SCHOOL-SPONSORED TRIPS

The Board of Education recognizes that school-sponsored trips are an important component of a student's development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the district's course of study or school-related social, educational, cultural, athletic, school band activities, or other extracurricular or cocurricular activities. A field trip to a foreign country may be permitted to familiarize students with the language, history, geography, natural science, and other studies relative to the district's course of study.

Requests for school-sponsored trips involving out-of-state, out-of-country, or overnight travel shall be submitted to the Superintendent or designee. The Superintendent or designee shall review the request and make a recommendation to the Board as to whether the request should be approved by the Board. All other school-sponsored trips shall be approved in advance by the principal.

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

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

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

Prohibited Field Trips, Off-Campus Activities and Outings

The Board specifically prohibits any field trip, off-campus activity or outing which may involve the use of or the proximity to a swimming pool located on the premises of a private residence.

Additionally, the Board prohibits any field trip, off-campus activity or outing which may involve weapons or any other device which projects objects such as those used in "paint ball" or other games of simulated warfare/combat.

Finally, the Board prohibits any field trip, off-campus activity or outing that is deemed by the site administrator or designee to be inappropriate, unsafe or otherwise unsuitable for students.
SCHOOL-SPONSORED TRIPS (continued)

Study Trips

In advance of a study trip, teachers shall determine educational objectives which relate directly to the curriculum. Principals shall ensure that teachers develop plans which provide for the best use of students’ learning time while on the trip. Teachers also shall provide appropriate instruction before and after the trip.

The Superintendent or designee shall establish and maintain an administrative regulation that provides for the clear and specific implementation of this policy.

No student shall be restricted or prohibited from participation in any school-sponsored field trip due to financial hardship or as a punitive action.

Legal Reference:

EDUCATION CODE
- 8760 Authorization of outdoor science and conservation programs
- 32040-32044 First aid equipment: field trips
- 35330 Excursions and field trips
- 35331 Provision for medical or hospital service for pupils (on field trips)
- 35332 Transportation by chartered airline
- 35350 Transportation of students
- 44808 Liability when pupils not on school property
- 48908 Duties of pupils; authority of teachers

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

Management Resources:

WEB SITES
- American Red Cross: http://www.redcross.org
- California Association of Directors of Activities: http://www.cada1.org

Policy adopted:
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Santa Monica, California
SCHOOL-SPONSORED TRIPS

The district encourages teachers and students to participate in off campus field trips when such trips are of educational benefit to the students. All field trip requests shall be considered carefully for the educational worth of the activity, its relationship to the district's educational program, the need for the activity including the necessity of travel outside the Southern California region and for the fund raising impact on the school and community.

Field Trip Definition

A field trip is a trip or excursion in connection with courses of instruction or school related social, educational, cultural, athletic, school band, orchestra or choral group activities. It is designed to provide learning opportunities not available at the school. Classes should be adequately prepared for trips in terms of objectives, behavior, and student and parent responsibilities. No student shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end, the Board of Education shall coordinate efforts of community and school service groups to supply funds for students in need of them.

Field Trip Categories

1. Regular Class Field Trip

   A regular class field trip is one that takes place during the school day, is of an educational nature and relates to the unit under study, includes a certificated employee of the district to supervise the group and is approved by the school principal.

2. Extended Day Field Trip

   An extended day field trip is one that is initiated during the school day and extends beyond school dismissal time or is conducted after school, on Saturday, Sunday, and/or holiday and is approved by the school principal. These trips would include participants in competitive and performing groups. Principals are responsible for ensuring supervision and transportation plans.

3. Special Out of State and/or Foreign Travel Field Trips

   Special field trips are those beyond 200 miles or overnight. All trips in this category must have prior approval by the principal, by the Superintendent or designee and the Board. (Exception: Prior Board approval is not always possible for athletic teams and other groups involved in tournament competition.) Principals are responsible for ensuring and approving supervision and transportation plans. The minimum supervision requirement shall be one adult per 15 students. An adult is a person 21 years of age or older.
SCHOOL-SPONSORED TRIPS (continued)

a. Requests for approval for out of state or foreign travel for a student group should be made by the sponsor to the principal early enough in the planning state of the trip to allow the administration and Board to approve modify or deny the request.

b. If the original plan is cancelled, direct contributions toward the project in which the donor can be clearly identified shall be returned. Funds received for consideration such as sale of merchandise, tickets for performances, etc. for which the donor cannot be clearly identified will be retained for some alternative activity by the same organization.

c. Fund raising shall be limited to a plan approved by the principal and shall not take place during instructional time. As per Education Code 51521, all fundraisers must be approved by the Board.

d. No employee, including the school sponsor of a group approved for foreign or out of state travel, shall be required to participate in the trip.

e. Principals are responsible to approve supervision plans and adult supervisors. The minimum requirements shall be one adult per 15 students.

f. Requests must be accompanied by evidence acceptable to the district's legal advisor of compliance or of ability to comply with the following:

(1) The execution and submission of a statement waiving all claims against the district and the State of California for injury, accident, illness or death occurring during or by reason of the field trip or excursion. All adults taking out of state field trips or excursions and all parents or guardians of students taking out of state field trips or excursions shall sign a statement waiving such claims as per Education Code 35330 and specifying that the district funds will not be utilized in the conduct of the trip.

(2) The provision of a policy of insurance which provides adequate protection to participating students as per Education Code 35331.

(3) That fundraising activities which are proposed shall conform to the legal requirements of the local law enforcement agency having jurisdiction over the area in which they will be conducted.

(4) The establishment of an agreement that no student will be excluded from the field trip because of lack of sufficient funds.
SCHOOL-SPONSORED TRIPS  (continued)

g.  Those traveling as part of a district or school sponsored group are expected to maintain high standards of behavior. Student standards are prescribed in the School Discipline Handbook.

h.  Transportation by chartered airline shall comply with Education Code 35332.

4.  Walking Field Trip

A walking field trip taken during the school day in the vicinity of a school community requires that the parent/guardian be informed of the trip. The parent/guardian must have signed the district approved parent permission slip prior to the student's taking the trip. (Elementary classes will be accompanied by two adults per class.)

Field Trip Procedures

The parent/guardian should be informed of all field trips and must have signed the district approved parent permission slip prior to the field trip. All trips must be available to all students regardless of fees or costs. Field trips that require district transportation must be scheduled in writing on a Transportation Request slip with the Transportation Office at least ten days in advance to be guaranteed. Anything less than ten days may not be guaranteed. Field trips paid for by organizations such as the PTA must specify that the organization will assume the cost. The Fiscal Department will bill the organization directly after the trip is taken. When transportation is needed to allow the student to participate in said activity, every effort shall be made to provide district school buses. When district buses are not available or when the use of a school bus is not expedient (i.e., a student going to an award luncheon to be honored, or a small group performing at a special community event), alternate means of transportation may be used.

1.  Adult Supervisor shall remain ax drop off point until all the students are account for.

2.  All students participating in district field trips shall be transported on school district buses.

   In the event district transportation is not available, transportation shall be provided by district approved charter buses. Charter transportation approval will be made by the Director of Transportation.

3.  School administrators or teachers may use their private automobiles when the use of a bus is not expedient (i.e., number of students does not justify the utilization of a bus). The administrators or teachers liability insurance will provide primary coverage and the district will provide excess liability coverage.
SCHOOL-SPONSORED TRIPS (continued)

4. Parents/guardians and/or other adults 21 years of age or older may be asked to provide transportation and are subject to the same insurance requirements as stated in #3.

5. Outside bus contractors with SPAB (School Pupil Activity Bus) license may be contracted from approved list provided by Director of Transportation.

Field Trip - Emergency Procedures

1. Elementary and Middle School

In case one or more students fail to return to the bus at the scheduled departure time for the return trip, the bus will wait a reasonable amount of time. If the student or students do not return, the adult will remain at the site and wait for the students. The bus driver will call the Transportation Office to report the situation in order for other means of transportation to be provided for those remaining at the field trip site.

The school principal will be notified of such an emergency and in consultation with the director of transportation will arrange for transportation. The principals will immediately notify the Superintendent or designee and the parent/parents of the students involved, of the emergency and the action being recommended or taken.

2. Senior High School

All students traveling to a school activity by bus will return on the bus unless a parental written request is approved by the adult in charge and designated school site administrator. Upon arrival at the location of the field trip or contest, the adult in charge will announce the established time and locations from which the bus will return to Santa Monica or Malibu. The bus must not leave prior to the announced time unless all students are accounted for.

a. If any students are missing at the time of departure the adult in charge will:

   (1) Question students regarding where missing persons might be

   (2) Make every effort to locate missing individuals

   (3) Notify adults at the site of the activity that you are leaving without all the students. Give student names and phone numbers if possible and request that they notify parents/guardians and assist with arrangements to return students to Santa Monica or Malibu.
SCHOOL-SPONSORED TRIPS (continued)

(4) Upon return to school, the adult in charge will notify the parents/guardians and the school principal of the missing students.

Supervision

Students on school-sponsored trips are under the jurisdiction of the district and shall be subject to district and school rules and regulations.

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

Field Trip Supervision Guidelines

Field trips may create situations that require unique supervision requirements. The school principal shall assess the supervision requirements for each field trip request and shall ensure appropriate supervision.

Chaperones who assist in supervision must be briefed beforehand of their responsibilities and be willing to take direction from the district employee who has been placed in charge of the excursion.

A field trip chaperone must meet the following minimum requirements:

1. Be a parent/guardian of an enrolled student or recommended by an employee or PTA member
2. Be at least 21 years of age
3. Sign the district’s assumption of risk for waiving all claims against the district for any injury or damages. (Education Code 35330-35332)

Parent/Guardian Permission

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

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

Safety Issues

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

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

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

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

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

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

Homework should be a natural outgrowth of an individual child's needs, and should be used as a constructive tool in the teaching-learning process. As students learn new skills, homework can be used for independent practice and applied in a variety of contexts to foster transfer of learning. It can also lay the foundation for students to take responsibility for their own learning. The value of the program depends on active student involvement in homework which has meaning for them, and on the cooperation of parents in supporting the program.

Parents/guardians need to provide an appropriate time and setting for the child to complete the assigned homework. If a child consistently is unable to complete the assigned work in the maximum number of minutes allowed, the parent should contact the teacher.

It is anticipated that students will have some form of homework Monday through Thursday evenings, whether or not there is a required written assignment. Students should be instructed to plan accordingly. Since homework is generally a daily requirement for students, parents/guardians should be urged to avoid family plans that will interfere with this schedule.

Homework assignments may be requested by parents if the absence is anticipated to be three days or more. Each school site will design its own plan.

1. Homework may be assigned in order to:
   a. Reinforce and strengthen basic skills
   b. Reinforce study habits and organizational skills
   c. Extend and enrich classroom learning
   d. Develop initiative, responsibility, and self-direction
   e. Stimulate independent thinking
   f. Increase range and scope of interests
   g. Foster worthwhile use of time

2. Some suggested types of homework:
   a. Completing classwork
   b. Practice in the basic skills of reading and mathematics
   c. Solving problems similar to those studied in class
HOMEWORK/MAKEUP WORK  (continued)

d. Preparing for tests

e. Reading for book reports or research

f. Using library or home reference books to gather information for class discussion

g. Preparing a current events report in social studies, science, or communications

h. Summarizing a historical event, a story, or a science procedure

i. Collecting or classifying materials

j. Constructing a model or doing an experiment

k. Preparing a science research project

l. Reading additional materials

m. Written assignments to include expository, creative writing and a term paper at appropriate grade level

Legal Reference:
EDUCATION CODE
48205 Absences for personal reasons
48913 Completion of work missed by suspended student
48980 Parental notifications
58700-58702 Tutoring and homework assistance program; summer school apportionment credit

Management Resources:
SBE POLICIES
Parent Involvement in the Education of Their Children, 1994
Policy Statement on Homework, 1995
HOMEWORK/MAKEUP WORK

Consistent with BP 6154, site principals are to review annually with assigned staff, the following homework procedures:

Suggested Time Allotments

Kindergarten homework should:

1. Build a positive relationship between school and home.
2. Require positive interaction between parent and child.
3. Be non-frustrating. If child becomes frustrated parent should stop immediately. If this is consistent the teacher should be consulted.
4. Be no more than five to 10 minutes a day or 20 to 40 per week.

Grades 1-5:

1. Grades 1-5 homework may be given Monday through Thursday. Appropriate weekend homework may be given.
2. First - 10 to 20 minutes daily or 40 to 80 minutes per week.
3. Second - 20 to 30 minutes daily or 80 to 120 minutes per week.
4. Third - 30 to 40 minutes daily or 120 to 160 minutes per week.
5. Fourth - 40 to 50 minutes daily or 160 to 200 minutes per week.
6. Fifth - 45 to 60 minutes daily or 180 to 240 minutes per week.

Middle School:

1. Assignments should be designed so that the typical student can complete the homework in an average of the number of minutes below for each academic subject.
2. Grade 6 about one hour total or 15 to 20 minutes per class.
3. Grade 7 about one hour, 30 minutes total or 20 to 30 minutes per class.
4. Grade 8 about two hours total or 30 to 40 minutes per class.
5. Appropriate weekend homework may be given.
HOMEWORK/MAKEUP WORK (continued)

High School:

1. Grades 9-12: two or three hours daily.

2. Assignments should be designed so that the typical student can complete the homework in an average of 30 minutes for each academic subject.

3. Appropriate weekend homework may be given.

All Grade Levels

1. Teachers should assign only as much work as can be reviewed.

2. Students shall receive informative feedback on homework in a timely manner.

3. The teacher should define the role of homework in the grading policy.
INDEPENDENT STUDY

The Board of Education authorizes independent study as an optional alternative instructional strategy by which students in grades K-12 and adult education may reach curriculum objectives and fulfill graduation requirements. Independent study shall offer a means of individualizing the educational plan for students whose needs may be met best through study outside of the regular classroom setting. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

Additionally, the Board desires to ensure that students are also physically fit and leading active lives and wishes to provide the students with expanded opportunities for access to alternative ways of meeting the physical education requirements. Education Codes 51210 and 51210.1 mandate not less than 200 minutes each 10 school days in grades 6-8; and not less than 400 minutes each 10 school days in grades 9-12 (for a total of two years).

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction, thus enabling students enrolled in independent study to complete the district's adopted course of study within the customary time frame. Students in independent study shall have access to the same services and resources as are available to other students in the school.

The Superintendent or designee shall determine that the prospective independent study student understands and is prepared to meet the district's requirements for independent study. Independent study entails a commitment by both the parent/guardian and the student. As the student gets older, he/she assumes a greater portion of the responsibility involved. Independent study may be offered only to students who can achieve in this program as well as or better than they would in the regular classroom.

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

The Board recognizes that independent study may be used as an option to encourage students to remain in school. Teachers should carefully set the duration of independent study assignments, within the limits specified by the Board in order to help identify students falling behind in their work or in danger of failing or dropping out of school.

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

1. For students in grades K-3: one week
2. For students in grades 4-8: two weeks
3. For students in grades 9-12: three weeks
CONTINUATION AND ADULT EDUCATION (continued)

4. Continuation and adult education three weeks

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

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

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

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

HOME-BASED INDEPENDENT STUDY

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

Students participating in Home-Based Independent Study shall be enrolled in the district's independent study program through their home school. Students who complete all requirements for high school graduation shall graduate from their home school.

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

Legal Reference:

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

Management Resources:

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

Policy adopted:
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Santa Monica, California
INDEPENDENT STUDY

Educational Opportunities

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

1. Special assignments extending the content of regular courses of instruction
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum
4. Continuing and special study during travel
5. Volunteer community service activities that support and strengthen student achievement

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

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

Equivalency

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

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

Physical Education

In order to provide students with educational opportunities that are accessible through independent study physical education (P.E.) instruction, the following are the guidelines for implementation:
INDEPENDENT STUDY (continued)

1. All students requesting to participate in independent study physical education opportunities must be enrolled in grades 6-12. Students in grades 1-5 will not be eligible for independent study P.E.

2. The student and his/her parent shall complete the district application form and must obtain school administration approval prior to participation in independent study P.E. with a district approved contract.

3. The organizations or athletic coaches that provides the independent study P.E. instruction of the particular sport or athletic training shall be certified under the respective governing organizations.

4. These organizations or athletic coaches shall be provided with the state approved grade level P.E. content standards with the expectations that the coach/instructor will incorporate the content standards in the sports program the students are participating in the independent study P.E.

5. The organizations or athletic coaches that provide the independent study P.E. instruction of the particular sport or athletic training shall submit to the school the independent study P.E.’s course of study based on the proposed schedule including learning activities.

6. The participating students shall maintain a written schedule/log documenting weekly participation in the learning activities and submit it to the school administration two weeks prior to the final date of school in order to receive grade and credits. The schedule/log shall include weekly dates and times of learning activities and a brief description of the activities that have been successfully completed.

7. The students who participate in Independent Study P.E. shall receive a grade of “P” for “pass” if they have completed satisfactorily the required program and fulfilled the instructional minutes requirements. The organizations or athletic coaches shall certify as such. The high schools, in accordance with the district’s policies, shall grant credits earned.

8. Failure to comply with the district requirements regarding independent study P.E. shall render the student ineligible to receive any grade, credit, or recognition of participation in physical education.

9. The school administration shall evaluate the quality and effectiveness of the independent study P.E. annually at each site and recommend for continuance.
INDEPENDENT STUDY (continued)

Eligibility for Independent Study

Parents/guardians of students who are interested in independent study should contact the principal or designee. Approval for participation shall be based on the following criteria:

1. Evidence that the student will work independently to complete the program

2. Availability of experienced certificated staff with adequate time to effectively supervise the student

A student's participation in independent study shall be voluntary. (Education Code 51747)

Students participating in independent study must be residents of the local county or an adjacent county. (Education Code 51747.3)

Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 51747.3)

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

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

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant and parenting students who are primary caregivers for one or more of their children shall be in independent study at any given time. (Education Code 51745)

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or by the Board of Education. (Education Code 46300.1, 46300.4)

Written Agreements

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

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

1. The manner, frequency, time and place for submitting the student's assignments and for reporting his/her progress

2. The objectives and methods of study for the student's work, and the methods used to evaluate that work

3. The specific resources, including materials and personnel, that will be made available to the student

4. The Board's independent study policy describing the maximum length of time allowed between an assignment and its completion and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study

5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one semester, or one-half year if the school is on a year-round calendar

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

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

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

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

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

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

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

Student Rights and Responsibilities

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

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

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

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

Administration of Independent Study

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

The responsibilities of the independent study administrator shall be to:

1. Ensure that the district's independent study option is operated in accordance with law, Board policy and administrative regulation
INDEPENDENT STUDY  (continued)

2. Approve the participation of students requesting independent study

3. Facilitate the completion of written independent study agreements

4. Approve all credits earned through independent study and forward the information to the appropriate staff so that the information becomes part of the student's record

5. Authorize the selection of staff to be assigned to supervise independent study

6. Supervise any staff assigned to independent study functions who are not regularly supervised by another administrator

7. Complete or coordinate the preparation of all necessary records and reports

8. Establish and maintain in a systematic manner all records required by law, Board policy and administrative regulation

9. Monitor student participation in independent study so that the district stays within prescribed limits and income to the district is maximized

10. Develop and manage the budget for independent study

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

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

13. Prepare and submit reports as required by the Board or Superintendent

**Supervising Teachers**

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

The teacher supervising independent study shall:

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

2. Supervise and approve coursework
INDEPENDENT STUDY (continued)

3. Design all lesson plans and assignments

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

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

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

7. Sign and complete the agreement when the student has reached his/her objectives or the agreement is terminated

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

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

Records

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

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

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

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

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

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

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

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


Or you may request a form be mailed to you by contacting the district office at 310-450-8338.
INDIVIDUALIZED EDUCATION PROGRAM

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

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

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

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

Legal Reference:

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

**FAMILY CODE**
- 6500-6502 Age of majority

**GOVERNMENT CODE**
- 7572.5 Seriously emotionally disturbed child, expanded IEP team

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

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

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

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

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

**ATTORNEY GENERAL OPINIONS**

Management Resources:

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

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

Policy adopted: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Santa Monica, California
INDIVIDUALIZED EDUCATION PROGRAM

Members of the Individualized Education Program (IEP) Team

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

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

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

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

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

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

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

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

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

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

7. Whenever appropriate, the student with a disability

8. For transition service participants:
INDIVIDUALIZED EDUCATION PROGRAM (continued)

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

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

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

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

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

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

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

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

Upon request of the parent/guardian of a child who was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), the district shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (20 USC 1414(d)(1)(D); 34 CFR 300.321; Education Code 56341)
A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian consents and the district agrees, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting involves a discussion of the member's area of the curriculum or related service, the IEP team member may be excused from the meeting if the parent/guardian consents in writing to the excusal and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (20 USC 1414(d)(1)(C); 34 CFR 300.321; Education Code 56341)

Parent/Guardian Participation and Other Rights

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

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

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

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

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

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

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

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

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

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

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

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

Contents of the IEP

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

1. A statement of the present levels of the student's academic achievement and functional performance, including:
   a. The manner in which the student's disability affects his/her involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
   b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities

2. A statement of measurable annual goals, including academic and functional goals, designed to do the following:
   a. Meet the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general education curriculum
   b. Meet each of the student's other educational needs that result from the his/her disability
   c. For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

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

4. A statement of the specific special educational instruction and related services and supplementary aids and services, based on peer-reviewed research, to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:

a. Advance appropriately toward attaining the annual goals

b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities

c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in Education Code 56345(a)

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

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

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, a statement of all of the following:

a. The reason that the student cannot participate in the regular assessment

b. The reason that the particular alternate assessment selected is appropriate for the student

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

8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:

a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
INDIVIDUALIZED EDUCATION PROGRAM (continued)

b. The transition services, including courses of study, needed to assist the student in reaching those goals

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

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

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

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

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

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

The IEP shall include descriptions of activities intended to:

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

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

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

Development, Review, and Revision of the IEP

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

1. The strengths of the student
INDIVIDUALIZED EDUCATION PROGRAM (continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Whether the student requires assistive technology devices and services

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

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

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

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

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

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

1. Whenever the student has received an initial formal assessment and, when desired, when the student receives any subsequent formal assessment
2. Upon request by the student's parent/guardian or teacher to develop, review, or revise the IEP

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

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

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

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

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

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

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

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

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

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

Timelines for the IEP and for the Provision of Services

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

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

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

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

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student’s regular school sessions, terms, or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)
A regular education or special education teacher may request a review of the classroom assignment of a special education student by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

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

Before providing special education and related services, the district shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). If the parent/guardian refuses to consent to the initiation of services, the district shall not provide the services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f). If the parent/guardian does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)

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

If the parent/guarding revokes consent to all services in the IEP after having consented to those services in the past, the district shall cease providing services and not utilize the due process hearing procedures pursuant to 20 USC 1415(t) to provide the services. (34 CFR 300.300)

If the parent/guardian revokes consent, the district shall provide prior written notice pursuant to 34 CFR 300.503 before ceasing services. (34 CFR 300.300)
INDIVIDUALIZED EDUCATION PROGRAM (continued)

Transfer Students

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

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

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

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

In order to protect the rights of students with disabilities, the district shall follow all procedural safeguards as set forth in law. Parents/guardians shall receive written notice of their rights in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board of Education about the result of the hearing.

Complaints for Special Education

Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the district’s uniform complaint procedures.

Legal Reference:

EDUCATION CODE
56000 Education for individuals with exceptional needs
56001 Provision of the special education programs
56020-56035 Definitions
56195.7 Written agreements
56195.8 Adoption of policies for programs and services
56300-56385 Identification and referral, assessment
56440-56447.1 Programs for individuals between the ages of three and five years
56500-56509 Procedural safeguards, including due process rights
56600-56606 Evaluation, audits and information
CODE OF REGULATIONS, TITLE 5
3000-3100 Regulations governing special education
4600-4671 Uniform complaint procedures
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act
UNITED STATES CODE, TITLE 42
11434 Homeless assistance
CODE OF FEDERAL REGULATIONS, TITLE 34
99.10-99.22 Inspection, review and procedures for amending education records
104.36 Procedural safeguards
300.1-300.818 Assistance to states for the education of students with disabilities, especially:
300.500-300.520 Procedural safeguards and due process for parents and students

Management Resources:

FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education, Special Education: http://www.cde.ca.gov/sp/se
U.S. Department of Education, Office of Special Education Programs:
http://www.ed.gov/about/offices/list/osep/osep

Policy
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted:
Santa Monica, California
Prior Written Notice

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

1. The district initially refers the student for assessment
2. The district proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student
3. The district refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student
4. The student graduates from high school with a regular diploma

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

1. A description of the action proposed or refused by the district
2. An explanation as to why the district proposes or refuses to take the action
3. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected
4. A description of each assessment procedure, test, record, or report the district used as a basis for the proposed or refused action
5. A description of any other factors relevant to the district's proposal or refusal
6. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained
7. Sources for parents/guardians to obtain assistance in understanding these provisions

Procedural Safeguards Notice

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

1. Upon initial referral or parent/guardian request for assessment
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

2. Upon receipt of the first state compliance complaint and upon receipt of the first due process complaint in a school year

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

4. Upon request by a parent/guardian

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

1. Independent educational evaluation

2. Prior written notice

3. Parental consent

4. Access to educational records

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

6. The availability of mediation

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

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

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

10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

11. State-level appeals

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

13. Attorney's fees

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

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

Format of Parent/Guardian Notices

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

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

1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication.

2. The parent/guardian understands the contents of the notice.

3. There is written evidence that items #1 and #2 have been satisfied.

The district may place a copy of the procedural safeguards notice on the district's web site. (20 USC 1415(d))

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Due Process Complaints

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

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.

2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.

3. The parent/guardian refuses to consent to an assessment of his/her child.

4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148 (formerly 300.403).

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

1. The student's name

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

3. The name of the school the student attends

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

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

Response to Due Process Complaints

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

1. An explanation of why the district proposed or refused to take the action raised in the complaint
PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

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

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

4. A description of the factors that are relevant to the district's proposal or refusal

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

Parties filing a due process complaint shall file their request with the Office of Administrative Hearings (www.oah.dgs.ca.gov). (Education Code 56502)

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

Informal Process/Pre-Hearing Mediation Conference

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

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

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)
NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Board of Education may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

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

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

Legal References:

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

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

FAMILY CODE
7911-7912 Interstate compact on placement of children

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

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

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

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

COURT DECISIONS

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

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

WEB SITES
CDE: http://www.cde.ca.gov
US Department of Education, Office of Special Education and Rehabilitative Services:
http://www.ed.gov/offices/OSERS

Policy adopted: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Santa Monica, California
NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Placement and Services

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

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

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

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

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

The Superintendent or designee of an elementary school district shall notify a high school district of all students placed in nonpublic school or agency programs prior to the annual review of the IEP for each student who may transfer to the high school district. (5 CCR 3068)

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

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Superintendent or designee shall document the district's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the district's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California. (Education Code 56365)

If the district decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)
APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

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

Legal Reference:
- **EDUCATION CODE**
  - 56028 Parent
  - 56050 Surrogate parents
  - 56055 Rights of foster parents
- **GOVERNMENT CODE**
  - 7570-7588 Interagency responsibilities for providing services to disabled children, especially:
  - 7579.5 Surrogate parent; appointment; qualifications; liability
- **WELFARE AND INSTITUTIONS CODE**
  - 300 Children subject to jurisdiction
  - 361 Limitations on parental control
  - 601 Minors habitually disobedient or truant
  - 602 Minors violating laws
  - 726 Limitations on parental control
- **UNITED STATES CODE, TITLE 20**
  - 1400-1482 Individuals with Disabilities Education Act, especially:
  - 1415 Procedural safeguards
- **UNITED STATES CODE, TITLE 42**
  - 11434a Definitions
- **CODE OF FEDERAL REGULATIONS, TITLE 34**
  - 300.30 Definition parent
  - 300.519 Surrogate parents

Management Resources:
- **FEDERAL REGISTER**
  - Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
- **WEB SITES**
  - California Department of Education: http://www.cde.ca.gov
  - U.S. Department of Education, Office of Special Education and Rehabilitative Services: http://www.ed.gov/about/offices/list/osers/index.html

Policy adopted: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
Santa Monica, California
APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

Conditions Necessitating a Surrogate

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

1. No parent/guardian for the student can be identified.

2. The district, after reasonable efforts, cannot discover the location of a parent or legal guardian of the student.

3. The student is adjudicated a dependent or ward of the court pursuant to Welfare and Institutions Code 300, 601 or 602 and all of the following conditions are satisfied:
   a. The court has referred the student for special education and related services or the student has a valid individualized education program (IEP)
   b. The court has specifically limited the right of the parent/guardian to make educational decisions for his/her child
   c. The student has no responsible adult to represent him or her pursuant to Welfare and Institutions Code 361 or 726 or Education Code 56055

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

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

Appointment of Surrogate Parents

Upon a determination that a student needs a surrogate parent, the Superintendent or designee shall make reasonable efforts to ensure that the surrogate is appointed within 30 days. (20 USC 1412(b)(2)(B))

When appointing a surrogate parent, the Superintendent or designee shall give first preference to a relative caretaker, foster parent or court-appointed special advocate, provided any of these individuals exists and is willing and able to serve. If none of these individuals is willing or able to act as a surrogate parent, the Superintendent or designee shall select the surrogate parent of his/her choice. If the student is moved from the home of the relative caretaker or foster parent who was appointed as the student’s surrogate parent, the Superintendent or designee shall appoint another surrogate parent if a new appointment is necessary to ensure adequate representation of the student. (Government Code 7579.5)
APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS (continued)

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

Duties of Surrogate Parent

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

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

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

Termination of Appointment

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

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

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

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

4. The right of the parent/guardian to make educational decisions for the student is fully restored (Government Code 7579.5)
APPPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS (continued)

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

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

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

Definitions

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

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

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

Behavioral intervention case manager is a designated certificated school/ district/county staff member or other qualified personnel contracted by the district or county office, and trained in behavior analysis with emphasis on positive behavioral interventions. (5 CCR 3001)

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

Functional Analysis Assessment

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

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

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

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

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

1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms
2. A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the behavior and a functional analysis of the behavior across all appropriate settings in which it occurs
3. A description of the rate of alternative behaviors, their antecedents and consequences
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

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

Behavioral Intervention Plan

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, the district shall implement a behavioral intervention plan in accordance with 34 CFR 300.520, Board policy and administrative regulation.

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

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

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

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

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

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

6. Criteria by which the procedure will be faded or phased-out, or less intense/restrictive intervention schedules or techniques that will be used

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

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

9. The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

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

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

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

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

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

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

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

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

3. The student is provided with feedback.

4. The message of the behavior is acknowledged.

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

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

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

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

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

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

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

Emergency Interventions

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

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

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

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan

6. Details of any injuries sustained by students or others, including staff, as a result of the incident

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

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

Prohibited Interventions

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

1. Any intervention designed or likely to cause physical pain

2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face

3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom

4. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma

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

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

7. Any intervention that precludes adequate supervision of the student
BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS
(continued)

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

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

Legal Reference:

EDUCATION CODE
49001 Prohibition of corporal punishment
56321 Notice of parental rights; consent of parents
56500-56508 Procedural safeguards, including due process rights
56520-56524 Behavioral Interventions

CODE OF REGULATIONS, TITLE 5
3001 Definitions
3052 Designated positive behavioral interventions

UNITED STATES CODE, TITLE 20
1412 State eligibility
1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.818 Assistance to states for the education of students with disabilities

Management Resources:

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

The district recognizes the rights inherent in the First Amendment of the Constitution of the United States and supports the principles of intellectual freedom expressed in the Library Bill of Rights and in Access to Resources and Services in the School Library Media Program. It is the policy of the district to provide information and instructional materials in classrooms and library media centers in accordance with constitutional protection. The district supports a process for the systematic review of instructional materials through established procedures.

Legal responsibility for the operation of the district including the supervision of the selection of educational instructional materials rests with the Board of Education. The Board delegates the authority for the selection of instructional materials to the professional staff employed by the district. It is the responsibility of the professional staff to select and use instructional materials to implement the educational program of the school district. Instructional materials must serve both the breadth of the curriculum and the needs and interest of individual students by accommodating a wide range of abilities and respecting diverse points of view.

Educational suitability is the major criteria for the selection of instructional materials. Professional staff are to use educational criteria and professional judgment rather than personal opinions, values, and beliefs in the selection of instructional materials.

Instructional materials should:

1. Be selected according to their alignment with the state frameworks and the general educational goals of the district.
2. Be appropriate for the age, interests, abilities, learning styles, social development, and maturity levels of the students.
3. Represent the diversity of religious, ethnic, political, and cultural values held in a pluralistic society.
4. Illustrate the contributions made by various groups to our national heritage and the world.
5. Illustrate historical and contemporary forces in society to enable users to recognize and understand social, economic, personal, and political problems.
6. Provide various points of view about issues, including those considered to be controversial.

Certificated library media personnel and teachers should consider:

1. Literary and artistic merit; technical quality; and physical condition appropriate to format and intended use.
EQUIPMENT, BOOKS AND MATERIALS (continued)

2. Scope, arrangement, and organization, relevance of information, special features, and overall value to the collection.

3. Selection of instructional materials for specific courses to be consistent with the educational goals of the district, the objectives of the course, and the characteristics of the students.

4. When selecting textbooks or materials for courses, it is imperative that administrators and faculty members avoid any appearance of a conflict of interest in assigning faculty-authored textbooks, supplemental books or instructional materials. While not expressly prohibited, the assignment of faculty-authored textbooks, supplemental books, or instructional materials should ensure that the teacher does not profit from this arrangement. Textbooks, supplemental books, tapes, software and other instructional materials authored by the course teacher may be assigned to be purchased by students or the district for a course taught by the author if the royalties arising from the purchase of the assigned materials are returned to the district, another educational institution, a charitable organization, or a not-for-profit foundation. A statement, signed by the author, outlining the approved disbursement of any royalties shall be retained on file by the district.

Legal Reference:

EDUCATION CODE
60010 Definitions
60040-60047 Instructional requirements and materials
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials
60240-60252 State Instructional Materials Fund
60400-60411 High school textbooks
60420-60424 Instructional Materials Funding Realignment Program

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

Management Resources:

WEB SITES
CDE, Curriculum Frameworks and Instructional Resources Division: http://www.cde.ca.gov/cfir
SELECTING AND EVALUATING OF INSTRUCTIONAL MATERIALS

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

To ensure that instructional materials effectively support the district's adopted courses of study, the selection of textbooks, technology-based materials, other educational materials, and tests shall be aligned with the development and evaluation of the district's curriculum and standards.

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

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

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

Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

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

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

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

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.
PUBLIC HEARING ON SUFFICIENCY OF INSTRUCTIONAL MATERIALS

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

1. Mathematics
2. Science
3. History/social science
4. English language arts, including the English language development component of an adopted program

The Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks. The Board shall determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

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

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

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

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

Legal Reference:

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

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES
1002.90  Selection of Instructional Materials, CIL: 90/91-02
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
STATE BOARD OF EDUCATION POLICY
01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001
CSBA PUBLICATIONS
Maximizing School Board Leadership: Student Learning and Achievement, 1996
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California State Board of Education: http://www.cde.ca.gov/be
Instructional Materials Funding Realignment Program

The district shall use state funds received under the Instructional Materials Funding Realignment Program to ensure that each student is provided with standards-aligned textbooks or instructional materials, as adopted by the State Board of Education (SBE) for grades K-8, in the core curriculum areas of reading/language arts, mathematics, science, and history/social science. (Education Code 60422)

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

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

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

Criteria for Selection and Adoption of Instructional Materials

Instructional materials adopted by the Board shall:

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

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

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

4. To the satisfaction of the Board, be accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels (Education Code 60045)
SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS  (continued)

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

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

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

8. Support the district's adopted courses of study and curricular goals

9. Contribute to a comprehensive, balanced curriculum

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

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

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

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

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

15. Include high-quality teacher's guides
SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

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

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

Instructional Materials Evaluation Committee

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

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

Conflict of Interest

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

1. Accept any emolument, money, or other valuable thing or inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)

   Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)

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

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

4. Have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the district

Regulation approved: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Santa Monica, California
SUPPLEMENTARY INSTRUCTIONAL MATERIALS

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

Teachers shall carefully preview all supplementary instructional materials in order to ensure that, in their professional judgment, the materials are:

1. Directly related to the course of study in which they are being used
2. Appropriate for students’ ages and maturity levels

Supplementary instructional materials must also be consistent with criteria developed for the selection and evaluation of other instructional materials. If the teacher believes that the materials may be in conflict with district criteria, the teacher shall confer with the principal or designee before using them.

When using supplementary materials, teachers shall provide appropriate introductory and follow-up activities. In addition, teachers shall ensure that supplementary materials do not supplant the use of basic texts or teaching activities.

All materials must be used within legal copyright limits.

Films

When a teacher desires to show a film that has not been approved by the district or county for use in the grade level taught, the teacher shall preview the film to determine whether in his/her professional judgment it is consistent with district criteria for the selection of instructional materials. All films must be appropriate for the curriculum and the students' ages.

If the teacher has any questions about how established district criteria apply to the film, he/she shall confer with the principal or designee before showing the film.

Legal Reference:

EDUCATION CODE
233.5 Duty re instruction in morals, manners and citizenship
18111 Exclusion of books by governing board
51510 Prohibited study or supplemental materials
51511 Religious matters properly included
51933 Sex education materials
60010 Definitions
COURT DECISIONS

Policy adopted: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Santa Monica, California
DAMAGED OR LOST INSTRUCTIONAL MATERIALS

The Board of Education recognizes that instructional materials are an expensive resource and that each student is entitled to sufficient instructional materials in accordance with law. Instructional materials provided for use by students remain the property of the district. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials are lost or so damaged that they are no longer usable, the student shall be immediately issued a replacement material. However, students or parents/guardians shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent or designee shall determine an appropriate charge.

If it can be demonstrated to the Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the Superintendent or designee may excuse the student or parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/guardian, the district may withhold the student's grades, diploma and transcripts in accordance with law, Board policy, and administrative regulation.

Legal Reference:
EDUCATION CODE
48904 Willful misconduct; limit of liability of parent or guardian
48904.3 Withholding grades, diplomas or transcripts of students causing property damage or injury
60119 Public hearing on sufficiency of materials
60411 Purchase and use; property of district
CIVIL CODE
1714.1 Liability of parent or guardian for act of willful misconduct by a minor
CODE OF REGULATIONS, TITLE 5
305 Student responsible for care of property

Management Resources:
WEB SITES
California Department of Education: http://www.cde.ca.gov
TOXIC ART SUPPLIES

The Board of Education recognizes its responsibility to protect the health and safety of students in the selection of materials used for instruction in arts and crafts activities.

The Superintendent or designee shall develop procedures for the purchase, use and proper disposal of arts and crafts materials which ensure that the health and safety of students is protected from harmful exposure to toxic substances in accordance with Education Code 32064 and established health standards.

The Superintendent or designee shall ensure that arts and crafts material purchased for use by students in grades K-6 will not contain toxic substances or cause chronic illness as determined by the State Department of Health Services.

Students in grades 7-12 are considered able to read and understand product labels and to take adequate precautions to use products which are prohibited for use in grades K-6. The Superintendent or designee shall ensure that arts and crafts materials purchased for use in grades 7-12 meet the requirements of Education Code 32065. The products must be properly labeled to identify toxic ingredients, warn of potential adverse health effects and describe procedures for safe use and storage.

Legal Reference:

EDUCATION CODE
32060 Legislative findings and declarations
32061 Art or craft material; definition
32062 Human carcinogen; definition
32063 Toxic substance causing chronic illness; definition
32064 Restrictions on purchases of arts and crafts materials
32065 Warning labels
32066 List of toxic art supplies; preparation and distribution

HEALTH AND SAFETY CODE
108500-108515 Labeling of arts and crafts materials

PENAL CODE
594.1 Aerosol containers of paint

Management Resources:

CDE PROGRAM ADVISORIES:
0712.94 Toxic Art Supplies List of Approved Products CIL .94/95-01
STUDENT ASSESSMENT

The Board of Education believes that the primary goal of student assessments should be to help students, parents/guardians and teachers identify individual student's academic accomplishments, progress and areas needing improvement in order to enhance teaching and learning.

The Superintendent or designee shall ensure that assessments are conducted for purposes of determining students' eligibility for and appropriate placement in district programs, need for supplemental instruction and eligibility for graduation.

The Board desires to use a variety of evaluation measures to reach the above-stated goal. To have validity, tests must correspond to the material that is being taught and reliably measure the extent to which students meet specified standards of achievement.

The effectiveness of the schools, teachers and district shall be evaluated in part on the basis of these student assessments.

When districtwide and school-level results of student assessments are published, the Superintendent or designee may provide supplementary information to assist parents/guardians and the local community in interpreting test results and evaluating school performance.

Individual Record of Accomplishment

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

1. The results of the achievement test administered under the Standardized Testing and Reporting program pursuant to Education Code 60640-60647

2. The results of any end-of-course examinations taken

3. The results of any vocational education certification examinations taken

Legal Reference: (see next page)
STUDENT ASSESSMENT  (continued)

Legal Reference:

EDUCATION CODE
51041  Evaluation of educational program
51450-51455  Golden State Seal Merit Diploma
60600-60649  Assessment of academic achievement
60800  Physical fitness testing
60810  Assessment of language development
60850-60856  Exit examination

CODE OF REGULATIONS, TITLE 5
850-870  Standardized Testing and Reporting program
880-901  Designated primary language test
1200-1216  High School Exit Examination

Management Resources:

CDE PROGRAM ADVISORIES
Students with Disabilities: Guidelines for Testing the California Standardized Testing and Reporting Program
0327.86  Reporting norm-referenced standardized achievement test scores to parents

CSBA ADVISORIES
0306.01  California Assessment Update
0313.00  Districts must ensure that all required student data is submitted to the publisher, or face financial penalty #00-01

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

WEB SITES
CDE:  http://www.cde.ca.gov
CSBA:  http://www.csba.org
STANDARDIZED TESTING AND REPORTING PROGRAM

The Board of Education desires to use the results of the achievement tests to evaluate the performance of district students in achieving state academic standards and in comparison to the performance of students across the state. The Superintendent or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting (STAR) Program as required by law and in accordance with Board policy and administrative regulation.

The Board strongly encourages all students at the applicable grade levels to participate in the STAR assessments in order to maximize the usefulness of the data and enable the district to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

The Board shall annually examine STAR results by school, grade level, and student subgroup in the Board's discussion of each school's ranking on the statewide Academic Performance Index. If the STAR performance level of the school is below the Board's established expectations, the Board may conduct an assessment of the reasons for the performance results and may adopt a performance improvement plan in accordance with Education Code 52056.

Legal Reference: (see next page)
STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

Legal Reference:

EDUCATION CODE
51041 Evaluation of educational program
52056 Board discussion of Academic Performance Index rankings, including STAR results
56345 Individualized education program, contents
60600-60630 Assessment of academic achievement
60640-60649 Standardized Testing and Reporting Program
60660-60663 Electronic learning assessment resources
60810 Assessment of language development
99300-99301 Early Assessment Program

CODE OF REGULATIONS, TITLE 5
850-870 Standardized Testing and Reporting Program

CODE OF FEDERAL REGULATIONS, TITLE 34
200.1 Standards and assessment

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Matrix of Test Variations, Accommodations and Modifications for Administration of California Statewide Assessments

CALIFORNIA STATE UNIVERSITY PUBLICATIONS
The Early Assessment Program: Handbook for School Site Leaders, 2008

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

WEB SITES
CSBA: http://www.csba.org
California Department of Education, STAR Program: http://www.cde.ca.gov/ta/tg/sr
California Learning Resources Network: http://clrn.org
California State University, Early Assessment Program: http://www.calstate.edu/eap

Policy adopted: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Santa Monica, California
STANDARDIZED TESTING AND REPORTING PROGRAM

The district shall administer the following assessments in the Standardized Testing and Reporting (STAR) Program:

1. The California Standards Tests (CSTs) in English language arts, mathematics, science, and history-social science to students in grades 2-11 (Education Code 60640)

In addition, students in grade 11 may voluntarily take an augmented CST as part of the Early Assessment Program to determine their readiness for college-level work in English and/or mathematics. (Education Code 60641, 99300-99301)

2. The Standards-Based Test in Spanish (STS) to Spanish-speaking English language learners in grades 2-11 who either: (Education Code 60640)
   a. Receive instruction in Spanish, regardless of how long they have been in the United States
   b. Have been enrolled in a California public school for less than 12 months

This test shall be required in addition to the CST administered in English. (Education Code 60640)

Following the first year of enrollment in a California public school, Spanish-speaking English language learners in grades 2-11 shall continue to take the STS in addition to the CST in English, if the Superintendent or designee determines that such test results would provide useful information about students' performance.

3. The California Alternate Performance Assessment (CAPA) for students with severe cognitive disabilities who are unable to take the CSTs even with accommodations or modifications, or the California Modified Assessment (CMA) for students who are not severely cognitively disabled, when determined appropriate by the student's individualized education program (IEP) team (Education Code 56345, 60640; 5 CCR 850; 34 CFR 200.1)

Any special education student who is an English learner may be tested with the STS in accordance with item #2 above, unless the IEP specifically exempts him/her from such testing. (Education Code 56345)

Testing Period

The STAR tests, with the exception of the writing assessment, shall be administered to students during a testing window of 21 instructional days that includes 10 instructional days before and after completion of 85 percent of the instructional days of the school, track, or program. (Education Code 60640; 5 CCR 855)
STANDARDIZED TESTING AND REPORTING PROGRAM  (continued)

The Superintendent or designee shall arrange for at least two make-up days for the testing of students who were absent during the testing period. All make-up testing shall occur within five instructional days of the last date that the district administered the tests, but not later than the 21 instructional day window established above. (Education Code 60640; 5 CCR 855)

The STAR writing assessment shall be administered only on the testing day(s) and make-up day(s) specified annually by the Superintendent of Public Instruction. (Education Code 60640; 5 CCR 855)

Exemptions

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. district employees may discuss the STAR Program with parents/guardians and may inform them of the availability of exemptions under Education Code 60615. However, the district and its employees shall not solicit or encourage any written exemption request on behalf of any student or group of students. (5 CCR 852)

Testing Variations

The CSTs and STS shall be administered in accordance with the manuals or other instructions provided by the test contractor, unless a testing variation, accommodation, or modification is specifically allowed pursuant to 5 CCR 853.5. (5 CCR 853, 853.5)

All students may be provided with the following variations: (5 CCR 853.5)

1. Simplified or clarified test directions
2. Write-in test booklets (e.g., underlining, working math problems), provided that in grades 2-3 any marks other than those in response circles must be erased to ensure that the tests can be scored
3. As much time as needed within a single sitting to complete a test or test part

In addition, all students shall be provided with the following testing variations if such variations are regularly used in the classroom: (5 CCR 853.5)

1. Special adaptive furniture
2. Special lighting, special acoustics, or visual magnifying or audio amplification equipment
3. An individual carrel or study enclosure
STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

4. Individual testing in a separate testing room provided that a district employee who has signed the STAR Test Security Affidavit directly supervises the student

5. Colored overlay, masks, or other means to maintain visual attention to the test or test questions

6. Manually Coded English or American Sign Language to communicate directions for test administration

Identified English learners shall be provided with the following testing variations if such variations are regularly used in the classroom or for assessment: (5 CCR 853.5)

1. Flexible setting: testing in a separate room with other English learners provided that a district employee who has signed the Test Security Affidavit directly supervises the student.

2. Flexible schedule: additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.

3. Translated directions: hearing the test directions printed in the test administration manual translated into their primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.

4. Glossaries: access to translation glossaries/word lists for the standards-based achievement tests in mathematics, science, and history/social science (English to primary language). The translation glossaries/word lists are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries/word lists shall not include definitions or formulas.

Students with disabilities shall be permitted to take the assessments with any of the testing variations listed in 5 CCR 853.5, provided the variations are specified in their IEP or Section 504 plan. These variations may include, but are not limited to, accommodations in the presentation or setting of the test administration or in how a student is allowed to respond, and/or modifications in accordance with 5 CCR 853.5. (5 CCR 850, 853, 853.5)

District and Test Site Coordinators

Each year the Superintendent or designee shall designate a district coordinator who shall serve as the district representative and liaison with the California Department of Education (CDE) for all matters relating to the STAR Program. The Superintendent or designee also shall designate a coordinator at each test site. (5 CCR 857-858)
STANDARDIZED TESTING AND REPORTING PROGRAM (continued)

In addition to the duties prescribed in 5 CCR 857-858, the district coordinator shall establish guidelines to help ensure that the test contractor is provided complete student information, as specified in 5 CCR 861 and 870, for purposes of the Academic Performance Index.

After receiving summary reports and files from the test contractor, the district coordinator shall review the files and reports for completeness and accuracy and shall notify the test contractor and the CDE of any errors, discrepancies, or incomplete information. (5 CCR 857)

Report of Test Results

Within 20 working days of receiving the student report from the test contractor, the Superintendent or designee shall forward the student report to the student's parents/guardians. If these reports are received from the contractor after the last day of instruction in the school year, each student's results shall be mailed to his/her parents/guardians. (Education Code 60641; 5 CCR 863)

The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. (Education Code 60641)

An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Board of Education at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 60641)

Individual test results shall not be released without the written consent of the adult student or the minor student's parents/guardians to any person other than the following: (Education Code 60607, 60641)

1. The student's parent/guardian
2. A teacher, counselor, or administrator directly involved with the student
3. A postsecondary educational institution for the purposes of credit, placement, or admission

Regulation approved: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Santa Monica, California
HIGH SCHOOL EXIT EXAMINATION

The Board of Education desires to ensure that district students who graduate from high school can demonstrate grade-level competency in reading, writing, and mathematics and are given the opportunity to learn the subjects covered in the high school exit examination required for high school graduation.

The Superintendent or designee shall ensure that district programs and services, including, but not limited to, instructional materials, staff development, and remediation programs, are aligned with the exit exam.

The Superintendent or designee shall administer the exit exam in accordance with law. (Education Code 60850)

Students may be allowed to take the exit exam with variations, accommodations, or modifications in accordance with law and administrative regulation.

Legal Reference: (see next page)
HIGH SCHOOL EXIT EXAMINATION (continued)

Legal Reference:

**EDUCATION CODE**
35146 Closed sessions
35186 Williams Uniform Complaint Procedures
37252-37254.1 Supplemental instruction
51041 Evaluation of educational program
52378 Supplemental school counseling program
56026 Individuals with exceptional needs
56101 Waiver of code or regulation
60810 Assessment of language development
60850-60859 Exit examination

**CODE OF REGULATIONS, TITLE 5**
1200-1225 High school exit examination

**UNITED STATES CODE, TITLE 20**
1400-1482 Individuals with Disabilities Education Act

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

**CODE OF FEDERAL REGULATIONS, TITLE 34**
300.503 Prior notice

**COURT DECISIONS**

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**
Independent Evaluation of the California High School Exit Examination (CAHSEE), Annual Reports,
Human Resources Research Organization

**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS**

**WEB SITES**
CSBA: http://www.csba.org
California Department of Education, California High School Exit Examination:
http://www.cde.ca.gov/ta/tg/hs/index.asp
Educational Testing Service: http://www.ets.org/cahsee
HIGH SCHOOL EXIT EXAMINATION

Definitions

Variation means a change in the manner in which the test is presented or administered, or in how a student is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code 60850. (5 CCR 1200)

Accommodation means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. (Education Code 60850)

Modification means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores. (Education Code 60850)

District and Test Site Coordinators

On or before July 1 of each school year, the Superintendent shall designate a high school exit examination coordinator from among district employees and shall notify the test contractor of the identity and contact information of the coordinator. The district coordinator or Superintendent or designee shall be available throughout the year; shall serve as the liaison between the district and the test contractor and between the district and the California Department of Education (CDE) for all matters related to the exit exam; and shall perform additional duties specified in 5 CCR 1209-1211.5. (5 CCR 1209)

Annually, the district coordinator or Superintendent or designee shall designate a test site coordinator for each test site to fulfill the responsibilities specified in 5 CCR 1210-1211.5. (5 CCR 1210)

All district and test site coordinators shall sign a test security affidavit/agreement pursuant to 5 CCR 1211.5.

Access to exam materials shall be limited to students taking the exit exam and individuals who have signed the test security affidavit, including employees directly responsible for test administration. All district and test site coordinators shall be responsible for inventory control. (5 CCR 1211)

Administration

The Superintendent or designee shall administer the exit exam in each district high school on the dates designated by the Superintendent of Public Instruction as exam days or make-up days. (Education Code 60851)

The exit exam shall be administered as follows: (Education Code 60851; 5 CCR 1204, 1204.5)
HIGH SCHOOL EXIT EXAMINATION (continued)

1. Students shall take each section of the exit exam once per school year while in grade 10 either during the grade 10 census administration or the district-designated grade 10 make-up administration.

2. Students in grade 11 who have not yet passed one or both sections of the exit exam shall have up to two opportunities per year to take the section(s) of the exam not yet passed and may elect to take the exam during these opportunities. These students may be tested in successive administrations within a school year. Students should be offered appropriate remediation or supplemental instruction before being retested.

3. Students in grade 12 shall have at least three opportunities to take the section(s) of the exit exam not yet passed. Eligible students in grade 12 may elect to take the exam up to three times during the school year and may take the exam in successive administrations. Students should be offered appropriate remediation or supplemental instruction before being retested.

4. Adult students shall have up to three opportunities per year to take the section(s) of the exit exam not yet passed and may elect to take the exam during these opportunities. Students should be offered appropriate remediation or supplemental instruction before being retested.

If a student does not possess sufficient English language skills to be assessed on the exit exam, the Superintendent or designee may defer the exam requirement for a period of up to 24 calendar months of enrollment in the California public school system until the student has completed six months of instruction in reading, writing, and comprehension in the English language. (Education Code 60852)

Test administrators at the test sites shall be responsible for the accurate identification of eligible students to whom the exit exam is to be administered. This identification shall be made through the use of photo identification or positive recognition by an employee of the district. (5 CCR 1203)

Any student found to have cheated, assisted others in cheating, or compromised the security of the exit exam shall not receive a score from that test administration. (5 CCR 1220)

Testing Variations for All Students

The Superintendent or designee may provide any student taking the exit exam with extra time within a testing day, simplified or clarified test directions, and/or student marks (other than responses) including highlighting in test booklets. (5 CCR 1215)

A student may also be provided the following testing variations if they are regularly used in the classroom: (5 CCR 1215)
HIGH SCHOOL EXIT EXAMINATION (continued)

1. Special or adaptive furniture

2. Special lighting, special acoustics, visual magnifying, or audio amplification equipment

3. An individual carrel or study enclosure

4. Testing of individual students in a separate room provided that the student is directly supervised by an employee who has signed the test security affidavit

5. Colored overlay, mask, or other means to maintain visual attention to the exam or test items

6. Manually Coded English or American Sign Language to present directions for test administration

At least 30 working days before the proposed administration of the exit exam, the Superintendent or designee shall submit a request to the CDE for a case-by-case review of a proposed variation that is not specified in law. The request shall include a description of the requested variation(s) and, if applicable, a certification that the student's individualized education program (IEP) or Section 504 plan specifies that the requested variation is appropriate and necessary to access the exam due to the student's identified disability(ies) and that such variation is currently listed in his/her IEP or Section 504 plan. (5 CCR 1218)

Testing Variations for English Language Learners

In addition to testing variations allowed for all students, identified English language learners may be allowed the following testing variations if regularly used in the classroom or for assessments: (5 CCR 1217)

1. Flexible setting: English language learners may have the opportunity to be tested in a separate room with other English language learners provided that the students are directly supervised by an employee who has signed the test security affidavit.

2. Flexible schedule: English learners may have additional supervised breaks within a testing day.

3. Flexible time: English learners may have extra time on the exam within a testing day.

4. Translated directions: English learners may have the opportunity to hear the test directions printed in the test contractor’s manual translated into their primary language. English learners may have the opportunity to ask clarifying questions about the test directions in their primary language.
HIGH SCHOOL EXIT EXAMINATION (continued)

5. Glossaries: English learners may have access to translation glossaries (English to primary language and/or primary language to English). The glossaries are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries shall include no definitions, formulas, or parts of speech.

Accommodations/Modifications for Students with Disabilities

A student with disabilities shall be permitted to take the exit exam with accommodations or modifications when the student's IEP or his/her Section 504 plan specifies their use on the exit exam, for standardized testing, or during classroom instruction and assessments. (Education Code 60850; 5 CCR 1215.5, 1216)

The use of accommodations shall not invalidate a student's test score(s). Accommodations may include: (5 CCR 1215.5)

1. Presentation accommodations, including large-print versions in 20-point font, exam items enlarged if larger than 20-point font is required, Braille transcriptions provided by the test contractor, audio or oral presentation of the mathematics section of the exam, or use of Manually Coded English or American Sign Language to present test questions on the mathematics section of the exam

2. Response accommodations, including responses marked in the test booklet and transferred to the answer document by an employee who has signed the test security affidavit; responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe for selected-response items (e.g., multiple-choice test questions); responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter on the writing portion of the exam and the student indicates all spelling and language conventions; word processing software with spell and grammar check tools turned off on the writing portion of the exam; or an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the exit exam

3. Scheduling/timing accommodations, including testing over more than one day after consultation with the test contractor, supervised breaks within a section of the exam, and administration of the exam at the most beneficial time of day to the student after consultation with the test contractor

4. Setting accommodations, including tests administered by a test examiner to a student at home or in the hospital
HIGH SCHOOL EXIT EXAMINATION  (continued)

For purposes of receiving a high school diploma, the use of modifications shall invalidate a student's test score for the section of the exam for which the modification(s) were used. If the score is equivalent to a passing score, the student may be eligible for a waiver, as detailed below. Modifications may include: (5 CCR 1216)

1. Arithmetic table, calculators, or math manipulatives on the mathematics section of the exit exam

2. Audio or oral presentation of the English language arts section of the exit exam

3. Manually Coded English or American Sign Language to present test questions on the English language arts section of the exit exam

4. Spell checkers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the exit exam

5. Mechanical or electronic devices or other assistive devices that are not used solely to record the student's responses including, but not limited to, transcribers, scribes, voice recognition or voice-to-text software, and that identify a potential error in the student's response or that correct spelling, grammar, or conventions on the writing portion of the exit exam

6. Responses dictated orally, in Manually Coded English, or in American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions

7. Dictionary on any section of the exam

Waiver for Students with Disabilities

The parent/guardian of a student with disabilities who has taken any section of the exit exam with one or more modifications and has received the equivalent of a passing score may request that his/her child receive a waiver of the requirement to successfully pass the exam. Upon receipt of such request, the principal shall submit a request for a waiver to the Board of Education. The Board may waive the requirement to successfully pass the exit exam if the principal certifies that the student has all of the following: (Education Code 60851)

1. An IEP or Section 504 plan in place that requires the accommodations or modifications to be provided to the student when taking the exit exam

2. Sufficient high school level coursework either satisfactorily completed or in progress in the high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam
HIGH SCHOOL EXIT EXAMINATION  (continued)

3. An individual score report showing that the student has received the equivalent of a passing score on the exit exam while using a modification that fundamentally alters what the exam measures as determined by the State Board of Education

In order to protect the student's privacy rights, the waiver request shall be considered in closed session. Final Board action on the waiver request shall be taken in open session and shall be a matter of public record. The student's name shall not be disclosed in open session.

The principal or designee shall notify parents/guardians of students with disabilities about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

Each year, the Superintendent or designee shall provide the CDE with data regarding students with disabilities and the district's waiver process as specified in 5 CCR 1207.1.

Records

The Superintendent or designee shall maintain a summary data file of all students who participate in each test administration. This summary data file shall include the following information for the English language arts section and the mathematics section for each administration: (5 CCR 1205)

1. The date on which each section of the exam was taken
2. The full name of each student who took each section of the exam
3. The grade level of each student at the time each section of the exam was taken
4. Whether each student has satisfied the requirement to successfully pass each section of the exam

In addition, the Superintendent or designee shall provide the test contractor with the student demographic information specified in 5 CCR 1207.

Within 60 days of receiving electronic data files from the test contractor, the Superintendent or designee shall enter the following information in each student's permanent record: (5 CCR 1206)

1. The date on which the student took each section of the exam
2. Whether the student has satisfied the requirement to successfully pass each section of the exam
HIGH SCHOOL EXIT EXAMINATION  (continued)

Notifications

At the beginning of each school year, the Superintendent or designee shall provide written notification of the exit exam requirement to all students in grades 9-12 and to their parents/guardians. Such notification shall also be provided to any student who transfers into the district after the beginning of the school year at the time of the student's transfer. The notification shall include, at a minimum, the date of the exam, the requirements for passing the exam, and the consequences of not passing the exam, and shall inform the parent/guardian that passing the exam is a condition of graduation. The Superintendent or designee shall maintain documentation that the parent/guardian of each student has been sent this written notification. (Education Code 48980, 60850; 5 CCR 1208)

Prior to each administration of the exit exam, the Superintendent or designee shall notify students of the provisions of 5 CCR 1220 related to the consequences of cheating. (5 CCR 1220)
HIGH SCHOOL EXIT EXAMINATION

Principal’s Certification and Request for the Board of Education
to Waive the High School Exit Exam Requirement
for a Student with Disabilities

Student’s Name: ____________________________________________

Student’s Number (for use on open session agenda): ______________

Pursuant to Education Code 60851, the parent/guardian of ______[student’s name]_______, a child with disabilities, has requested that the Board of Education waive the requirement that his/her child successfully pass the high school exit examination in order to receive a diploma from ________________ High School. His/her child has taken the high school exit exam with one or more modifications that fundamentally alter what the test measures as determined by the State Board of Education, and has achieved the equivalent of a passing score on one or both parts of the exam.

I certify that the student qualifies for a waiver because he/she satisfies all of the following conditions:

1. Has an individualized education program (IEP) adopted pursuant to the Individuals with Disabilities Education Act or Section 504 plan that specifies the use of the modification(s) on the exit exam, standardized testing or classroom instruction and assessments. (Attach the IEP or Section 504 plan that indicates the modification needed to participate and access the high school exit exam.)
   
   a. Describe the nature of the student’s disability as identified on the IEP or Section 504 plan:
   
   b. Describe any modification(s) used on the English/language arts section of the exam:
   
   c. Describe any modification(s) used on the mathematics section of the exam:
   
   d. List the rationale as to why the modification used was necessary to allow the student to access the test:
      
   e. Describe the accommodations/modifications that the student regularly uses for English/language arts in the classroom and on other assessments:
      
   f. Describe the accommodations/modifications that the student regularly uses for mathematics in the classroom and on other assessments:
HIGH SCHOOL EXIT EXAMINATION  (continued)

2. Has sufficient high school level coursework either satisfactorily completed or in progress in the high school curriculum sufficient to have attained the skill and knowledge otherwise needed to pass the high school exit examination. *(Attach transcript showing coursework completed.)*

Summarize the student’s academic preparation and performance in the subject areas of English/language arts and/or mathematics (depending on the subject of the waiver request) that demonstrate high school level achievement:

3. Has an individual score report showing that he/she has achieved the equivalent of a passing score on the exit exam (350 or more points) using a modification that fundamentally alters what the exam measures. *(Attach a copy of the exit exam Student and Parent Report showing "equivalent of a passing score" in either the English/language arts/and/or math portion of the exam.)*

Certified by: [principal’s signature] Date:______________
Instruction

BP 6162.54(a)

TEST INTEGRITY/TEST PREPARATION

The Board of Education desires to protect the integrity of student assessment processes in order to obtain an accurate assessment of student achievement in the district and maintain accountability to the community and state. Students and staff are expected to maintain a high level of integrity in the completion and handling of student assessments.

Test Integrity

In the administration of standardized tests, staff shall not:

1. Provide inappropriate test preparation
2. Modify test administration procedures, except as allowed by law
3. Provide inappropriate assistance to students during test administration
4. Change or fill in answers on student answer sheets
5. Provide inaccurate data on student header sheets
6. Discourage or exclude certain students from taking the test
7. Engage in any other practice to artificially raise student scores without actually improving underlying student achievement

Preparation for State Tests

Staff may prepare students for assessments by providing instruction in the content specified in state and district academic standards and teaching general test-taking strategies that are designed to improve their performance on tests included in the Standardized Testing and Reporting program, the California High School Exit Examination, or the California English Language Development Test. Such strategies may include, but not be limited to, using time efficiently, understanding directions, placing answers correctly on answer sheets, checking answers, problem-solving tactics, and exposing students to various test formats.

The Superintendent or designee, principals, and teachers shall not implement any program of specific preparation for the statewide student assessment program or a particular test used within that program. (Education Code 60611)

Practice tests provided by the publisher of the state achievement test may be used for the limited purpose of familiarizing students with the use of scanable test booklets or answer sheets and the format of test items. No alternate or parallel form of the test shall be administered or used. (5 CCR 854)
TEST INTEGRITY/TEST PREPARATION  (continued)

Staff shall not use released test questions to develop practice tests that mimic or parallel state tests, or for teaching or drilling students only on the released items.

Investigation and Consequences of Testing Irregularities

Reports of student cheating on assessments shall be submitted to the principal or designee for investigation. Students found to have cheated on assessments shall be subject to disciplinary procedures in accordance with Board policy and administrative regulations.

A staff member found to have committed testing irregularities shall be subject to discipline in accordance with law, where applicable, collective bargaining agreements, Board policy, and administrative regulations.

The Superintendent or designee shall immediately investigate with due diligence any reports of inappropriate test preparation or other testing irregularities.

If the Superintendent or designee is made aware of a testing irregularity on state assessments, he/she shall report the irregularity to the California Department of Education.

Legal Reference:

EDUCATION CODE
60600-60649 California Assessment of Academic Achievement, especially:
60611 Inappropriate test preparation
60850-60859 California High School Exit Examination

GOVERNMENT CODE
54957 Complaints against employees, closed session

CODE OF REGULATIONS, TITLE 5
850-870 Standardized Testing and Reporting program, especially:
854 Advance preparation for STAR test
880-901 Designated primary language test
1200-1225 California High School Exit Examination, especially:
1215 Cheating on the high school exit examination

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Guidelines on Academic Preparation for State Assessments, April 2004

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

Policy adopted: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
Santa Monica, California
USE OF COPYRIGHTED MATERIALS

The Board of Education recognizes the importance of ensuring that the district complies with federal law regarding copyrights. District staff and students are expected to maintain the highest ethical standards in using copyrighted materials.

When selecting appropriate supplementary instructional materials, it is each staff member's responsibility to adhere to the provisions of federal copyright law, Board policy, and administrative regulation. The district shall not be responsible for any violation of copyright laws by its staff or students. If a staff member is uncertain as to whether reproducing or using copyrighted material complies with the law, he/she shall contact the Superintendent or designee for clarification and assistance. At no time shall it be necessary for a district employee to violate copyright laws in order to perform his/her duties.

The Superintendent or designee shall ensure that the district observes all publisher licensing agreements between vendors and the district, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single program, the district shall not make multiple copies of a computer program or software. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

Legal Reference:
EDUCATION CODE
35182 Computer software
UNITED STATES CODE, TITLE 17
101-122 Subject matter and scope of copyright, especially:
102 Definitions
107 Fair use
110 Limitations on exclusive rights: Exemption of certain performances and displays
COURT DECISIONS
Marcus v. Rowley (9th Cir., 1982) 695 F.2d 1171

Management Resources:
U.S. COPYRIGHT OFFICE PUBLICATIONS
Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, 1995
WEB SITES
Copyright Clearance Center: http://www.copyright.com
Copyright Society of the USA: http://www.csusa.org
U.S. Copyright Office: http://www.copyright.gov
USE OF COPYRIGHTED MATERIALS

Each employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the principal/designee may request permission to reproduce the material from its copyright holders.

Requests for permission to use copyrighted materials shall include the following information:

1. Title, author(s), editor(s) or publisher, producer(s) or distributor.
2. Edition, copyright and/or production year.
3. Exact amount of material to be used (i.e., lines, pages, running time, etc.).
4. Nature of the use (i.e., how many times, when and with whom the material will be used).
5. Number of copies to be made.
6. How the material will be reproduced.
7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

The following guidelines differentiate between permitted and prohibited uses of printed material, sheet and recorded music, videotapes, films, filmstrips or slide programs, off-air taping (radio or television), and computer software.

Printed Materials

Permitted Uses:

1. Single copies at the request of an individual teacher:
   b. An article from a magazine or newspaper.
   c. A short story, short essay or short poem, whether or not from a collective work.
   d. A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine or newspaper.
USE OF COPYRIGHTED MATERIALS  (continued)

2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
   a. A complete poem if less than 250 words and if printed on not more than two pages.
   b. An excerpt from a longer poem, not to exceed 250 words.
   c. A complete article, story or essay of less than 2,500 words.
   d. An excerpt from a larger prose work not to exceed 10 percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
   e. One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

Prohibited Uses:

1. Copying more than one work or two excerpts from a single author during one class term.

2. Copying more than three works from a collective work or periodical volume during one class term.

3. Copying materials for more than one course in the school where the copies are made.

4. More than nine sets of multiple copies for distribution to students in one class term.

5. Copying used to create, replace or substitute for anthologies or collective works.

6. Copying of "consumable" works such as workbooks, standardized tests, answer sheets, etc.

7. Copying that substitutes for the purchase of books, publishers' reprints or periodicals.

8. Repeated copying of the same item by the same teacher from term to term.

The above prohibitions do not apply to current news magazines and newspapers.
USE OF COPYRIGHTED MATERIALS (continued)

Sheet and Recorded Music

Permitted Uses:

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.

2. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than 10 percent of the total work may be made for academic purposes other than performances.

3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.

4. A single copy of a recorded performance by students may be retained by the district or individual teacher for evaluation or rehearsal purposes.

5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made and retained for the purpose of constructing exercises or examinations.

6. A single copy of an excerpt that constitutes an entire performable unit (i.e., a movement or aria) may be made, provided it is either:
   a. Confirmed by the copyright proprietor to be out of print, or
   b. Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.

7. A single copy of a portion of a sound recording may be made by or for a student, i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

Prohibited Uses:

1. Copying to replace or substitute for anthologies or collections.

2. Copying from works intended to be "consumable."

3. Copying for purposes of performance except as noted in an emergency.

4. Copying to substitute for purchase of music.

5. Copying without inclusion of copyright notice on the copy.
USE OF COPYRIGHTED MATERIALS (continued)

6. Duplication of tapes, unless reproduction rights were given at time of purchase.

7. Reproduction of musical works or conversion to another format, e.g. record to tape.

Videotapes, Films, Filmstrips or Slide Programs

Permitted Uses:

1. A single copy of a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.

2. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.

3. Selected slides may be reproduced from a series if reproduction does not exceed 10% of the total or excerpt the essence of the work.

4. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed 10 percent of photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.

5. A single overhead transparency may be created from a single page of a "consumable" workbook.

6. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed 10 percent of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.

Prohibited Uses:

1. Reproduction of an audiovisual work in its entirety.

2. Conversion from one media format to another, e.g., film to videotape, unless permission is secured.

3. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as the copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film via closed-circuit television outside the building is not permitted.
USE OF COPYRIGHTED MATERIALS (continued)

Radio - Off-Air Taping

Permitted Uses:

1. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.

2. Copies of broadcasts by national public radio may be made by district employees and retained for an indefinite period for educational purposes.

Prohibited Uses:

Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music), is governed by the same copyright laws that apply to off-air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

Television - Off-Air Taping

Permitted Uses:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.

2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first 10 consecutive school days in the 45 calendar-day retention period.

3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
USE OF COPYRIGHTED MATERIALS  (continued)

5. After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes; i.e., to determine whether or not to include the broadcast program in the teaching curriculum; they may not be used for student exhibition or any other nonevaluation purpose without authorization.

6. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

Prohibited Uses:

1. Off-air recording in anticipation of teacher requests.
2. Using the recording for instruction after the 10-day use period.
3. Holding the recording for weeks or indefinitely because:
   a. Units needing the program concepts are not taught within the 10-day use period.
   b. An interruption or technical problems delayed its use.
   c. Another teacher wishes to use it, or for any other supposedly "legitimate" educational reason.
4. On occasion a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.
5. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

Software Copyright

Permitted Uses:

Copies of district-owned software may be made only when:

1. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
USE OF COPYRIGHTED MATERIALS  (continued)

2. The copy is used for archival or "backup" purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the district unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program. (17 USC, Title 117).

Prohibited Uses:

1. Copies of copyrighted programs may not be made for any purpose other than the two permitted above.

2. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure software from copying.

3. Illegal copies of copyrighted programs shall not be made or used on school equipment.

(cf. 4132/4232/4332 - Publication or Creation of Materials)
USE OF TECHNOLOGY IN INSTRUCTION

The Board of Education encourages the instructional use of computers, videotapes, interactive videodisks, distance learning, cable television and other technologies. The Board perceives that these technologies:

1. Give students new ways to access information and practice skills
2. Help teachers meet a wide range of learning styles
3. Enable teachers to move from whole-class instruction to mixture of small-group and individualized instruction
4. Help students develop reasoning and problem-solving abilities
5. Will be a part of students’ everyday lives

The Board recognizes that trained teachers are needed to make the best use of the district’s technology. Teachers and instructional aides shall receive training in using the technologies available to them. All district schools shall have the opportunity to obtain computers, software and other equipment.

The district’s educational software shall be carefully selected and evaluated so as to meet the teachers’ and students’ needs and conform to district policy and regulations.
USE OF TECHNOLOGY IN INSTRUCTION

Staff shall strictly observe copyright laws related to computers and educational technology. A designated employee shall ensure that software is used and duplicated in accordance with software licensing agreements. Public domain software may be duplicated and exchanged with other schools or staff. No illegal copies of copyrighted software shall be accepted or used in the district.

The following guidelines shall be considered when evaluating educational software:

1. Skill levels required to operate the program are commensurate with the skill levels being taught or practiced.

2. Instructions are clear and complete, and the program operates as specified in the instructions.

3. Program objectives related to course objectives and are explicitly stated or readily apparent to the learner.

4. Responses to learners are helpful and encouraging.

5. Users can easily and independently operate the program.

6. The pace of the program can be controlled by the teacher or learner, unless pacing is an essential element of the instructional strategy.

7. Unanticipated learner input does not disrupt program operation.

8. Screens are well formatted, with appropriate use of sound and graphics.

9. Support materials include:
   a. A description of the hardware required to use the program
   b. Procedures for installing the software
   c. Provisions for the replacement of defective software
   d. Descriptions of the program’s content and objectives, usage in various instructional settings, suggested related classroom activities

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Santa Monica, California