

INSTRUCTIONAL MEDIA SERVICES

Services To School Districts

The following procedures shall be used in implementing Board Policy 6161.1, which concerns the selection and approval of instructional media materials, which shall be considered by the County Board of Education for adoption.

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

Procedure for Preview and Evaluation

The Director of the Instructional Media Center or designee shall:

1. Obtain instructional multi-media resources and tools for potential acquisition and use from such sources as:
 - a. Instructional media catalogs.
 - b. Instructional media materials previewed and adopted by other counties within the California County Educational Technology Consortium (CCETC).
 - c. Recommendations from teachers, school administrators, parents in the county, and members of staff in the County Office of Education.
2. Select teachers, administrators, county office staff members and other qualified individuals on an as needed basis to preview potential instructional media materials acquisitions.
3. Periodically compile a list of instructional media titles that have been previewed and recommended for future acquisition.

Procedure For Selection of Instructional Media Titles For Initial Acquisition

The Director of the Instructional Media Center or designee shall:

1. Submit a list of instructional multi-media resources to the Tuolumne County Board of Education for approval. The list will consist of resources that have been recommended for acquisition by the Instructional Media Center and/or any one of the other twelve County Boards of Education in the Central California Educational Technology Consortium (CCETC).
2. Once instructional media titles have been approved by the County Board of Education, the list shall be presented to the County Superintendent of Schools for acquisition.

LIBRARY MEDIA CENTERS (continued)

Legal Reference:

EDUCATION CODE

1703 *Coordination of district library services by county superintendent*

1770-1775 *Provision of library services by county superintendent*

18100-18203 *School libraries*

18300-18571 *Union high school district/unified school district library district*

19335-19336 *Reading Initiative Program; recommended books*

41570-41573 *School and Library Improvement Block Grant*

44868-44869 *Qualifications and employment of library media teachers*

45340-45349 *Instructional aides*

60119 *Sufficiency of textbooks and instructional materials; public hearing*

60240-60251.5 *State Instructional Materials Fund, purchase of classroom library materials*

60420-60424 *Instructional Materials Funding Realignment Program*

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

18181 *Districtwide library plan*

52012 *Establishment of school site council*

52014-52015 *School plans*

CODE OF REGULATIONS, TITLE 5

16040-16043 *School libraries*

80053 *Library media service teaching credential*

UNITED STATES CODE, TITLE 20

6383 *Improving Literacy Through School Libraries grant program*

Management Resources:

CDE PUBLICATIONS

Check It Out! Assessing School Library Media Programs, 1998

Recommended Literature: Kindergarten Through Grade Twelve

CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS

Standards and Guidelines for Strong School Libraries, 2004

WEB SITES

American Library Association: <http://www.ala.org>

American Association of School Librarians: <http://www.ala.org/aasi>

California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/cr/lb>

California Library Association: <http://www.cla-net.org>

California School Library Association: <http://www.csla.net>

ANIMALS AT SCHOOL

The Tuolumne County Superintendent of Schools Office recognizes that animals can be an effective teaching aid. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

Animals may be brought to a school/program site for educational purposes, subject to rules and precautions specified in administrative regulations related to health, safety and sanitation. Teachers shall ensure that these rules and precautions are observed so as to protect both the students and animals.

Seeing-eye dogs and service dogs may accompany students and staff at school/program sites as needed.

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

The County Office assumes no liability for the safety of animals voluntarily brought to a school/program site.

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

Legal Reference:

EDUCATION CODE

233.5 *Instruction in kindness to pets and humane treatment of living creatures*

51202 *Instruction in personal and public health and safety*

51540 *Safe and humane treatment of animals at school*

GOVERNMENT CODE

810-996.6 *California Tort Claims Act, especially:*

815 *Liability for injuries generally; immunity of public entity*

835 *Conditions of liability*

Management Resources:

HUMANE SOCIETY OF THE UNITED STATES

Catalogue of Publications, 1996

Guidelines for the Study of Animals in Elementary and Secondary School Biology, HE 1079

ANIMALS AT SCHOOL

All animals brought to school/program site must be:

1. In good physical condition
2. Vaccinated against transmittable diseases
3. In clean, safe and suitable cages or containers or otherwise appropriately controlled

Students bringing animals to a school/program site must first obtain the consent of the teacher and the parent/guardian.

Students shall not bring poisonous or wild animals to school/program sites.

(cf. 5141.22 - Infectious Diseases)

Animals brought to a school/program site by students shall generally be taken home the same day, and within 2 hours of the time they are brought to the school/program site.

STUDENT USE OF TECHNOLOGY

The Tuolumne County Superintendent of Schools Office intends that technological resources provided by the County Office be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

(cf. 0440 - District Technology Plan)
(cf. 1113 - District and School Web Sites)
(cf. 4040 - Employee Use of Technology)
(cf. 5131 - Conduct)
(cf. 6163.1 - Library Media Centers)

The Tuolumne County Superintendent or designee shall notify students and parents/guardians about authorized uses of County Office computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with County Office regulations and the County Office's 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)

The County Superintendent or designee shall provide age-appropriate instruction regarding the County Office's acceptable use agreement, including instruction on the safe use of social networking sites and other Internet services including, but not limited to, the dangers of posting personal information online, misrepresentation by online predators, and how to report inappropriate or offensive content or threats.

(cf. 6143 - Courses of Study)

The County Superintendent or designee, with input from students and appropriate staff, shall regularly review this policy, the accompanying administrative regulation, and other relevant procedures to help ensure that the County Office adapts to changing technologies and circumstances.

Use of County Office Computers for Online Services/Internet Access

The County Superintendent or designee shall ensure that all County Office 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)

The County Board desires to protect students from access to inappropriate matter on the Internet. The County Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet. 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

STUDENT USE OF TECHNOLOGY (continued)

designee also shall establish regulations to address the safety and security of students and BP student information when using email, chat rooms, and other forms of direct electronic communication.

The 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 County Office computers to access social networking sites is prohibited. To the extent possible, the County Superintendent or designee shall block access to such sites on County Office computers with Internet access.

Before using the County Office's technological resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree to not hold the County Office or any County Office staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or users' mistakes or negligence. They shall also agree to indemnify and hold harmless the County Office and County Office personnel for any damages or costs incurred.

(cf. 6162.6 - Use of Copyrighted Materials)

Staff shall supervise students while they are using online services and may ask teacher aides, student aides, and volunteers to assist in this supervision.

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*

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*

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, Governance and Policy Services Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

K-12 Network Technology Planning Guide: Building the Future, 1995

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

1223.94 *Acceptable Use of Electronic Information Resources*

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> and <http://cyberbully.org>

Federal Communications Commission: <http://www.fcc.gov>

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

Web Wise Kids: <http://www.webwisekids.org>

STUDENT USE OF TECHNOLOGY

The principal/program administrator or designee shall oversee the maintenance of each school/program site's technological resources and may establish guidelines and limits on their use and shall also be provided with information about the role of staff in supervising student use of technological resources. He/she shall ensure that all students using these resources receive training 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)

Online/Internet Services: User Obligations and Responsibilities

Students are authorized to use County Office equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below, and the County Office'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, home addresses, and all telephone numbers private. They shall only use the account to which they have been assigned.
2. Students shall use the County Office'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. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

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/program site 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 are also cautioned not to disclose such information by other

STUDENT USE OF TECHNOLOGY (continued)

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 individually 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, County Board policy, or administrative regulations.

(cf. 3513.3 - Tobacco-Free Schools)

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.

(cf. 5131 - Conduct)

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 County Office equipment or materials or manipulate the data of any other user, including so-called "hacking."

(cf. 5131.5 - Vandalism, Theft 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.
11. Students shall report any security problem or misuse of the services to the teacher or principal/program administrator.

STUDENT USE OF TECHNOLOGY (continued)

The County Office reserves the right to monitor use of the district'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 the district for the purpose of ensuring proper use.

(cf. 5145.12 - Search and Seizure)

The principal/program administrator or designee may cancel a student's user privileges whenever the student is found to have violated County Board policy, administrative regulation, or the County Office's Acceptable Use Agreement. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and County 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 EDUCATION UNDER SECTION 504

The Tuolumne County Superintendent of Schools Office recognizes the need to identify and evaluate children with disabilities in order to provide them with the services required by law.

The County Office shall provide a free appropriate public education to students who reside within the County Office 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 District 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

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

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, July 1999

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html?src=mr>

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/program administrator.

(cf. 6164.5 - Student Success Teams)

2. Upon receipt of a referral for eligibility, the principal/program administrator 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.

Prior to conducting an evaluation of a student for eligibility under Section 504, the County Office shall obtain written parent/guardian consent.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

If the team determines that an evaluation is unnecessary, it shall inform the parents/guardians of this decision and of the procedural safeguards as described below.

3. If the team believes that a student needs or is believed to need special education or related services under Section 504, the County Office shall conduct an evaluation of the student prior to initial placement and before any significant change in placement. (34 CFR 104.35)

The County Office's 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
4. 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)

Accommodation Plan and Placement

1. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written accommodation plan which shall specify placement, accommodations, and supplementary aids and services necessary to ensure that the student receives a free appropriate public education.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

2. If the team determines that no services are necessary for the student, the record of the committee's meeting shall reflect the identification of the student 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

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

3. The student shall be placed in the regular educational environment, unless the County Office 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)
4. The County Office shall complete the identification, evaluation, and placement process within a reasonable time frame.
5. A copy of the student's accommodation plan shall be kept in his/her student record. The student's teacher, and any other staff who provide services to the student, shall be informed of the plan's requirements.

(cf. 5125 - Student Records)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Review and Reevaluation

1. The team shall monitor the progress of the student and the effectiveness of the student's 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 accommodation plan annually. In addition, the student's eligibility under Section 504 shall be reevaluated at least once every three years.
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 County Office 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

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

3. Have a review procedure

(cf. 5145.6 - Parental Notifications)

Notifications shall also detail the parent/guardian's right to file a grievance with the school district over an alleged violation of Section 504 regulation; right to have an evaluation that draws on information from a variety of sources; right to be informed of any proposed actions related to eligibility and plan for services; right to receive all information in the parent/guardian's native language and primary mode of communication; right to periodic reevaluations and an evaluation before any significant change in program/service modifications; right to an impartial hearing if there is a disagreement with the school County Office's proposed action; right to be represented by counsel in the impartial hearing process; and right to appeal the impartial hearing officer's decision.

1. Within 30 days after receipt of the district's 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 district's decision or within 14 days of completion of the administrative review. The request shall include:

- 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 County Superintendent or designee and program administrator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.

The Tuolumne County Superintendent of Schools 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 the district 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.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

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 the County Office has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

Instruction

GIFTED AND TALENTED STUDENT PROGRAM

The Tuolumne County Superintendent of Schools Office believes that all students deserve an education that challenges them to meet their fullest potential. The County Office believes gifted and talented students in grades K-12 should be provided opportunities for learning commensurate with their particular abilities and talents. The County Office will enter into a consortium with county school districts to provide such opportunities for students.

(cf. 0200 - Goals for the District))
(cf. 0420.1 - School-Based Program Coordination)
(cf. 6000 - Concepts and Roles)

The consortia's program shall be designed to provide articulated learning experiences across subjects and grade levels and shall be aligned with and extend the state academic content standards and curriculum frameworks.

(cf. 6011 - Academic Standards)
(cf. 6142.7 - Physical Education)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)
(cf. 6178 - Career Technical Education)

Identification of Gifted and Talented Students

Students may be identified for the GATE program through assessment and/or the Student Study Team process on the basis of demonstrated or potential abilities in any one or more of the following categories: (Education Code 52202; 5 CCR 3822)

1. Intellectual Ability: The student demonstrates extraordinary or potential for extraordinary intellectual development.
2. Creative Ability: The student characteristically perceives unusual relationships among aspects of the student's environment and among ideas, overcomes obstacles to thinking and doing, and/or produces unique solutions to problems.
3. Specific Academic Ability: The student functions at highly advanced academic levels in particular subject areas.
4. Leadership Ability: The student displays the characteristic behaviors necessary for extraordinary leadership.
5. High Achievement: The student consistently produces advanced ideas and products and/or attains exceptionally high scores on achievement tests.

GIFTED AND TALENTED STUDENT PROGRAM

6. Performing and Visual Arts Talent: The student originates, performs, produces, or responds at extraordinarily high levels in the arts.

(cf. 0410 - Nondiscrimination in Program/school site Programs and Activities)

(cf. 6142.6 - Visual and Performing Arts Education)

Instructional Components

GATE students may regularly participate, on a planned basis, in special instructional activities during or outside of the regular school day in order to benefit from additional educational opportunities not provided in the regular classroom. (5 CCR 3840)

The County Office's GATE program shall include an academic component and, as appropriate, instruction in basic skills for each student. (Education Code 52206)

The County Office's program shall support the social and emotional development of GATE students in order to increase responsibility, self-awareness, and social awareness and adjustment.

Staff development shall be provided to support teachers of GATE students in understanding the unique learning styles and abilities of these students and in developing appropriate instructional strategies.

(cf. 4131 - Staff Development)

Legal Reference:

EDUCATION CODE

37223 Weekend classes for mentally gifted minors

41500-41573 Categorical education block grants

48800-48802 Enrollment of gifted students in community college

51740 Instruction by correspondence

51745-51749.3 Independent study programs

52200-52212 Gifted and talented education program

52800-52887 School-Based Program Coordination

64000 Categorical programs included in consolidated application

64001 Single plan for student achievement, consolidated application programs

76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

1633 Instruction by correspondence

3820-3870 Gifted and talented education program

Management Resources:

CALIFORNIA ASSOCIATION FOR THE GIFTED PUBLICATIONS

GATE Standards Workbook: A Guide to Design, Improve and Assess Gifted Programs, 2005

Meeting the Standards: A Guide to Developing Services for Gifted Students, 2002

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Gifted and Talented Education Program Resource Guide, rev. 2005

Recommended Standards for Programs for Gifted and Talented Students, rev. 2005

WEB SITES

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

*California Association for the Gifted: <http://www.cagifted.org>
California Department of Education, Gifted and Talented Education: <http://www.cde.ca.gov/sp/gt>
Council for Exceptional Children, The Association for the Gifted (CEC-TAG): <http://www.cectag.org>
National Association for Gifted Children: <http://www.nagc.org>*

Instruction

GIFTED AND TALENTED STUDENT PROGRAM

Definitions

A gifted and talented student is a student enrolled in a public school who is identified as possessing demonstrated or potential abilities that give evidence of high performance capability in categories selected by the Tuolumne County Superintendent of Schools Office. (Education Code 52201)

A highly gifted student is one who has achieved a measured intelligence quotient of 150 or more points on an assessment of intelligence administered by qualified personnel or has demonstrated extraordinary aptitude and achievement in language arts, mathematics, science, or other academic subjects, as evaluated and confirmed by both the student's teacher and principal. Highly gifted students shall generally constitute not more than one percent of the student population. (Education Code 52201)

A special day class for gifted and talented students consists of one or more classes totaling a minimum school day where each class: (5 CCR 3840)

1. Is composed of students identified as gifted and talented
2. Is designed to meet the specific academic needs of gifted and talented students for enriched or advanced instruction and is appropriately differentiated from other classes in the same subjects at the school
3. Is taught by a teacher who has specific preparation, experience, personal attributes, and competencies in the teaching of gifted children

A part-time grouping is one in which students attend classes or seminars that are organized to provide advanced or enriched subject matter for a part of the school day and those classes are composed of identified gifted and talented students. (5 CCR 3840)

A cluster grouping is one in which students are grouped within a regular classroom setting and receive appropriately differentiated activities from the regular classroom teacher. (5 CCR 3840)

Independent study provides additional instructional opportunities supervised by a certificated County Office employee through special tutors or mentors or through enrollment in correspondence courses specified in Education Code 51740 and 5 CCR 1633. (5 CCR 3840)

(cf. 6158 - Independent Study)

Acceleration means that students are placed in grades or classes more advanced than those of their chronological age group and are provided special counseling and/or instruction outside the regular classroom in order to facilitate their advanced work. (5 CCR 3840)

GIFTED AND TALENTED STUDENT PROGRAM

(cf. 5123 - Promotion/Acceleration/Retention)

Postsecondary education opportunities offer students the opportunity to attend classes conducted by a college or community college or to participate in Advanced Placement programs. (5 CCR 3840)

(cf. 6141.5 - Advanced Placement)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

Enrichment activities are supplemental educational activities that augment students' regular educational programs in their regular classrooms. Students use advanced materials and/or receive special opportunities from persons other than the regular classroom teacher. (5 CCR 3840)

Program Coordinator

The Superintendent or designee shall appoint a coordinator for the gifted and talented education (GATE) program who has demonstrated experience and knowledge in gifted education and/or has opportunities to gain or continue such experience and knowledge.

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

Responsibilities of the GATE coordinator shall include program development and implementation, identification procedures, fiscal management, and the collection of auditable records for evaluation. (Education Code 52212)

Program Plan

The GATE coordinator shall support site GATE coordinators in the development of a written plan which describes the differentiated curricula for the program and the methods used to examine the appropriateness of participating students' total educational experience. The plan shall include the components specified in 5 CCR 3831. (5 CCR 3831)

Identification of Gifted and Talented Students

The GATE coordinator shall support site GATE coordinators to design methods to seek out and identify gifted and talented students from varying linguistic, economic, and cultural backgrounds whose extraordinary capacities require special services and programs. (5 CCR 3820)

Students may be recommended for the GATE program by administrators, teachers, counselors, other staff, or parents/guardians.

Students shall be selected for the program based on their demonstrated or potential ability for high performance in categories identified by the County Office, as evidenced by any of the

GIFTED AND TALENTED STUDENT PROGRAM

following indicators: (5 CCR 3823)

1. School, class, and individual student records
2. Individual tests, including summary and evaluation by a credentialed school psychologist
3. Group tests
4. Interviews and questionnaires of teachers, parents/guardians, and others
5. Student products
6. Opinions of professional persons

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

(cf. 6162.5 - Student Assessment)

(cf. 6164.2 - Guidance/Counseling Services)

Final determination of a student's eligibility shall be made by the Student Study Team at each school district. (5 CCR 3824)

The Student Study Team shall base their decision upon the evaluation of pertinent evidence by the principal or designee, a classroom teacher familiar with the student's work, and, when appropriate, a credentialed school psychologist. An individual recognized as an expert in the gifted and talented category under consideration, and/or an individual who has in-depth understanding of the student's linguistic or cultural group, shall participate in the evaluation of the evidence unless there is no doubt as to the student's eligibility. These persons may review screening, identification, and placement data in serial order and shall be required to meet only as necessary to resolve any differences in assessment and recommendations. (5 CCR 3824)

In reviewing evidence of a student's abilities, the Student Study Team also shall consider the economic, linguistic, and cultural characteristics of the student's background and, when appropriate, studies of the factors contributing to the student's underachievement, including handicapping or disadvantaged conditions. (5 CCR 3823)

(cf. 0410 - Nondiscrimination in County Office Programs and Activities)

(cf. 6174 - Education for English Language Learners)

Prior to a student's participation in the program, the site GATE coordinator at each school shall obtain written consent from the student's parent/guardian. (5 CCR 3831)

If results of selected assessment determine that a student is not eligible, the student's parent/guardian may appeal the decision. The Student Study Team, including the district's

GIFTED AND TALENTED STUDENT PROGRAM

GATE coordinator and certificated personnel, will convene at each school to review the student's evidence and determine whether the initial identification decision should be reversed.

The site GATE coordinator shall consider identifying for the County Office's GATE program any student who has transferred from another district in which he/she was identified as a GATE student. (Education Code 52202; 5 CCR 3831)

Because students who do not initially meet district criteria for the GATE program may become eligible at a later grade level, the district may re-examine student eligibility whenever the district receives a referral through the process noted above or the Superintendent or designee determines it to be in the student's best interest.

Once identified as a GATE student, a student shall remain eligible even though services provided to the student may change.

EDUCATION FOR HOMELESS CHILDREN

The Tuolumne County Superintendent of Schools Office desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the County Office. The district 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.

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

Transportation

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

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>

U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>

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))

County Liaison

The County Superintendent designates the following staff person as the County Office liaison for homeless students: (42 USC 11432)

Bill Schneiderman
Director, Student Services
175 So. Fairview Lane
Sonora, CA 95370
209-536-2044

EDUCATION FOR HOMELESS CHILDREN (continued)

The County 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. 3553 - Free and Reduced-Price Meals)

2. Homeless students enroll in, and have a full and equal opportunity to succeed in, County Office 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

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.

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)

EDUCATION FOR HOMELESS CHILDREN (continued)

In the case of an unaccompanied youth, the County Office 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/program administrator 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)

The principal/program administrator 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/program administrator 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.

The district liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

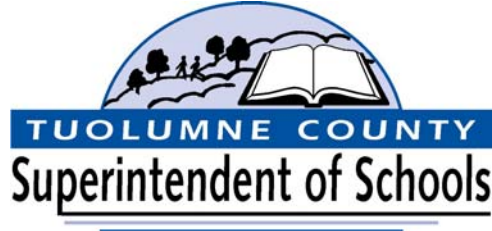
The liaison shall provide the parent/guardian a copy of the district's decision, dispute form, and a copy of the outcome of the dispute.

EDUCATION FOR HOMELESS CHILDREN (continued)

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

If the dispute remains unresolved or is appealed, the County Office of Education homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator.

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 Tuolumne 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: Bill Schneiderman

Address: 175 So. Fairview Lane, Sonora, CA 95370

Phone number: 209-536-2044

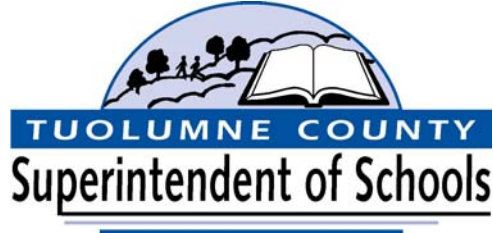
Name of County Office of Education homeless liaison: Same as above

EDUCATION FOR HOMELESS CHILDREN (continued)

You also have the following rights:

- * Pending resolution of this dispute, your child has the right to immediately enroll in the school you requested and to participate in school activities at that school.
- * You may provide written or verbal documentation to support your position. You may use the district's dispute resolution form. A copy of the dispute 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.

EDUCATION FOR HOMELESS CHILDREN



ENROLLMENT DISPUTE FORM

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

Date submitted: _____
 Name of person completing form: _____
 Student's name: _____
 Relation to student: _____

I may be contacted at the following:
 Address: _____
 Phone number: _____

Name of school requested: _____

I wish to appeal the enrollment decision made by:
 _____ District liaison _____ Superintendent _____ County liaison

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

I have been provided with:
 _____ A written explanation of the district's decision
 _____ Contact information for the district's homeless liaison
 _____ Contact information for the county office of education's homeless liaison

EDUCATION FOR FOSTER YOUTH

The Tuolumne County Superintendent of Schools Office recognizes its obligation to ensure that foster youth have access to the academic resources, services and extracurricular and enrichment activities that are available to County Office students. The County Office shall provide students in foster care within the County Office with access to educational opportunities and other services necessary to help such students achieve the County Office's performance standards.

(cf. 6011- Academic Standards)

(cf. 6173 - Education for Homeless Children)

The Tuolumne County Superintendent of Schools or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation.

The County Superintendent or designee shall collaborate with the county placing agency and other appropriate agencies to ensure maximum utilization of available funds and to meet the educational needs of foster youth within the County Office.

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

(cf. 5141.6 - Student Health and Social Services)

Legal Reference: (see next page)

EDUCATION FOR FOSTER YOUTH (continued)

Legal Reference:

EDUCATION CODE

42920-42925 Foster children educational services

48645.1 Juvenile court schools

48645.5 Coursework completed in public school, juvenile court school, or nonpublic nonsectarian school

48850-48859 Educational placement of students residing in licensed children's institutions

49061 Student records

49069.5 Foster care students transfer of records

49076 Access to student records

56055 Rights of foster parents in special education

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

309 Investigation and release of child

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

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

WEB SITES

California Department of Education, Foster Youth Services Program:

<http://www.cde.ca.gov/spbranch/ssp/fysprfa/fysrfa.htm>

California Department of Social Services, Foster Youth Ombudsman Office:

<http://www.fosteryouthhelp.ca.gov>

EDUCATION FOR FOSTER YOUTH

Definitions

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

1. Has been removed from his/her home pursuant to Welfare and Institutions Code 309 (investigation and release of child)
2. Is the subject of a petition filed under Welfare and Institutions Code 300 (jurisdiction of juvenile court) or 602 (minors ward of court, violating law)
3. Has been removed from 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 the student was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the County Office 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, 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 County Office students. (Education Code 48853)

County Office Liaison

The Tuolumne County Superintendent of Schools or designee designates the following position as the County Office liaison for foster youth: (Education Code 48853.5)

Bill Schneiderman, Director, Student Services
175 S. Fairview Ln.
Sonora, CA 95370
209-536-2044

(cf. 6173 - Education for Homeless Children)

EDUCATION FOR FOSTER YOUTH (continued)

The County Office's liaison for foster youth shall: (Education Code 48645.5, 48853.5)

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

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

2. Assist foster youth when transferring from one school to another or from one County Office to another in ensuring proper transfer of credits, records, and grades, including ensuring that records reflect full or partial credit for courses taken

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5125 - Student Records)
(cf. 6146.3 - Reciprocity of Academic Credit)

Enrollment

A foster youth placed in a licensed children's institution or foster family home shall attend programs operated by the County Office 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.

3. The student is entitled to remain in his/her school of origin as defined above.

At the initial detention or placement, or any subsequent change in placement of a foster youth, the County Office shall allow the student to continue his/her education in the school of origin for the duration of the academic school year. However, the County Office 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)

EDUCATION FOR FOSTER YOUTH (continued)

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)

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

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

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

(cf. 5132 - Dress and Grooming)

(cf. 5141.31 - Immunizations)

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

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

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

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

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

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

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

The Tuolumne 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 Office and specified in administrative regulations.

(cf. 6190 - Evaluation of the Instructional Program)

Type of Instruction

Students who are English language learners may 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 County Office's sheltered English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305, 306)

The County Office has defined the term “nearly all” as follows:

All instruction will be conducted in English except for clarification, explanation, and support as needed.

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 County Office, 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)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

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

- “Early Advanced” on the CELDT
- A grade of “C” in English Language Arts or on a local assessment
- “Basic” on the English Language Arts CST

(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 receive instruction by way of English.

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

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 Superintendent's decision in writing to the County Board of Education. 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 Superintendent's decision shall be final. If the County Board hears the appeal, the Superintendent shall send the County Office'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 sunseting 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

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidelines for Reclassification of English Learners, September 2002
Accommodations for the California English Language Development Test, Revised 8/13/01

WEB SITES

CDE: <http://www.cde.ca.gov>
CSBA: <http://www.csba.org>

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

Definitions

English learner means a 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 County Office 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 Tuolumne 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)

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 the County Office 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 site principal/program administrator and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills. (Education Code 311(b))

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

3. Students with special needs: The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the school principal/program administrator 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/program site to apply for the waiver. (Education Code 310)

Upon request for a waiver, the County Superintendent 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 the County Office 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 Superintendent must approve the waiver pursuant to Tuolumne County Superintendent of Schools Office guidelines

Pursuant to Education Code 311(b) and 311(c), the principal/program administrator 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/program administrator 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/program administrator and educational staff, the parent/guardian shall comply with County Office 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.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

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/program administrator 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/program administrator and educational staff that, due to the student's special physical, emotional, psychological or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)

The principal/program administrator 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/program administrator 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/program administrator or designee shall act upon all parental exception waivers within 20 instructional days of submission to the principal/program administrator. 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/program administrator, whichever is later. (5 CCR 11309)

All parental exception waivers shall be granted unless the principal/program administrator and educational staff have determined that an alternative program offered at the school/program site would not be better suited for the overall educational development of the student. (5 CCR 11309)

Students wishing to transfer shall be subject to the County Office's intradistrict and intradistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving County Office's intradistrict attendance policies and administrative regulations.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

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

The County Office 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 County Office's average native English language speakers
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

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

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

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.

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

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/program site'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/program site 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 County Office and made available to my child; all educational opportunities offered by the County Office 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/program site 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/program site'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/program site 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 County Office and made available to my child; all educational opportunities offered by the County Office 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/program site year.

Parent/Guardian Signature: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

For School Use Only:

Waiver Granted/Denied: _____ Date: _____

Signature: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

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

Name: _____ Grade: _____

School: _____ Date of Birth: _____

Language Designation: _____

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

Educational Needs Physical Needs Emotional/Psychological Needs

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

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

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

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

Parent/Guardian Signature: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

For School Use Only:

Waiver Granted/Denied: _____ Date: _____

Signature: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

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

Nobre: _____ Grado: _____

Escuela: _____ Fecha de nacimiento: _____

Idioma natal: _____

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

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

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

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

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

Dirección: _____

Ciudad: _____ Estado: _____ Código postal: _____

Teléfono: _____

Para uso exclusivo de la escuela:

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

Excepción otorgada/negada: _____ Fecha: _____

Firma: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

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

Nobre: _____ Grado: _____

Escuela: _____ Fecha de nacimiento: _____

Idioma natal: _____

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

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

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

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

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

Dirección: _____

Ciudad: _____ Estado: _____ Código postal: _____

Teléfono: _____

Para uso exclusivo de la escuela:

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

Excepción otorgada/negada: _____ Fecha: _____

Firma: _____

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

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

Nobre: _____ Grado: _____

Escuela: _____ Fecha de nacimiento: _____

Idioma natal: _____

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

____ Necesidades educativas ____ Necesidades físicas ____ Necesidades emocionales y psicológicas

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

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

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

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

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

Dirección: _____

Ciudad: _____ Estado: _____ Código postal: _____

Teléfono: _____

Para uso exclusivo de la escuela:

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

Excepción otorgada/negada: _____ Fecha: _____

Firma: _____

WORK EXPERIENCE EDUCATION

In order to provide students with valuable instruction in the skills, attitudes and understandings necessary for successful employment, the Tuolumne County Superintendent of Schools Office shall offer a program of work experience education. Students enrolled in this program shall receive guidance and supervision designed to ensure maximum educational benefit from placement in suitable work experience education courses.

(cf. 5147 - Dropout Prevention)
(cf. 6030 - Integrated Academic and Vocational Education)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6178 - Vocational Education)

Work experience education 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 school/program site employees. (Education Code 51764)

The County Office may provide for liability insurance for students participating in work experience programs of study off school grounds in accordance with law and County Office policy. (Education Code 51760)

(cf. 5143 - Insurance)

Legal Reference:

EDUCATION CODE

41505-41508 Pupil Retention Block Grant
46144 Minimum school day for vocational training and work experience program
46300 Method of computing ADA
48402 Enrollment in continuation education, minors not regularly employed
49110-49119 Permits to work
51760-51769.5 Work experience education

LABOR CODE

3070-3099 Apprenticeship
3200-6002 Workers' compensation and insurance

CODE OF REGULATIONS, TITLE 5

10070-10075 Work experience education

Management Resources:

WEB SITES

CDE: www.cde.ca.gov

WORK EXPERIENCE EDUCATION

Criteria for Credit

Upon the satisfactory completion of a work experience education program, a student shall be granted credit in an amount not to exceed 40 semester credits, no more than 10 of which shall be awarded in any one semester, provided that the student satisfies all of the following requirements: (Education Code 51760.3)

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/program administrator certifies that the student is in need of immediate work experience education in order to pursue employment opportunities.
 - c. The principal/program administrator 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 work experience education program.
 - d. The student's individualized education program prescribes the type of training for which participation in a work experience education program is deemed appropriate.

(cf. 6159 - Individualized Education Program)

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 of related classroom instruction or counseling by a certificated employee. The work experience instruction or counseling shall be offered in sessions scheduled intermittently throughout the semester.
3. The work experience education program meets all of the requirements of law.

Minimum Day

The minimum day for students enrolled in a work experience education program shall be four periods totaling at least 180 minutes in duration, with the following exceptions:

When a school/program site'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. (Education Code 46144)

WORK EXPERIENCE EDUCATION (continued)

Work Experiences and Related Instruction

The County Office shall enter into a formal training agreement with each employer to provide one or more of the following paid and unpaid types of on-the-job experiences: (5 CCR 10071)

1. Vocational work experience education which reinforces and extends vocational learning opportunities for students through a combination of related classroom instruction in work experience education and supervised paid employment in the occupation for which their vocational course in school prepares them
2. General work experience education 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 a supervised paid employment in any occupational field and related classroom instruction in work experience education
3. Nonpaid exploratory work experience education which provides students 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

(cf. 6030 - Integrated Academic and Vocational Education)

(cf. 6178 - Vocational Education)

All laws or rules applicable to minors in employment relationships shall be applicable to students enrolled in work experience courses. (Education Code 51763)

A work permit may be issued to a minor between under the age of 18 and over the age of 14 who is regularly enrolled in a high school or community college or who has been assigned to a vocational course in a place of employment, and who will work part-time as a student enrolled in a work experience education course. (Education Code 49113)

(cf. 5113.2 - Work Permits)

Responsibilities of Teacher-Coordinator

The work experience teacher-coordinator shall conduct the related classroom instruction, prepare individual training plans, observe and consult with students, and make at least two on-site contacts per semester with each work station supervisor and at least one on-site contact during summer school to evaluate student performance. (5 CCR 10074)

ALTERNATIVE SCHOOLS

The Tuolumne County Superintendent of Schools Office desires to provide a variety of education programs designed to address students' diverse learning needs and enhance student achievement through innovative methods and ideas.

The County Office may establish and maintain alternative school within a County Office in order to fulfill the objectives specified in Education Code 58500.

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

1. They may present the approved curriculum in a sequence different from that used in other County Office programs.
2. Their staff may emphasize specific instructional strategies.

Alternative schools/programs shall comply with state and federal law and County Office policy regarding nondiscrimination in County Office programs.

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

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

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

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

35160.5 *Intradistrict open enrollment*

41505-41508 *Pupil Retention Block Grant*

58500-58512 *Alternative schools*

60850-60856 *High school exit examination*

CODE OF REGULATIONS, TITLE 5

11705 *Charter schools as alternative schools*

Management Resources:

WEB SITES

CDE: www.cde.ca.gov

HOME AND HOSPITAL INSTRUCTION

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

(cf. 6158 - Independent Study)
(cf. 6164.4 - Identification of Individuals for Special Education)

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

(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)

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

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

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

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.22 - Infectious Diseases)

Legal Reference: (see next page)

HOME AND HOSPITAL INSTRUCTION (continued)

Legal Reference:

EDUCATION CODE

44865 *Qualifications for home teachers*

45031 *Home teachers*

48200 *Minimum school day*

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

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

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

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

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

51800-51802 *Employment of home teachers*

CODE OF REGULATIONS, TITLE 5

421 *Method of verification*

423 *Prolonged illness*

COMMUNITY DAY SCHOOL

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

The County Office perceives the community day school as a flexible component of a comprehensive effort to meet the needs of expelled and other at-risk students throughout the county.

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

(cf. 1020 - Youth Services)

(cf. 5149 - At-Risk Students)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 5113 - Absences and Excuses)

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

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

Legal Reference: (see next page)

COMMUNITY DAY SCHOOL (continued)

Legal Reference:

EDUCATION CODE

1980-1986 *County community schools*

17085-17096 *Emergency portable facilities*

17280-17316 *Field Act, approvals*

17365-17374 *Field Act, fitness of occupancy*

48660-48666 *Community day schools*

48900-48926 *Suspension or expulsion*

WELFARE AND INSTITUTIONS CODE

300 *Minors subject to jurisdiction*

602 *Minors violating laws defining crime; ward of court*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

Management Resources:

CDE PROGRAM ADVISORIES

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

WEB SITES

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

COMMUNITY DAY SCHOOL

Involuntary Transfer

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

1. The student is expelled for any reason.

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

2. The student is probation-referred pursuant to Welfare and Institutions Code 300 and/or 602.
3. The student is referred by a school attendance review board (SARB) or other County Office-level referral process.

The first priority for assignment to a community day school shall be given to students expelled pursuant to Education Code 48915(d). Second priority shall be given to students expelled for other reasons, and third priority shall be given to students referred according to item #2 or #3 above.

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

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

(cf. 6159 - Individualized Education Program)

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

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

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

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

COMMUNITY DAY SCHOOL (continued)

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

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

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

Instruction

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

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

(cf. 6158 - Independent Study)

Facilities

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

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

COMMUNITY DAY SCHOOL (continued)

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

Location of the School Site

A County Office desiring to operate a community day school to serve any of grades K-6, but no higher grades, may situate the community day school on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity or continuation school/program site when the County Office certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school in those grades. (Education Code 48661)

A County Office organized to serve grades K-8, but no higher grades, may situate a community day school on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity or continuation school when the County Office certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school in those grades. (Education Code 48661)

(cf. 9323.2 - Actions by the Board)

A County Office with 2,500 ADA or less may situate a community day school on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school when the County Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school. (Education Code 48661)

Such County Board certifications shall be valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the County Board. (Education Code 48661)

EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Tuolumne County Superintendent of Schools Office recognizes that it is accountable to students, parents/guardians, and the community for conducting a continual evaluation of the curriculum and the instructional program in order to improve student achievement.

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

The Tuolumne County Superintendent of Schools or designee shall review the effectiveness of County Office programs in meeting goals for student learning. He/she shall provide the County Board and the community with regular reports on student progress toward County Office-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 County Office school/program site 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 - Intervention for Underperforming Schools)
(cf. 0520.1 - High Priority Schools Grant Program)
(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 evaluations, the County Office shall take appropriate actions to maintain the effectiveness of programs and, as needed, to improve the quality of education that County Office students receive.

Categorical Program Monitoring

The County Superintendent or designee shall cooperate with the California Department of Education (CDE) in the conduct of on-site monitoring to ensure that County Office 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 these reviews.

(cf. 0410 - Nondiscrimination in District 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. 5148 - Child Care and Development Programs)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

(cf. 6142.7 - Physical Education)
(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 - Vocational Education)
(cf. 6178.1 - Work Experience Education)
(cf. 6200 - Adult Education)

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

Evaluation of Consolidated Categorical Programs

The County Superintendent or designee shall annually determine whether the County Office's categorical programs funded through the state's consolidated application are supportive of the core curriculum and are effective in meeting the needs of the students they are intended to serve.

(cf. 0420 - School Plans/Site Councils)

Legal Reference: (see next page)

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

Legal Reference:

EDUCATION CODE

33400-33407 Educational evaluations

35178.4 Notice of loss of accreditation status

44662 Evaluation and assessment guidelines, certificated employee performance

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 Tool (OPSET)

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>