental Notifications)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6164.41 - Children with Disabilities Enrolled by their Parents in Private School)

**Parent/Guardian Consent for Evaluations**

Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial evaluation. SCCOE shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services. (34 CFR 300.300, 34 CFR 300.301; Education Code 56320, 56321)

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

1. Has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought

2. Understands and agrees, in writing, to the carrying out of the activity for which his/her consent is sought and the consent describes that activity and lists the records (if any) that will be released and to whom

3. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time

4. Understands that if he/she revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked)
IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION  (continued)

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

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

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

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

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

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

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

Conduct of the Evaluation

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

The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by SCCOE or special education local plan area (SELPA). (Education Code 56320, 56322)

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

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

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

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

1. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual basis
2. Provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer
3. Used for the purposes for which the assessments or measures are valid and reliable
IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

4. Administered by trained and knowledgeable personnel

5. Administered in accordance with any instructions provided by the producer of the assessments

6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient

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

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

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

1. Whether the student is a student with a disability, or in the case of a reevaluation, whether the student continues to have a disability, and the educational needs of the student

2. The present levels of academic achievement and related developmental needs of the student

3. Whether the student needs, or continues to need, special education and related services
4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum.

If a student has transferred from another district in the same school year or leaves SCCOE, SCCOE shall coordinate with the student's prior or subsequent district as necessary and as expeditiously as possible to ensure prompt completion of full evaluations. (34 CFR 300.304)

Eligibility Determination

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

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

1. Whether the student may need special education and related services
2. The basis for making the determination
3. The relevant behavior noted during the observation of the student in an appropriate setting
4. The relationship of that behavior to the student's academic and social functioning
5. The educationally relevant health, developmental, and medical findings, if any
6. For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services
7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate
IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

8. The need for specialized services, materials, and equipment for students with low incidence disabilities, consistent with Education Code 56136

When making a determination of eligibility for special education and related services, SCCOE shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368 of the No Child Left Behind Act, lack of instruction in mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria. (34 CFR 300.306; Education Code 56329)

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

Independent Educational Evaluation

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

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

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

Upon receiving the request for an independent educational evaluation, SCCOE shall, without unnecessary delay, either: (34 CFR 300.502)

1. File a due process complaint to request a hearing to show that its evaluation is appropriate
IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION  (continued)

2. Ensure that an independent evaluation is provided at public expense, unless SCCOE can later demonstrate at a hearing that the evaluation obtained by the parent/guardian did not satisfy the SCCOE criteria.

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

The results of an independent evaluation obtained by the parent/guardian, whether at public or private expense, shall be considered by SCCOE if it meets SCCOE criteria in any decision made with respect to FAPE and may be presented as evidence at a hearing on a due process complaint.  (34 CFR 300.502)

Reevaluation

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

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

Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reevaluated to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these children.  (Education Code 56445)

Parent/Guardian Revocation of Consent for Continued Provision of Services

If at any time subsequent to the initial provision of services, the student's parent/guardian revokes consent, in writing, for the continued provision of special education services, the Santa Clara County Superintendent of Schools or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. SCCOE shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (34 CFR 300.300, 300.503)
IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

Prior to the discontinuation of services, the County Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. In addition, the County Superintendent or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.

Once SCCOE has ceased providing special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.
STUDENT SUCCESS TEAMS

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

(cf. 5113.1 - Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)

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

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

(cf. 1020 - Youth Services)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5141.3 - Health Examinations)
(cf. 5141.6 - School Health Services)
(cf. 5144 - Discipline)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6020 - Parent Involvement)
(cf. 6158 - Independent Study)
(cf. 6159 - Individualized Education Program)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6171 - Title I Programs)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer School)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work Experience Education)
(cf. 6179 - Supplemental Instruction)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

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

Legal Reference: (see next page)
STUDENT SUCCESS TEAMS (continued)

Legal Reference:

EDUCATION CODE
8800-8807 Healthy Start support services for children
41505-41508 Pupil Retention Block Grant
48260-48273 Truancy
48400-48454 Continuation education
49600-49604 Educational counseling
51745-51749.3 Independent study programs
52200-52212 Gifted and talented student programs
54400-54425 Programs for disadvantaged children
54440-54445 Migrant children

WELFARE AND INSTITUTIONS CODE
4343-4352.5 Primary interventions program, mental health
18986.40-18986.46 Interagency children's services

Management Resources:

CDE PUBLICATIONS
Student Success Teams: Supporting Teachers in General Education, 1997

CALIFORNIA DROPOUT PREVENTION NETWORK PUBLICATIONS
SST: Student Success Teams, 2000

WEB SITES
California Department of Education: http://www.cde.ca.gov/spbranch/ssp
California Dropout Prevention Network: http://www.edualliance.org/cdpn
National Dropout Prevention Center: http://wwwdropoutprevention.org
STUDENT SUCCESS TEAMS

Team Membership

Members of individual student success teams may include:

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

Team Responsibilities

The principal or designee shall:

1. Schedule meetings and establish meeting procedures
2. Contact parents/guardians and other team members regarding team meetings
3. Consult with appropriate school or Santa Clara County Office of Education resource personnel
4. Arrange for observation of the student in the problem situation as needed
5. Collect any additional background information necessary to inform team members about the student's strengths and needs
6. Help the student and parents/guardians prepare for the meeting
7. Facilitate the team meetings
8. Ensure that the student's progress is monitored and that follow-up meetings are regularly scheduled
IDENTIFICATION AND EDUCATION UNDER SECTION 504

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

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

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 5141.24 - Administering Medication and Monitoring Health Conditions)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Legal Reference:
EDUCATION CODE
49423.5 Specialized physical health care services
CODE OF REGULATIONS, TITLE 5
3051.12 Health and Nursing Services
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504
CODE OF FEDERAL REGULATIONS, TITLE 34
104.1-104.61 Nondiscrimination on the basis of handicap, especially:
104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973
104.3 Definitions
104.33 Free appropriate public education
104.35 Evaluation and placement
104.36 Procedural safeguards
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, November 2007
CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Policy
adopted: October 20, 2010
IDENTIFICATION AND EDUCATION UNDER SECTION 504

Definitions

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

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

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

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

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine

2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

Referral, Identification, and Evaluation

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

(cf. 6164.5 - Student Success Teams)

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

If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards, as described in the "Procedural Safeguards" section below.
IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

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

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

SCCOE evaluation procedures shall ensure that tests and other evaluation materials:
(34 CFR 104.35)

a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers

b. Are tailored to assess specific areas of educational need and are not based solely on a single IQ score

c. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual, or speaking skills unless the test is designed to measure these particular deficits

Section 504 Services Plan and Placement

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

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

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

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

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

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

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

4. The student shall be placed in the regular educational environment, unless SCCOE can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

5. SCCOE shall complete the identification, evaluation, and placement process within a reasonable time frame.

6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another SCCOE school, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

(cf. 5125 - Student Records)

Review and Reevaluation

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

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

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Procedural Safeguards

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

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

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

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

1. Within 30 days after receipt of the SCCOE decision with which the parent/guardian disagrees, the parent/guardian may request an administrative review of the decision. The 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue. This review shall be held within 14 days of receiving the parent/guardian's request.

2. If the parent/guardian chooses not to request an administrative review or if the review does not resolve the issue, the parent/guardian may request in writing a Section 504 due process hearing. The parent/guardian's request for a hearing shall be made within 30 days of receiving the SCCOE decision or within 14 days of completion of the administrative review. The request shall include:
IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

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

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

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

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

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

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

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

Notifications

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

(cf. 5145.6 - Parental Notifications)
TITLE I PROGRAMS

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

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

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

(cf. 0420 - School Plans/Site Councils)

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

(cf. 6020 - Parent Involvement)

Local Educational Agency Plan

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

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

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

Comparability of Services

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

To demonstrate comparability of services among SCCOE schools:

1. The Santa Clara County Board of Education shall adopt and implement a Countywide salary schedule.

2. The ratio of students to teachers, administrators, and other staff at each Title I school shall not exceed 110 percent of the average ratio across non-Title I schools.

3. Salary expenditures at each Title I school shall be no less than 90 percent of the average salary expenditure across non-Title I schools.

4. All SCCOE schools shall be provided with the same level of base funding per student for curriculum and instructional materials.

5. The County Superintendent or designee shall maintain records of the quantity and quality of instructional materials and equipment at each school.

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

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

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

Program Evaluation

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

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)
TITLE I PROGRAMS  (continued)

Legal Reference:

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

UNITED STATES CODE, TITLE 20
6301  Program purpose
6311-6322  Improving basic programs for disadvantaged students, including:
6312  Local educational agency plan
6313  Eligibility of schools and school attendance areas; funding allocation
6314  Title I schoolwide programs
6315  Targeted assistance schools
6316  School improvement
6318  Parent involvement
6320  Participation of private school students
6321  Comparability of services
7881  Participation of private school students

CODE OF FEDERAL REGULATIONS, TITLE 34
200.1-200.79 Improving basic programs for disadvantaged students

Management Resources:

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
LEA Plan, rev. May 17, 2006
Provisions for Private School Students, Teachers, and Other Education Personnel in the No Child Left Behind Act of 2001, rev. November 1, 2005

U.S. DEPARTMENT OF EDUCATION GUIDANCE
Title I Fiscal Issues, May 26, 2006
Designing Schoolwide Programs, March 22, 2006
Supplemental Educational Services, June 13, 2005
The Impact of the New Title I Requirements on Charter Schools, July 2004
Parental Involvement: Title I, Part A, April 23, 2004
Serving Preschool Children Under Title I, March 4, 2004
Title I Services to Eligible Private School Students, October 17, 2003
Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to Those Areas and Schools, August 2003

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov/iasa/titleone
No Child Left Behind: http://www.ed.gov/nclb

SANTA CLARA COUNTY OFFICE OF EDUCATION

adopted: June 3, 2009
TITLE I PROGRAMS

Schoolwide Programs

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

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

(cf. 0420 - School Plans/Site Councils)

A schoolwide program shall include: (20 USC 6314)

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

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6175 - Migrant Education Program)

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

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6177 - Summer School)
c. Include strategies to address the needs of all students in the school, but particularly the needs of low-achieving students and those at risk of not meeting state achievement standards who are members of the target population of any program that is part of the schoolwide program.

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

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

d. Address how the school will determine if student needs have been met

e. Are consistent with and designed to implement state and local improvement plans, if any

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

3. Instruction by highly qualified teachers

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

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

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

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

(cf. 4111 - Recruitment and Selection)

6. Strategies to increase parent involvement

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

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

(cf. 5148.3 - Preschool/Early Childhood Education)
TITLE I PROGRAMS (continued)

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

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

(cf. 6179 - Supplemental Instruction)

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

Targeted Assistance Programs

Any school that receives Title I funds but does not operate a schoolwide program shall use Title I funds to provide services to: (20 USC 6315)

1. Students in grades 3-12 identified by the school as failing, or most at risk of failing, to meet the state's academic achievement standards on the basis of criteria established by SCCOE and supplemented by the school

2. Students in preschool through grade 2 selected solely on the basis of such criteria as teacher judgment, interviews with parents/guardians, and developmentally appropriate measures

A targeted assistance program shall: (20 USC 6315)

1. Use program resources to help participating students meet state academic achievement standards expected for all students

2. Ensure that program planning is incorporated into existing school planning

3. Use effective methods and instructional strategies, based on scientifically based research, that strengthen the core academic program, give primary consideration to providing extended learning time, help provide an accelerated, high-quality curriculum, and minimize removing students from the regular classroom during regular school hours for instruction provided by Title I

4. Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs
TITLED I PROGRAMS (continued)

5. Provide instruction by highly qualified teachers

6. Provide opportunities for professional development for teachers, principals, paraprofessionals, and, if appropriate, student services personnel, other staff, and parents/guardians who work with participating students

7. Provide strategies to increase parent involvement

8. Coordinate and integrate federal, state, and local services and programs
EDUCATION FOR HOMELESS CHILDREN

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

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

(cf. 3553 - Free and Reduced Price Meals)

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

(cf. 5111.13 - Residency for Homeless Children)

Legal Reference:

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

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE
Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004
WEB SITES
California Department of Education, Homeless Children and Youth Education: http://www.cde.ca.gov/sp/hs/cy
National Center for Homeless Education at SERVE: http://www.serve.org/nche
National Law Center on Homelessness and Poverty: http://www.nlchp.org

Policy
SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: September 16, 2009
San Jose, California
EDUCATION FOR HOMELESS CHILDREN

Definitions

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

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

(cf. 6173.1 - Education for Foster Youth)

2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings

3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings

4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above

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

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

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

District Liaison

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

Coordinator of Homeless/Foster Youth Services
EDUCATION FOR HOMELESS CHILDREN (continued)

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

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

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)
(cf. 3553 - Free and Reduced-Price Meals)
(cf. 5141.6 - 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 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, personal safety issues, the student’s need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.
EDUCATION FOR HOMELESS CHILDREN (continued)

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

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

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

Once a placement decision has been made, the 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)

(raf. 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’s liaison for homeless students. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 USC 11432)

Enrollment Dispute Resolution Process

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

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

The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. The explanation may include contact information for the district liaison, a description of the district’s decision, notice of the right to enroll in the school of choice pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education.
EDUCATION FOR HOMELESS CHILDREN (continued)

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

The liaison shall provide the parent/guardian a copy of 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.
EDUCATION FOR HOMELESS CHILDREN

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 reviewing 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 ______(county name)_______ 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:_________________________

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.
EDUCATION FOR HOMELESS CHILDREN (continued)

- 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 resolution 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.
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’s liaison for homeless students.

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 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 (temporary custody)
2. Is the subject of a petition filed under Welfare and Institutions Code 300 or 602 (jurisdiction of juvenile court)
3. Has been removed from his/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 he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the Santa Clara County Office of Education liaison shall, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, determine, in the best interest of the foster youth, which school is 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 SCCOE students. (Education Code 48853)

SCCOE Liaison for Foster Youth

The Santa Clara County Superintendent of Schools designates the following position as the SCCOE liaison for foster youth: (Education Code 48853.5)

Coordinator of Homeless/Foster Youth Services

(cf. 6173 - Education for Homeless Children)

The SCCOE liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)
2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48853.5, 48645.5)

(cf. 5125 - Student Records)
(cf. 6146.3 - Reciprocity of Academic Credit)

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

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

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

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

5. Develop protocols and procedures so that SCCOE staff, including principals, school registrars, and attendance clerks, are aware of the requirements for the proper enrollment, placement, and transfer of foster youth

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

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

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

7. Monitor the educational progress of foster youth and provide reports to the County Superintendent or designee and the Santa Clara County Board of Education based on indicators identified in Board policy.
EDUCATION FOR FOSTER YOUTH (continued)

The County Superintendent or designee shall regularly monitor the caseload of the SCCOE liaison, as well as his/her additional duties outside of the foster youth program, to determine whether adequate time and resources are available to meet the needs of foster youth in the SCCOE programs.

(cf. 4115 - Evaluation/Supervision)
(cf. 4315 - Evaluation/Supervision)

Enrollment

A foster youth placed in a licensed children's institution or foster family home within the County shall attend programs operated by SCCOE 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.

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

3. At the initial placement or any subsequent change in placement, the student is entitled to remain in his/her school of origin, as defined above, for the remainder of the academic school year pursuant to Education Code 48853.5.

The SCCOE liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best 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 educational decisions for the youth with a written explanation of the basis for the recommendation and how this recommendation serves the youth's best interests. (Education Code 48853.5)
EDUCATION FOR FOSTER YOUTH (continued)

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

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the 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 or medical records, 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 shall provide all records within two business days of receiving the request. (Education Code 48853.5)

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

Applicability of Graduation Requirements

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

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

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

Grades/Credits

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school

2. A verified court appearance or related court-ordered activity

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

Eligibility for Extracurricular Activities

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

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
The Santa Clara County Board of Education (County Board) recognizes that foster youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs. To enable such students to achieve state and Santa Clara County Office of Education (SCCOE) academic standards the County Superintendent or Superintendent’s designee shall provide them with access to the SCCOE’s educational program and implement strategies identified as necessary for the improvement of academic achievement of foster youth in the SCCOE’s local control and accountability plan (LCAP).

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6011- Academic Standards)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 – Guidance/Counseling Services)
(cf. 6173 - Education for Homeless Children)
(cf. 6179 – Supplemental Instruction)

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

The County Superintendent or Superintendent’s designee and SCCOE liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training regarding the enrollment, placement, and rights of foster youth.

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

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

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

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

(cf. 1020 - Youth Services)

At least annually and in accordance with established timelines, the County Superintendent or Superintendent’s designee shall regularly report to the County Board on the educational outcomes of foster youth regarding the goals and specific actions identified in the LCAP, including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates. As necessary, evaluation data shall be used to determine and recommend revisions to the LCAP for improving or increasing services for foster youth.

(cf. 0500 - Accountability)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5144.1 – Suspension and Expulsion/Due Process)
(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)

Legal Reference:
EDUCATION CODE
32228-32228.5  Student safety and violence prevention
42238.01-42238.07  Local control funding formula
42920-42925  Foster children educational services
48645-48646  Juvenile court schools
48850-48859  Educational placement of students residing in licensed children's institutions
48915.5  Suspension and expulsion; students with disabilities, including foster youth
48918.1 Notice of expulsion hearing for foster youth
49061 Student records
49069.5 Foster care students, transfer of records
49076 Access to student records
51225.1 Exemption from district graduation requirements
51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course
51225.3 High school graduation
52060-52077 Local control and accountability plan
56055 Rights of foster parents in special education
60851 High school exit examination
HEALTH AND SAFETY CODE
1522.41 Training and certification of group home administrators
1529.2 Training of licensed foster parents
120341 Foster youth: school placement: immunization records
WELFARE AND INSTITUTIONS CODE
300 Children subject to jurisdiction
309 Investigation and release of child
317 Appointments of legal counsel
361 Limitations on parental or guardian control
366.27 Educational decision by relative providing living arrangements
602 Minors violating law; ward of court
726 Limitations on parental or guardian control
727 Order of care, ward of court
16000-16014 Foster care placement
UNITED STATES CODE, TITLE 20
1415 Procedural safeguards; placement in alternative educational setting
UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504
UNITED STATES CODE, TITLE 42
670-679b Federal assistance for foster care programs
11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:
CSBA PUBLICATIONS
Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008
AMERICAN BAR ASSOCIATION PUBLICATIONS
Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care, 2005
CALIFORNIA CHILD WELFARE COUNCIL
Partial Credit Model Policy and Practice Recommendations
CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS
Our Children: Emancipating Foster Youth, A Community Action Guide
WEB SITES
CSBA: http://www.csba.org
American Bar Association: http://www.americanbar.org
EDUCATION OF CHILDREN OF MILITARY FAMILIES

The Santa Clara County Board of Education recognizes the challenges to the academic success of children of military families caused by the frequent moves or deployments of their parents/guardians in fulfillment of military service. In accordance with law, the Santa Clara County Office of Education shall provide such students with academic resources, services, and opportunities for extracurricular and enrichment activities that are available to all SCCOE students.

(cf. 5125 - Student Records)
(cf. 6011 - Academic Standards)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6179 - Supplemental Instruction)

In making decisions about children of military families, including decisions regarding their enrollment, placement, eligibility for extracurricular activities, or waiver of any graduation requirement, the Santa Clara County Superintendent of Schools or designee shall be flexible to the extent permitted by law and Board policy.

(cf. 5117 - Interdistrict Attendance)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.3 - Reciprocity of Academic Credit)

The County Superintendent or designee shall work with parents/guardians and shall collaborate with local, state, and other agencies within and outside the state to facilitate the transition of children of military families into and out of SCCOE schools and programs.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

The County Superintendent or designee shall regularly report to the County Board on the educational outcomes of children of military families enrolled in SCCOE schools, including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade levels, participation in extracurricular activities, and graduation rates.

(cf. 0500 - Accountability)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

Legal Reference: (see next page)
EDUCATION OF CHILDREN OF MILITARY FAMILIES  (continued)

Legal Reference:

EDUCATION CODE
35160.5  District policy rules and regulations; requirements; matters subject to regulation
35179  Interscholastic athletics; associations or consortia
35181  Students' responsibilities
35351  Assignment of students to particular schools
46600-46611  Interdistrict attendance agreements
48050-48054  Nonresidents
48200-48208  Persons included (compulsory education law)
49700-49704  Education of children of military families
51225.3  Requirements for graduation
51240-51246  Exemptions from requirements
51250-51251  School-age military dependents
60850-60859  High school exit examination
66204  Certification of high school courses as meeting university admissions criteria

UNITED STATES CODE, TITLE 10
1209  Transfer to inactive status list instead of separation
1211  Members on temporary disability retired list: return to active duty; promotion

UNITED STATES CODE, TITLE 20
1400-1482  Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29
794  Section 504

Management Resources:

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Educational Options Office: http://www.cde.ca.gov/ls/pf/mc
EDUCATION OF CHILDREN OF MILITARY FAMILIES

Children of military families are school-aged children in the household of: (Education Code 49701)

1. Members who are in full-time duty status in the active uniformed service of the United States, including any member of the National Guard and Reserve on active duty order pursuant to 10 USC 1209 or 1211

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired, for one year after their medical discharge or retirement

3. Members of the uniformed services who have died while on active duty or as a result of injuries sustained on active duty, for one year after their death

Enrollment

The Santa Clara County Superintendent of Schools or designee shall facilitate the enrollment of children of military families and ensure that they are not placed at a disadvantage due to difficulty in the transfer of their records from previous school districts and/or variations in entrance or age requirements. (Education Code 49701)

When a child of a military family is transferring into the Santa Clara County Office of Education programs, the County Superintendent or designee may enroll the child based on the child's placement in the previous district, pending receipt of the child's records. Upon enrollment, the County Superintendent or designee shall immediately request the student's records from the student's previous district. The County Superintendent or designee shall allow the student 30 days from the date of enrollment to obtain all required immunizations. (Education Code 49701)

(cf. 5111 - Admission)
(cf. 5125 - Student Records)
(cf. 5141- Health Care and Emergencies)
(cf. 5141.31- Immunizations)

When a child of a military family is transferring out of a SCCOE program, the County Superintendent or designee shall provide the student's parents/guardians with a complete set of the student's records or, if the official student record cannot be released, an unofficial or "hand-carried" record. Upon request from the new district, the County Superintendent or designee shall provide a copy of the student's record to the new district within 10 days. (Education Code 49701)

(cf. 5117 - Interdistrict Attendance)
AR 6173.2(b)

EDUCATION OF CHILDREN OF MILITARY FAMILIES  (continued)

Placement and Attendance

The County Superintendent or designee shall initially honor the placement of any child of a military family in educational courses and programs based on the child's enrollment and/or assessment in his/her previous school. The County Superintendent or designee may, to the extent permitted by Board policy, waive course or program prerequisites, preconditions, and/or application deadlines when making decisions regarding placement of children of military families and their eligibility for extracurricular academic, athletic, and social activities. (Education Code 49701)

(cf. 6141.5 - Advanced Placement)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6146.3 - Reciprocity of Academic Credit)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6174 - Education for English Language Learners)

When a child of a military family transferring into a SCCOE program has been identified as an individual with a disability pursuant to 20 USC 1400-1482, the County Superintendent or designee shall provide comparable services to the student based on his/her current individualized education program. In addition, when the child of a military family transferring into a SCCOE school/program is eligible for services under Section 504 of the federal Rehabilitation Act, the County Superintendent or designee shall make reasonable accommodations and modifications to address the needs of the student subject to the student's existing Section 504 plan. SCCOE may authorize subsequent evaluations of the student to ensure appropriate placement. (Education Code 49701)

(cf. 6159 - Individualized Education Program)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

When a student's parent/guardian is an active duty member and is called to duty, is on leave from, or is immediately returned from deployment to a combat zone or to combat support posting, the County Superintendent or designee may grant additional excused absences to the student to visit with his/her parent/guardian. (Education Code 49701)

(cf. 5113 - Absences and Excuses)

Graduation

The County Superintendent or designee shall facilitate the on-time graduation of children of military families by providing supplemental instruction to incoming students as necessary to enable them to meet SCCOE’s graduation requirements. (Education Code 49701)
The County Superintendent or designee may also waive specific SCCOE course requirements for graduation if similar coursework has been satisfactorily completed by the student in his/her previous school. (Education Code 49701)

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)
(cf. 6179 - Supplemental Instruction)

If after considering all alternatives, the County Superintendent or designee believes that a student who has transferred into a SCCOE school in grade 12 will not be able to satisfy the SCCOE graduation requirements in time to graduate with his/her class, the County Superintendent or designee shall work with the sending district to have the sending district issue the student its diploma, provided the student satisfies that sending district’s graduation requirements. (Education Code 49701)

Upon request of a school district to which a former SCCOE student has transferred, the County Superintendent or designee shall issue the SCCOE diploma of graduation to the former student, provided the student has satisfactorily completed SCCOE’s graduation requirements, including the passage of the high school exit examination.
EDUCATION FOR ENGLISH LANGUAGE LEARNERS

The Santa Clara County Board of Education intends to provide English language learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving Santa Clara County Office of Education academic standards. The SCCOE 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 County Board encourages staff to exchange information with staff in districts and the other County offices of education about programs, options and strategies for English language learners that succeed under various demographic conditions.

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

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

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

(cf. 6190 - Evaluation of the Instructional Program)

Type of Instruction

Students who are English language learners shall be educated through "sheltered English immersion" or "structured English immersion" during a temporary transition period not normally intended to exceed one year. "Nearly all" of the classroom instruction in the SCCOE 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)

"Nearly all" could be cautiously defined as to provide that all classroom instruction be conducted in English except for clarification, explanation and support as needed.
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 SCCOE, 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:

   (TO BE ADDED WHEN EL PLAN IS COMPLETED)

(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.

If the County Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the County Superintendent's decision in writing to the County Board. The County Board may consider the matter at its next regular County Board meeting. The County Board may decide not to hear the appeal, in which case the County Superintendent's decision shall be final. If the County Board hears the appeal, the County Superintendent shall send the County Board's decision to the parent/guardian within seven working days.

Legal Reference: (see next page)
EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

Legal Reference:

EDUCATION CODE
300-340 English language education for immigrant children
430-446 English Learner and Immigrant Pupil Federal Conformity Act
33308.5 CDE guidelines not binding
44253.5-44253.10 Certification for bilingual-cross-cultural competence
48985 Notices to parents in language other than English
51101 Rights of parents to information
51101.1 Rights for parents of English learners
52130-52135 Impacted languages act of 1984
52160-52178 Bilingual Bicultural Act
52180-52186 Bilingual teacher training assistance program
54000-54028 Programs for disadvantaged children
60810-60812 Assessment of language development
62001-62005.5 Evaluation and sunsetting of programs
CODE OF REGULATIONS, TITLE 5
4320 Determination of funding to support program to overcome the linguistic difficulties of English learners
11300-11316 English Language Learner Education
11510-11517 California English Language Development Test
UNITED STATES CODE, TITLE 20
1701-1705 Equal Educational Opportunities Act
6312 Local education agency plans
6801-6871 Title III, Language instruction for limited English proficient and immigrant students
COURT DECISIONS
California Teachers Association et al v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141
Casteneda v. Pickard, (5th Cir. 1981) 648 F.2d 989
ATTORNEY GENERAL OPINIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Guidelines for Reclassification of English Learners, September 2002
Accommodations for the California English Language Development Test, Revised 8/13/01
WEB SITES
CDE: http://www.cde.ca.gov
CSBA: http://www.csba.org
EDUCATION FOR ENGLISH LANGUAGE LEARNERS

Definitions

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

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

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

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

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

Identification and Assessment

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

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

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

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

(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)
EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

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

(cf. 5145.6 - Parental Notifications)

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

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

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

1. The reason for the student's classification as English language learner

2. The level of English proficiency

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

4. Information regarding a parent/guardian's option to decline to allow the student to become enrolled in the program or to choose to allow the student to become enrolled in an alternative program

5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

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

Parental Exception Waivers

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

A parent/guardian may request that SCCOE 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))

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 Santa Clara County Superintendent of Schools or designee shall provide to the parents/guardians: (Education Code 310, 311; 5 CCR 11309)

1. A full written description, and a spoken description upon request, of the intent and content of the structured English immersion program, any alternative courses of study and all educational opportunities offered by SCCOE and available to the student, and the educational materials to be used in the different educational program choices

2. For a request for waiver pursuant to Education Code 311(c) for students with special needs, notification that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the County Superintendent must approve the waiver pursuant to Santa Clara County Board of Education guidelines

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

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

Parental exception waivers pursuant to Education Code 311(b) for students 10 years or older shall be granted if it is the informed belief of the 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) for 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)
EDUCATION FOR ENGLISH LANGUAGE LEARNERS  (continued)

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 County Superintendent or designee. 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.

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)

All 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 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’ intradistrict and interdistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district’s interdistrict attendance policies and administrative regulations.

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

In cases where a parental exception waiver pursuant to Education Code 311(b) or (c) is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the decision to the County Board if the County Board authorizes such an appeal, or to the court. (5 CCR 11309)

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

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

1. Demonstrated English language proficiency comparable to that of the SCCOE average native English language speakers

2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

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

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

1. Assessment of English language proficiency utilizing the CELDT as the primary criterion, and objective assessment of the student's English reading and writing skills

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions

3. Parent/guardian opinion and consultation during a redesignation interview

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

4. Comparison of performance in basic skills, including performance on the English-Language Arts section of the California Standards Test

5. Objective data on the student's academic performance in English

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

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

Advisory Committees

At the SCCOE level when there are more than 50 English language learners in SCCOE 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. (5 CCR 11308)

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

The SCCOE English language advisory committee shall advise the County Board on at least the following tasks: (5 CCR 11308)

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

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)
EDUCATION FOR ENGLISH LANGUAGE LEARNERS  (continued)

In order to assist advisory members in carrying out their responsibilities, the County Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)
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 Santa Clara County Office of Education and made available to my child; all educational opportunities offered by SCCOE 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 Santa Clara County Office of Education and made available to my child; all educational opportunities offered by SCCOE 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 County 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: __________________________________________
Solicitud de Excepción Pedido por los Padres  
Código de Educación 311(a): Niños que saben inglés

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

Noble:__________________________________________ Grado: ______________________

Escuela:________________________________________ Fecha de nacimiento: __________

Idioma nativo:____________________________________

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:____________________________________________
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. Comprender 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.

Comprender 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 County 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:_______________________________________________________
MIGRANT EDUCATION PROGRAM

The Santa Clara County Board of Education desires to provide a comprehensive education program for migrant students that attempts to mitigate the impact of disruptions on their education and provides them the opportunity to meet the Santa Clara County Office of Education’s academic standards. SCCOE shall make use of available funds to provide supplementary services for migrant students.

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 5141.6 - School Health Services)
(cf. 5147 - Dropout Prevention)
(cf. 6011 - Academic Standards)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)

The Superintendent or designee shall convene a SCCOE parent/guardian advisory council to actively involve parents/guardians in planning, operating and evaluating the migrant education program. (Education Code 54444.2)

(cf. 1220 - Citizen Advisory Committees)

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

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

Legal Reference: (see next page)
MIGRANT EDUCATION PROGRAM  (continued)

Legal Reference:

EDUCATION CODE
35147 Council and committee meetings
54440-54445 Migrant education program

CODE OF REGULATIONS, TITLE 5
3080 Application of uniform complaint procedures
4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 20
6311 Title I state plan
6381-6381k Even Start family literacy program
6391-6399 Migrant education program
7881 Services for private school students

CODE OF FEDERAL REGULATIONS, TITLE 34
200.81-200.89 Migrant education program

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE
Title I, Part C Education of Migratory Children, October 2003

WEB SITES
California Department of Education, Migrant Education Office: http://www.cde.ca.gov/sp/me
U.S. Department of Education, Office of Migrant Education: http://www.ed.gov/about/offices/list/oese/ome
West Ed, Migrant Student Information Network: http://www.wested.org/cs/we/view/pj/61
MIGRANT EDUCATION PROGRAM

Eligibility

A student age 3 to 21 years shall be eligible for the Santa Clara County Office of Education migrant education program if he/she meets the criteria specified in 20 USC 6399 and 34 CFR 200.81 as verified by a migrant education recruiter.

SCCOE shall give first priority for services 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)

(cf. 6011 - Academic Standards)

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 were eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 USC 6394)

Student Records

The Santa Clara County Superintendent of Schools or designee shall maintain records documenting the eligibility of students enrolled in the SCCOE migrant education program.

(cf. 5125 - Student Records)

Program Components

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

1. A general needs assessment summarizing the needs of the population to be served
2. Other educational services that are not otherwise available in sufficient quantity or quality to eligible migrant students
3. Instructional materials and equipment necessary for appropriate services
4. Other related services needed to enable migrant students to participate effectively in instructional services
5. The coordination and teaming of existing resources serving migrant students, such as bilingual-crosscultural education, health screening, and compensatory education

(cf. 5141.6 - School Health Services)
(cf. 5147 - Dropout Prevention)
(cf. 6171 - Title I Programs)
MIGRANT EDUCATION PROGRAM (continued)

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

(cf. 4131 - Staff Development)

7. 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)

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

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

Parent Advisory Council

The parent advisory council shall be comprised of members who are knowledgeable of the needs of migrant students and shall be elected by the parents/guardians of students enrolled in the SCCOE migrant education program. The composition of the council shall be determined by the parents/guardians at a general meeting to which all parents/guardians of participating students shall be invited. The parents/guardians shall be informed, in a language they understand, that they have the sole authority to decide on the composition of the council. (Education Code 54444.2)

At least two-thirds of the advisory council shall consist of parents/guardians of migrant students. (Education Code 54444.2)

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 groups they represent. All other community candidates 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:

1. Establish program goals, objectives, and priorities

2. Review annual needs assessments, program activities for the region
MIGRANT EDUCATION PROGRAM (continued)

3. Advise on the selection, development, and reassignment of migrant education program staff

4. Participate actively in planning and negotiating program applications

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

The County Superintendent or designee shall establish and implement a training program 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 County Superintendent or designee shall provide the council, without charge, a copy of all applicable state and federal migrant education statutes, rules, regulations, guidelines, audits, monitoring reports, and evaluations. Upon request, these materials also shall be provided without charge to each member of the council. (Education Code 54444.2)
 Instruction  

BP 6178(a)  

CAREER TECHNICAL EDUCATION

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants COE flexibility in "Tier 3" categorical programs. The Santa Clara County Office of Education accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the COE may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

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

(cf. 6143 - Courses of Study)  
(cf. 6200 - Adult Education)

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

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

(cf. 6011 - Academic Standards)  
(cf. 6141 - Curriculum Development and Evaluation)

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

(cf. 1700 - Relations Between Private Industry and the Schools)  
(cf. 5113.2 - Work Permits)  
(cf. 6178.1 - Work Experience Education)

The County Superintendent or designee shall collaborate with postsecondary institutions to ensure that SCCOE’s program is articulated with postsecondary programs in order to provide a sequential course of study.
CAREER TECHNICAL EDUCATION  (continued)

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

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

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

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

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

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

Nondiscrimination

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

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

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

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

Advisory Committee

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

(cf. 1220 - Citizen Advisory Committees)

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

Program Evaluation

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

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

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

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

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

Legal Reference:

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

GOVERNMENT CODE
54950-54963 Brown Act
LABOR CODE
3070-3099.5  Apprenticeships

CODE OF REGULATIONS, TITLE 5
1635  Credit for work experience education
3051.14  Specially designed career technical education for students with disabilities
10070-10075  Work experience education
10080-10092  Community classrooms
10100-10111  Cooperative vocational education
11500-11508  Regional occupational centers and programs
11535-11538  Career technical education contracts with private postsecondary schools
11610-11611  Regional adult and vocational education councils

CODE OF REGULATIONS, TITLE 8
200-240  Apprenticeships

UNITED STATES CODE, TITLE 20
2301-2414  Carl D. Perkins Career and Technical Education Act of 2006
6301-6578  Improving the Academic Achievement of the Disadvantaged

CODE OF FEDERAL REGULATIONS, TITLE 34
80.32  Equipment acquired with federal funds
100.B  Appendix B Guidelines for eliminating discrimination in career technical education programs
104.1-104.39  Section 504 of the Rehabilitation Act of 1973
106.1-106.61  Discrimination on the basis of sex, effectuating Title IX

Management Resources:  (see next page)
CAREER TECHNICAL EDUCATION (continued)

Management Resources:
- CSBA PUBLICATIONS
  Orientation to Apprenticeship Overview, Construction Management Task Force Fact Sheet, November 2007
- CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
  2008-2012 State Plan for Career Technical Education
  Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007
  California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005
- Management of Vocational Education Equipment, April 2000
- CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF APPRENTICESHIP STANDARDS PUBLICATIONS
- WEB SITES
  CSBA: http://www.csba.org
  Association for Career and Technical Education: http://www.acteonline.org
  California Association of Regional Occupational Centers and Programs: http://www.carocp.org
  California Career Resource Network: http://www.californiacareers.info
  California Department of Employment Development: http://www.edd.ca.gov
  California Department of Industrial Relations: http://www.dir.ca.gov
  California Workforce Investment Board: http://www.calvia.org
  Commission on Teacher Credentialing: http://www.ctc.ca.gov
The Santa Clara County Board of Education desires to facilitate school-to-career transitions by providing secondary school students with a program of work experience education (WEE) which links the academic curriculum with experiences in actual work settings. The Santa Clara County Superintendent of Schools or designee shall design a program which provides paid and/or unpaid on-the-job experiences as well as instruction in the skills, attitudes, and knowledge necessary for successful employment.

(cf. 5147 - Dropout Prevention)
(cf. 6000 - Concepts and Roles)
(cf. 6143 - Courses of Study)
(cf. 6178 - Career Technical Education)

Students enrolled in this program shall receive guidance and supervision designed to ensure maximum educational benefit from placement in suitable WEE courses. The program shall integrate the efforts of teachers, counselors, students, parents/guardians, and employers to assist students in selecting a career path and developing a positive work ethic and work habits.

(cf. 6164.2 - Guidance/Counseling Services)

The WEE program shall include the part-time employment of students in jobs which are selected or approved as having educational value for the employed students and which are coordinated by Santa Clara County Office of Education employees. (Education Code 51764)

(cf. 5113.2 - Work Permits)

SCCOE may provide for liability insurance for students participating in a WEE program off school grounds in accordance with law and Board policy. (Education Code 51760)

(cf. 5143 - Insurance)

Legal Reference: (see next page)
WORK EXPERIENCE EDUCATION (continued)

Legal Reference:

EDUCATION CODE
46144 Minimum school day for work experience program
46147 Exception for minimum day; students in last semester or quarter of grade 12
48402 Enrollment in continuation education, minors not regularly employed
49110-49119 Permits to work
51760-51769.5 Work experience education
52300-52499.66 Career technical education
56026 Students with exceptional needs

LABOR CODE
1285-1312 Employment of minors
1391-1394 Working hours for minors
3070-3099.5 Apprenticeship
3200-6002 Workers' compensation and insurance

CODE OF REGULATIONS, TITLE 5
1635 Credit for work experience education
10070-10075 Work experience education

UNITED STATES CODE, TITLE 20
2301-2414 Carl D. Perkins Career and Technical Education Act of 2006

CODE OF FEDERAL REGULATIONS, TITLE 29
570.35a Work experience programs

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Work Experience Education Guide, 2005

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS
Child Labor Laws, 2000

WEB SITES
California Association of Work Experience Educators: http://www.cawee.org
California Department of Education, Work Experience Education: http://www.cde.ca.gov/ci/ct/we
California Department of Industrial Relations: http://www.dir.ca.gov

Policy adopted: September 16, 2009
SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
WORK EXPERIENCE EDUCATION

Work Experiences and Related Instruction

The Santa Clara County Office of Education work experience education (WEE) program shall consist of one or more of the following types of unpaid and paid on-the-job experiences: (5 CCR 10071)

1. *Exploratory WEE* which provides students with a combination of classroom instruction in WEE and unpaid opportunities to observe and sample systematically a variety of conditions of work for the purpose of ascertaining their interest and suitability for the occupation they are exploring.

   The length of exploratory work experience assignments may vary depending on the aptitude of the student, the occupation being explored, the facilities of the work station, and the job classification. A student may not participate in an exploratory work experience assignment if he/she receives pay for like work at the same work station or similar job outside of the WEE program.

2. *General WEE* which has as its purpose the application of basic skills of reading, writing, and computation and which enables students to acquire general and specific occupational skills through a combination of supervised paid employment in any occupational field and related classroom instruction in WEE.

3. *Vocational WEE* which reinforces and extends vocational learning opportunities for students through a combination of related classroom instruction in WEE and supervised paid employment in the occupation for which their vocational course in school prepares them.

(cf. 6178 - Career Technical Education)

For each student enrolled in WEE, SCCOE shall develop a written training agreement with the employer which identifies the responsibilities of SCCOE, employer, student, and parent/guardian of a minor student and outlines the objectives that the student is to accomplish at the training site. (5 CCR 10071)

Opportunities for part-time employment may be provided by any public or private employer. (Education Code 51768)

The Santa Clara County Superintendent of Schools or designee may establish and supervise work experience programs and/or provide for part-time employment of students in areas outside the county, either within California or in a contiguous state. (Education Code 51767, 51768)

All laws or rules applicable to minors in employment relationships shall be applicable to students enrolled in WEE courses. (Education Code 51763)
WORK EXPERIENCE EDUCATION (continued)

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

(cf. 5113.2 - Work Permits)

A WEE program offered during the summer shall be conducted in the same time period as the regular summer school program and shall conform to all appropriate laws and regulations applicable to WEE.

(cf. 6177 - Summer School)

Criteria for Credit

A student shall be granted up to 40 semester credits for WEE of one or more of the following types: (Education Code 51760.3; 5 CCR 1635)

1. For exploratory WEE, the student may earn 10 semester periods for each semester, with a maximum of 20 semester periods earned in two semesters.

2. For either general or vocational WEE, the student may earn 10 semester periods for each semester, with a maximum of 40 semester periods.

(cf. 6146.11 - Alternative Credits Toward Graduation)

Credit shall be granted for successful completion of WEE in the amounts specified above provided that all the following conditions are met: (Education Code 51760.3; 5 CCR 10071)

1. At the time of enrollment, the student is at least 16 years of age or, if under the age of 16 years, fulfills one of the following criteria:
   a. The student is enrolled in grade 11 or higher.
   b. The principal certifies that the student is in need of immediate WEE in order to pursue employment opportunities.
   c. The principal certifies that there is a probability that the student will no longer be enrolled as a full-time student without being provided the opportunity to enroll in a WEE program.

(cf. 5147 - Dropout Prevention)
WORK EXPERIENCE EDUCATION (continued)

d. For students with disabilities, the student's individualized education program
prescribes the type of training for which participation in a WEE program is
deemed appropriate.

(cf. 6159 - Individualized Education Program)

e. The student is participating in exploratory WEE.

2. During the course of the student's enrollment in the program, the student receives at
least the equivalent of one instructional period per week, in sessions scheduled
intermittently throughout the semester, of related classroom instruction or counseling
by a certificated employee.

3. The WEE program meets all the requirements of law.

Minimum Day

The minimum day for students enrolled in a WEE program shall be four periods totaling at
least 180 minutes in duration, with the following exceptions: (Education Code 46144, 46147)

1. When a school's regularly scheduled period is greater than 60 minutes, the minimum
day shall be one or more periods totaling at least 180 minutes in duration.

2. A different schedule shall be established for students who are enrolled in a
continuation school or class pursuant to Education Code 48402.

(cf. 6184 - Continuation Education)

3. Upon written request of the student or his/her parent/legal guardian, the County
Superintendent or designee may permit the student to attend school for less than a
minimum day of 180 minutes if the student is in grade 12, in his/her last semester or
quarter before graduation, and would complete all the requirements for graduation,
except physical education courses, by attending high school for less than 180 minutes
per day.

(cf. 6112 - School Day)
(cf. 6146.1 - High School Graduation Requirements)
WORK EXPERIENCE EDUCATION (continued)

Responsibilities of Teacher-Coordinator

The WEE teacher-coordinator shall possess a valid California secondary-level credential, have two years of occupational experience outside the field of education, and have knowledge of the educational purposes, standards, laws, and rules and regulations applicable to the program. (5 CCR 10075)

For special education students, WEE teacher shall possess appropriate special education credential authorizing service to secondary level special education students.

(cf. 4112.2 - Certification)

The teacher-coordinator shall:

1. If so designated by the County Superintendent, issue work permits in accordance with law (Education Code 49110)

2. Select and approve work assignments for individual students that enable them to accomplish meaningful learning objectives (5 CCR 10072)

3. Conduct the related classroom instruction (5 CCR 10073)

4. Provide for supervision of students by preparing individual training plans, observing and consulting with students, and making at least two on-site contacts per semester with each work supervisor or at least one on-site contact during summer school to evaluate student performance (5 CCR 10074)

The student-teacher ratio in the WEE program shall not exceed 125 students per full-time equivalent certificated teacher-coordinator. (Education Code 46300)

The County Superintendent or designee shall provide professional development for new and continuing teacher-coordinators and other support personnel to ensure the quality of the program.

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

Records

The County Superintendent or designee shall maintain records for each student's participation in the program, including:

1. The type of WEE program in which the student is enrolled, where the student is employed, the type of job held or observation sites, and hours
WORK EXPERIENCE EDUCATION (continued)

2. Work permit issued, if applicable

3. Employer's report of the student's hourly work record and performance on the job

4. Report of each consultation between the teacher-coordinator and the employer

5. Ratings of the student, including his/her grade

6. Formal training agreement for each student that describes the responsibilities of the employer, student, school, and parent/guardian and contains a statement of nondiscrimination

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

7. Individual training plan for the student

(cf. 5125 - Student Records)
Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

The Santa Clara County Board of Education desires to provide opportunities for students in Santa Clara county districts to receive specialized training and career technical skills through a regional occupational center or 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 Santa Clara County Office of Education shall operate an ROC/P, with the County Board serving as the governing board of the ROC/P. (Education Code 52301, 52310.5)

The County Board shall adopt and regularly review the mission, goals, budget, curriculum, and policies of the ROC/P to ensure that the program is focused on student learning and meets all applicable state and federal laws, regulations, and standards.

The County Board shall establish an employer advisory board to perform the duties specified in Education Code 52302.2. The employer advisory board shall be composed of representatives of trade organizations and businesses or government agencies that hire a significant number of employees each year and require the skills and knowledge that are taught in the course sequence(s) in that occupational area, as well as at least one representative from a school district career technical educational advisory committee. (Education Code 52302.2)

(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 9301 – Board Committees)

Student Eligibility and Participation

To enroll in the ROC/P on a part-time or full-time basis, a SCCOE 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)
A student who is attending an ROC/P may be exempted from the physical education requirement in accordance with law, Board policy, and administrative regulation. (Education Code 48410, 52316)

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)

Student Services

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

The academic counseling program shall be designed to increase students' awareness of available educational options aligned with their career goals, including, as appropriate, career technical programs offered through the ROC/P.

Program Evaluation

The County Board shall annually hold a public hearing to review and assess the participation of SCCOE students in grades 11-12 in the ROC/P and shall adopt an annual plan to increase participation of students in this program, unless it is determined that there are no additional district students who would benefit from this participation. (Education Code 52304.1)

The County Board also shall review student achievement data for participating students.
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 Centers 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
California Department of Education, ROC/P: http://www.cde.ca.gov/ci/ct/rp
Commission on Teacher Credentialing: http://www.ctc.ca.gov

POLICY
adopted: October 21, 2009
SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
revised:
The Santa Clara County Office of Education (SCCOE) recognizes that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The SCCOE shall offer programs of direct, systematic, and intensive supplemental instruction to meet the needs of students.

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 5148.2 - Before/After School Programs)
(cf. 5149 - At-Risk Students)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

Supplemental instruction may be offered outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. It may also be provided during the regular school day provided it does not supplant the student’s instruction in the core curriculum areas or physical education.

Supplemental instruction shall be offered to:

1. Eligible students from low-income families whenever the SCCOE or a SCCOE school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years (20 USC 6316)

2. Students who have been recommended for retention at their current grade level or are at risk of retention (Education Code 48070.5)

(cf. 5123 - Promotion/Acceleration/Retention)

3. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation (Education Code 60851)

(cf. 6162.52 - High School Exit Examination)
"Sufficient progress" shall be determined based on a student's results on state assessments administered pursuant to Education Code 60640-60649 and the minimum levels of proficiency recommended by the State Board of Education or

"Sufficient progress" shall be determined based on a student's grades or other indicators that demonstrate the attainment of academic standards in the core curriculum areas.

(cf. 6162.51 - State Academic Achievement Tests)

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

The curriculum of the supplemental instructional program shall reflect state academic content standards and shall be designed to assist students to succeed on the exit exam. (Education Code 60851)

In addition, contingent on the SCCOE budget and local control and accountability plan (LCAP), supplemental instruction may be offered to students who:

1. Demonstrate academic deficiencies in core curriculum areas that may jeopardize their attainment of academic content standards based on state assessment results, grades, or other indicators

2. Have not passed one or both parts of the high school exit exam by the end of grade 12

3. Are targeted student groups identified in the SCCOE’s LCAP as needing increased or improved services to succeed in the educational program

(cf. 0460 – Local Control and Accountability Plan)
(cf. 3100 – Budget)
(cf. 3553 – Free and Reduced-Price Meals)
(cf. 6173.1 – Education of Foster Youth)
(cf. 6174 – Education of English Language Learners)

4. Desire enrichment in core academic areas, visual and performing arts, physical education, or other subjects as approved by the Board

(cf. 6142.6 – Visual and Performing Arts Education)
(cf. 6142.7 – Physical Education and Activity)
(cf. 6142.91 – Reading/Language Arts Instruction)
(cf. 6142.92 – Mathematics Instruction)
(cf. 6142.93 – Science Instruction)
(cf. 6142.94 – History-Social Science Instruction)
(cf. 6143 – Courses of Study)
(cf. 6172 – Gifted and Talented Student Program)

5. Participate in enrichment programs in core academic subjects pursuant to Education Code 37253
As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

(cf. 1020 – Youth Services)

The County Superintendent or designee shall obtain written parent/guardian consent for a student's participation in the supplemental instructional program.

Legal Reference:
EDUCATION CODE
37200-37202  School calendar
37223  Weekend classes
37252-37254.1  Supplemental instruction, summer school
41505-41508  Pupil Retention Block Grant
42238.01-42238.07  Local control funding formula
46100  Length of school day
48070-48070.5  Promotion and retention
48200  Compulsory education
48985  Translation of notices
51210-51212  Courses of study, elementary schools
51220-51228  Courses of study, secondary schools
52060-52077  Local control and accountability plan
60603  Definitions, core curriculum areas
60640-60649  California Assessment of Student Performance and Progress
60850-60859  High school exit examination
CODE OF REGULATIONS, TITLE 5
11470-11472  Summer school
UNITED STATES CODE, TITLE 20
6316  Program improvement schools and districts
Management Resources:
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Supplemental Educational Services, January 14, 2009
Creating Strong Supplemental Educational Services Programs, May 2004
WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov

Policy
adopted:  June 3, 2009
revised:  August 13, 2014
EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Santa Clara County Board of Education recognizes that it is accountable to students, parents/guardians, and the community for the effectiveness of the Santa Clara County Office of Education educational program in meeting SCCOE’s goals for student learning. The Santa Clara County Superintendent of Schools or designee shall conduct a continual evaluation of the curriculum and the instructional program in order to improve student achievement.

(cf. 0200 - Goals for SCCOE)
(cf. 0500 - Accountability)
(cf. 6000 - Concepts and Roles)
(cf. 9000 - Role of the Board)

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

(cf. 0510 - School Accountability Report Card)
(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 0520.4 - Quality Education Investment Schools)
(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

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

Categorical Program Monitoring

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

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5148 - Child Care and Development Programs)
(cf. 5148.1 - Child Care Services for Parenting Students)
EVALUATION OF THE INSTRUCTIONAL PROGRAM  (continued)

(cf. 5148.2 - Before/After School Programs)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6171 - Title I Programs)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6173 - Education for Homeless Children)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work Experience Education)
(cf. 6200 - Adult Education)

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

Evaluation of Consolidated Categorical Programs

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

(cf. 0420 - School Plans/Site Councils)

Western Association of Schools and Colleges (WASC) Accreditation

The County Board believes that accreditation by the Western Association of Schools and Colleges (WASC) can foster excellence and ongoing academic improvement in the SCCOE schools. The results of 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.

The County Superintendent or designee shall undertake procedures whereby SCCOE 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 County Superintendent or designee shall regularly report to the County Board on the status of SCCOE schools and any WASC recommendations for school improvement.
EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

The results of any inspection of a school by WASC, or any other the accrediting agency, shall be published not 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 SCCOE web site, as determined by the County Superintendent or designee. (Education Code 35178.4)

(cf. 1113 - SCCOE Web Site)
(cf. 5145.6 - Parental Notifications)

If any SCCOE school loses its accreditation status, the County Board shall give official notice at a regularly scheduled County Board meeting. The County 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. This notice shall also be posted on the SCCOE web site. (Education Code 35178.4)

Legal Reference:
EDUCATION CODE
33400-33407 Educational evaluations
35178.4 Notice of accreditation status
44662 Evaluation and assessment guidelines, certificated employee performance
48985 Compliance with translation of parental notifications
51041 Education program, evaluation and revisions
51226 Model curriculum standards
52050-52059 Public Schools Accountability Act
54650-54659 Education Improvement Incentive Program
62005.5 Failure to comply with purposes of funds
64000-64001 Consolidated application process
CODE OF REGULATIONS, TITLE 5
3930-3937 Program requirements
3942 Continuity of funding
UNITED STATES CODE, TITLE 20
6311 Adequate yearly progress

Management Resources:
CSBA PUBLICATIONS
Maximizing School Board Leadership: Curriculum, 1996
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Ongoing Program Self-Evaluation Tools (OPSET)
Categorical Program Monitoring Instruments
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Testing and Accountability: http://www.cde.ca.gov/ta
Western Association of Schools and Colleges (WASC), Accrediting Commission for Schools:
http://www.acswasc.org

Policy
adopted: October 21, 2009

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California