ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

BOARD OF TRUSTEES



Special Board Meeting

July 29, 2021

Thursday, July 29, 2021
SPECIAL BOARD MEETING AMENDED AGENDA

Type: SPECIAL BOARD MEETING AMENDED AGENDA
Time: 5:30 pm
Code: Special #4-21/22

PURSUANT TO GOVERNOR GAVIN NEWSOM'S EXECUTIVE ORDERS NO.N-08-21 dated June 11, 2021, The July 29, 2021, SPECIAL BOARD MEETING WILL BE CONDUCTED EXCLUSIVELY VIA CONFERENCE TELEPHONE AND THROUGH "ZOOM" VIDEO CONFERENCING. THE DISTRICT OFFICE AND BOARD ROOM WILL NOT BE OPEN AND AVAILABLE FOR THE PUBLIC TO ATTEND AND PARTICIPATE IN THE BOARD MEETING AT THE DISTRICT OFFICE. MEMBERS OF THE PUBLIC MAY PARTICIPATE AND COMMENT IN OPEN SESSION THROUGH THE FOLLOWING MEANS:

1. Zoom - Live Board Meeting and use "Raise Hand" function to request opportunity to make a comments.
2. THE ZOOM MEETING CAN BE ACCESSED AS FOLLOWS:
Join Zoom Meeting https://us02web.zoom.us/j/85035629508
One tap mobile
+16699006833, Meeting ID:850 3562 9508# US (San Jose)
Zoom Spanish Interpretation available- Zoom Instructions link www.arusd.org/zoomesp. If you call in you will not be able to access this function.
THE MEETING MAY ALSO BE VIEWED THROUGH LIVE STREAM AS FOLLOWS:
1. Live stream Youtube English Channel "AlumRock TV"
https://www.arusd.org/alumrocktv

In compliance with the Americans with Disabilities Act and Executive Order N-08-21, if you need Special Assistance, Disability-Related modifications or accommodation, including auxiliary aids or services, in order to participate in the Special Board Meeting of the Board of Trustees, please contact the office of the District Superintendent at (408) 928-6822 or by email at maribel.carrillo@arusd.org immediately and the district will make reasonable arrangements to ensure accommodation and electronic accessibility to this meeting.

Members of the public shall have an opportunity to address the Board of Trustees on the agenda items identified below. (Government Code Section 54954.3)

1. OPEN SESSION - CALL TO ORDER AND ROLL CALL

1.01 CALL TO ORDER/ ROLL CALL/ PLEDGE OF ALLEGIANCE -- PRESIDENT CORINA HERRERA-LOERA.

2. INSTRUCTIONAL SERVICES--BOARD DISCUSSION AND/ OR ACTION (The Board may take action on any item in this section, unless it is designated for information only.)

2.01 Public Hearing on Proposed Amendments to Board Policy 6158 - Independent Studies Program (Education Code section 51747 and 5 CCR section 11701).

2.02 Waive Second-Reading requirement (per Board Bylaw 9310) and Approve Amended Board Policy 6158 – Independent Study.Assembly Bill 130 signed by Gov. Newsom into law on July 9, 2021, imposes new independent studies options and requirements on public school districts. AB 130 requires that the Governing Board adopt policies implementing the new statutory requirements. Per Board Bylaw 9310, Board Policies are typically reviewed and adopted through a two-reading process. Board Bylaw 9310 also provides, however, that "[t]he Board may waive the second reading or may require an additional reading if necessary." Because of the need to adopt the policy changes immediately, in advance of the new school year, and to inform the parents of the independent studies options and

requirements right away, the Board is requested to waive the second-reading requirement per Bylaw 9310 and to approve Amended Board Policy 6158 as presented.

2.03 Waive Second-Reading requirement (per Board Bylaw 9310) and Approve Amended Board Policy 5123 – Promotion/Acceleration/RetentionAssembly Bill 101 signed by Gov. Newsom into law on July 1, 2021, imposes new options for parents and requirements on public school districts relating to retention of students in their last grade level, including notifications to parents of their rights and opportunities under the new law. Per Board Bylaw 9310, Board Policies are typically reviewed and adopted through a two-reading process. Board Bylaw 9310 also provides, however, that "[t]he Board may waive the second reading or may require an additional reading if necessary." Because of the need to adopt the policy changes immediately, in advance of the new school year, and to inform the parents of the options they may wish to consider for their students, the Board is requested to waive the second-reading requirement per Bylaw 9310 and to approve Amended Board Policy 5123 as presented.

3. ADJOURNMENT

3.01 President adjourns the meeting.

PUBLIC HEARING ANNOUNCEMENT

Proposed Amendments to Board Policy 6158 - Independent Studies Program (Education Code section 51747 and 5 CCR section 11701)

Public Hearing will be held on

July 29, 2021

5:30 p.m.

or approximately thereafter at

Alum Rock Union Elementary School District

Zoom Video Meeting can be accessed as follows:

Join Zoom Meeting

https://us02web.zoom.us/j/85035629508

Conference Phone Meeting can be accessed as follows:

Join Phone Meeting

Dialing +1 669 900 6833 (San Jose)

+1 253 215 8782 (Tacoma)

Publicly Posted: July 27, 2021

Hilaria Bauer, Ph.D.

Superintendent

Alum Rock Union ESD

Board Policy

Independent Study

BP 6158
Instruction

The Board of Trustees authorizes independent study as an optional alternative instructional strategy for ~~eligible~~ students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and or~~/ who need to make up credits or~~ fill gaps in their learning. . As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

~~(cf. 0420.4 - Charter School~~ Authorization)
~~(cf. 6011 - Academic Standards)~~
~~(cf. 6143 - Courses of Study)~~
~~(cf. 6146.1 - High School Graduation Requirements)~~
~~(cf. 6181 - Alternative Schools/Programs of Choice)~~
~~(cf. 6200 - Adult Education)~~

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school and an online course.

A student's participation in independent study shall be voluntary. ~~Students participating in independent study shall have the right, at any time, to enter or return to the regular classroom mode of instruction. (Education Code 51747; 5 CCR 11700).~~
(Education Code 51747, 51749.5)
Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

~~Parents/guardians of students who are interested in independent study shall contact the Superintendent or designee. The Superintendent or designee shall approve independent study for an individual student only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom.~~

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

~~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 written agreement shall specify the length of time in which each independent study assignment must be completed. When necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.~~

General Independent Study Requirements

For the 2021-22 school year, the district shall offer independent study, as specified in Education Code 51745, to meet the educational needs of students unless the district has ~~O~~obtained a waiver. (Education Code 51745)

For the 2022-23 school year and thereafter, the Superintendent or designee may continue to offer and approve independent study for an individual student upon determining that the student is prepared to meet the districts requirements for independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned ~~no more than one week~~ for all grade levels and types of program. However, when necessary based on the specific circumstances of the students approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

An evaluation shall be conducted to determine whether it is in a students best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060

2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments

3. Learning required concepts, as determined by the supervising teacher

4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. (Education Code 51747)

The Superintendent or designee shall ensure that students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction

2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students who are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement. This requirement only applies to students participating in an independent study program for 15 school days or more. The procedures shall include, but are not necessarily limited to, all of the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student

2. Notification to parents/guardians of lack of participation within one school day of the absence or lack of participation

3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary

4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

The Superintendent or designee shall develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case later, than five instructional days. This requirement only applies to students participating in an independent study program for 15 school days or more. (Education Code 51747)

The Superintendent or designee shall ensure that a written master agreement **exists** for each participating student as prescribed by law. (Education Code 51747, 51749.5)

The district shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the district's web site, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study. (Education Code 51747)

Upon the request of the parent/guardian of a student, before making a decision about enrolling or disenrolling in independent study and entering into a written agreement to do so, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

For the 2021–22 school year only, the district shall obtain a signed written agreement for independent study no later than 30 days after the first day of instruction.

A written agreement shall be developed and implemented for each student participating in independent study for **three** or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic 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 that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, 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 school year

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

7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.

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

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

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

10. Before the commencement of independent study, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student.

However, for the 2021-22 school year, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/ guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil, no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study. -

Course-Based Independent Study

The **district's** course-based independent study program for students in grades K-~~8~~12 **shall be** subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student pursuant to Education Code 51749.6

2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.

   (cf. 4112.2 - Certification)

3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities for students in grades transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for students in grades 9-12 to receive at least weekly synchronous instruction.

4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3.

5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program, as indicated by their performance on applicable student-level measures of student achievement and student engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

   If satisfactory educational progress in an independent study class is not being made, the teacher shall notify the student and, if the student is under age 18 years, the student's parent/guardian.

The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor.

7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

8. A student shall not be required to enroll in courses included in the course-based independent study program.

9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.

10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.

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

11. ~~Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.~~

12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.

(cf. 3260 - Fees and Charges)

123. A student shall not be prohibited from participating in independent study solely on the basis that **the student** does not have the materials, equipment, or access **to** Internet **connectivity** necessary to participate in the course.

134. A student with disabilities, as defined in Education Code 56026, shall not participate in course-based independent study, unless the student's individualized education program specifically provides for that participation.

145. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study.

156. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

Learning Agreement for Course-Based Independent Study

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, ~~his/her~~ **the student's** parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to **course-based independent study pursuant to Education Code 51749.5**

2. The duration of the enrolled course(s) ~~and the number of course credits for each enrolled course,~~ consistent with the Board certifications made pursuant to item #2 above

3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years

4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program

5. The specific resources~~,~~ that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English

learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.

7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a student who is suspended or expelled, or who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, the agreement also shall

include the statement that instruction may be provided to the student through course-based independent study only if the student is offered the alternative of classroom instruction.

8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.

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

10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study.

11. For elementary grades, Aa statement of the ~~number of course credits or, for the elementary grades, other~~ measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.

12. Before the commencement of an independent study course, the learning agreement shall be signed and dated by the student, the student's parent/guardian or caregiver, if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

However, for the 2021–22 school year only, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the CDE. (Education Code 51749.6)

INDEPENDENT STUDY (continued)

The ~~student's or~~ parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

Student-Parent-Educator Conferences ~~Teacher Conferences~~

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or if requested by a parent/guardian prior to enrollment in or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

Records for Audit Purposes

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

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

2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 ~~and the course credits attempted by and awarded to students in grades 9-12 and adult education~~

3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher

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

5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)

6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which independent study is provided. A student who does not participate in independent study on a school day shall be documented as non participatory for that school day. (Education Code 51747.5)

The Superintendent or designee also shall maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

(cf. 3580 - District Records)

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendance records may be maintained on file electronically. (Education Code 51747)

~~**Program Evaluation**~~

~~When a participating student fails to return completed assignments, an evaluation shall be conducted to determine whether it is in the student's best interest to remain in independent study.~~

~~Supervising teachers should 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, either in person or by electronic means, with each participating student at least once a week to discuss the student's progress.~~

~~(cf. 5147 - Dropout Prevention)~~

~~Missing appointments with the supervising teacher without valid reasons also may trigger an evaluation to determine whether the student should remain in independent study.~~

Program Evaluation

The Superintendent or designee shall annually report to the Board the number of students participating in independent study, the average daily attendance 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. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

(cf. 0500 - Accountability)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6162.5 - Student Assessment)

Legal Reference:
EDUCATION CODE
17289 Exemption for facilities
41020 Audit Guidelines
41976.2 Independent study programs; adult education funding
42238 Revenue limits
42238.05 Local control funding formula; avergage daily attendance
44865 Qualifications for home teachers and teachers in special classes and schools
46200-46208 Instrucitonal day and year
46300-46307.1 Methods of computing average daily attendance
46600 Interdistrict attendance computation
46390-46393 Emergency average daily attendance
47612-47612.1 Charter school operation
47612.5 Independent study in charter schools
48204 Residency
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
49011 Student Fees
51225.3 Requirements for high school graduation
51745-51749.3 Independent study programs
52060 Local control and accountability plan

52522 Adult education alternative instructional delivery
52523 Adult education as supplement to high school curriculum; criteria
56026 Individuals with exceptional needs
58500-58512 Alternative schools and programs of choice
FAMILY CODE
6550- 6552 Authorization affidavits
CODE OF REGULATIONS, TITLE 5
11700-11703 Independent study

UNITED STATES CODE, TITLE 20
6301 Highly qualified teachers
6311 State Plans
COURT DECISIONS
Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365

~~EDUCATION AUDIT APPEALS PANEL DECISIONS~~
~~Lucerne Valley Unified School District, Case No. 03-02 (2005)~~

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
~~Independent Study Operations Manual, 2000 Edition~~
California Digital Learning Intergration and Standards Guidance, April 2021
Education Audit Appeals Panel Publications
Guide for annual audits of K-12 Local Education Agencies and State Compliance Reporting
Elements of Exemplary Independent Study
~~Approaches to Satisfying No Child Left Behind Act of 2001 Teacher Requirements for Independent Study in Secondary Schools, January 28, 2010~~
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
Education Audit Appeals Panel: http://www.eaap.ca.gov

Policy ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT
adopted: July 2, 2013 San Jose, California

Board Policy

Promotion/Acceleration/Retention

BP 5123
Students

The Board of Trustees expects students to progress through each grade level within one school year. To accomplish this, instruction should accommodate the variety of ways that children learn and include strategies for addressing academic deficiencies when needed.

Supplemental Student Retention Process for Eligible Students*

If a student is in grades K-8, and has received a deficient grade of D, F, N, No Pass or an equivalent grade in at least one-half of their courses for the 2020-2021 school year ("eligible student"), the student's parent/guardian may make a written request to retain the student in their 2020-2021 grade level for the 2021-2022 school year.

Upon receiving a written request from a parent of an eligible student to retain their child for the 2021–22 school year, the district shall offer the parent a consultation with the parent, the student, an administrator and a teacher. The consultation must occur within 30 calendar days of receiving the written request.

During the consultation, the parties must discuss the topics provided for in Education Code section 48071(c): (i) all learning recovery options available to the student, including specific interventions and supports, access to previous courses in which the student received a grade of D or F during the 2020-2021 school year, another form of credit recovery, or other support; (ii) research regarding the effects of retention and the benefits of certain interventions and supports that help students; (iii) the student's academic record and any other information that is necessary to determine whether retaining the student is, from both an academic and social standpoint, in their best interests.

After the consultation, the teacher and administrator, along with any other relevant staff, shall determine whether the eligible student should be retained or promoted to the next grade level. The retention decision must be consistent with the eligible student's individualized educational program (if any).

For eligible students, the school district will communicate a final decision on whether the student will be retained to the parent/guardian within 10 calendar days of the date of the consultation.

Regardless of whether an eligible student is retained, after the consultation, the student must be offered supplemental interventions and supports outlined in Education Code sections 43520-43525.

If an eligible student is not retained, in addition to being offered supplemental interventions and supports as noted above, the student must be offered: ~~(i) the opportunity to retake courses they were enrolled in during the 2020-2021 school year in which they received a grade of D or F; (ii)~~

another means of credit recovery; or (iii) other supports as outlined in Education Code section 51225.

*AB 104 (new Education Code §48071) requires school agencies to permit parents of eligible students to request retention in the student's 2020-2021 grade for the 2021-2022 school year. This law applies to students in grades K-11. The school district can revise this regulation to reflect the grade levels within K-11 it services (e.g., 9-11 for high school districts).

Promotion

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

The promotion of English Language Learners shall be based upon the student's rate of English language acquisition rather than on meeting the grade-level standards of expected student achievement for English proficient students.

Special Education students shall be assessed according to the specific set of criteria in their IEP for decisions related to retention.

(cf. 6011 - Academic Standards)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

Acceleration

Acceleration is possible when high academic achievement is evident. However, the student's social and emotional growth shall be taken into consideration before placing him/her in a higher grade. Most adjustments in student placement should be accomplished in the kindergarten, first, second or third grades. However, grade placement at all levels shall be in response to the student's needs.

Retention

As early as possible in the school year, the Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, Board policy, and administrative regulations.

Retention shall be considered based on the student's lack of adequate academic progress towards meeting grade-level standards of expected student achievement on multiple measures as defined in the administrative regulations.

A student shall be retained based on the student's assessment results and if the SST (Student Study Team) determines, in writing, that retention is the appropriate intervention for the student's academic deficiencies.

Likewise, a student shall not be retained if the student's regular classroom teacher or SST

determines, in writing, that retention is not an appropriate intervention for the student's academic deficiencies.

If the student does not have a single classroom teacher, the principal, or designee shall specify the teacher responsible for the decision. Either determination shall specify the reasons that retention is or is not appropriate and shall include recommended interventions.

Each recommendation for retention should include a rationale with supporting data. The student's social and emotional growth and developmental level shall be taken into consideration in making a determination to retain a student. Students shall not be retained more than once during the elementary grades (K-8), except by specific decision of the Student Study Team (Education Code 48070.5 (b)

When any student in grades 2-8 is retained or recommended for retention, the Superintendent or designee shall offer programs of direct, systematic, and intensive supplemental instruction in accordance with Education Code 3725.2 and Board policy.

(cf. 6179 - Supplemental Instruction)

Legal Reference:
EDUCATION CODE
37252-37254.1 Supplemental instruction
41505-41508 Pupil Retention Block Grant
46300 Method of computing ADA
48011 Promotion/retention following one year of kindergarten
48070-48070.5 Promotion and retention
48431.6 Required systematic review of students and grading
56345 Elements of individualized education plan
60641-60648 Standardized Testing and Reporting Program
60850-60859 Exit examination
CODE OF REGULATIONS, TITLE 5
200-202 Admission and exclusion of students

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES
0900.90 Changes in Law Concerning Eligibility for Admission to Kindergarten 90-10
CDE PUBLICATIONS
Performance Level Tables for the California Standards Tests and the California Alternative Performance Assessment
Parental Agreement Form: Agreement for Pupil to Continue in Kindergarten
LEGISLATIVE COUNSEL'S OPINION
Promotion and Retention #21610
WEB SITES
CSBA: http://www.csba.org

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

Policy ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT
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