Attendance accounting is required to ensure that students meet California compulsory attendance laws and to ensure school district's reporting is accurate for apportionment funding. The laws governing pupil attendance are complicated and numerous. Noncompliance with requirements that are a condition of apportionment can result in loss of state funds. Such noncompliance may be determined by the independent auditor and/or state. The State Controller's Office (SCO) has broad authority to oversee state and federal funding of California's public schools. The annual audit reports by CPAs are the primary source of information regarding a school district's financial stability and its compliance with state and federal program requirements.

The state takes an active role in its oversight of public school agencies, especially in the area of attendance accounting. The independent auditors are required to quantify all ADA findings (*Education Code* sections 41341(a)(1) and 14503(a)). The auditor must report all over/understated ADA and estimate the potential fiscal impact for each finding. The fiscal impact can be extensive for those agencies with reported noncompliance. The State Controller's Office also has authority to conduct audits of school district attendance.

Consequently, attendance accounting should be a high priority at all levels within the educational organization. Knowledge, understanding, and adherence to compliance requirements are critical.

ATTENDANCE ACCOUNTING FUNCTIONS

- Compliance with compulsory attendance law
- Primary funding source of state Local Control Funding (LCFF)

APPORTIONMENT- PRIMARY FUNDING SOURCE

Apportionment is the primary funding mechanism for district's general fund generating approximately 80% of unrestricted funds although this percentage varies depending on each district's unique funding circumstances. ADA times LCFF = district's base grant funding. Funding varies by grade level:

Primary (lowest funding, but has additional funding for K-3 class size)

Intermediate (mid range funding)

Junior High (mid range funding)

High School (highest funding, and has additional funding for career tech)

Adjustments are added to K-3 ADA for class size "reduction", and to 9-12 ADA for career tech programs. Average Daily Attendance (ADA) is the total number of actual apportionment student days of attendance divided by the number of school days taught. K-12 general education program funding is based on average actual attendance from first day of school through the last full school month ending on or before April 15, known as P-2 (Second Period Attendance). Lottery funding and a few specialized programs are based on annual state attendance reports, or average daily attendance for the entire year.

LCFF

This funding model started in 2013/14 and is phased in through 2020/21. Base grant funds plus adjustments for certain grade levels are based on ADA, then Supplemental and Concentration grants are based on CalPADS census numbers. These grants provide funding for economically disadvantaged students (on Free and Reduced Lunch), English Learners, and Foster Youth.

COMPULSORY ATTENDANCE LAW

Basic Compulsory Attendance Law (E.C. §48200)

Each child between the ages of 6 and 18, unless exempted or excluded, is subject to compulsory full time education.

Regular vs. Continuation Education (E.C. §48400)

All students ages 6 through 18 must conform to compulsory attendance laws, whereas some 16 and 17 year-old students may be subject to the rules of continuation education.

Excused Absences (E.C. §48205)

Students who are absent from school for any reasons provided in §48205 are not in violation of the compulsory attendance law upon verification by the district of the reason for the absence.

This regulation states a student may be excused legally from school when the absence is due to:

- Personal illness or injury
- Quarantine under the direction of a county or city health officer.
- Medical, dental, optometric, or chiropractic services rendered.
- Attendance at funeral services for a member of the immediate family (1 day in state, 3 days out of state).
- Jury duty in the manner provided by law.
- Pupil is custodial parent of a child who is ill or has a medical appointment during school.
- Pupils in grades 7-12 who leave school (with prior approval of the Principal or his/her designee) to obtain confidential medical services. The district may require the pupil to provide a copy of the medical professional's appointment verification form.
- Time for a student to spend time with a family member who is being deployed or returning from deployment
- To attend the student's naturalization ceremony to become a US citizen
- Upon written request of the parent or guardian and approval of the Principal or his/her designee and pursuant to board policy, a student's personal justifiable absence may be excused. Reasons include, but **are not limited** to:
  - Appearance in court.
  - Observation of a holiday or ceremony of his/her religion.
  - Attendance at religious retreats not to exceed four (4) hours per semester.
  - Employment interview or conference.

- Attendance at funeral services (for other than the immediate family)
- Family emergencies

Truancy (E.C. § 48260)
The district is obligated, under statutory law, to notify the parent/guardian/caregiver when a student is absent from school without valid excuse on three full school days in one school year or tardy or absent for more than any 30 minute period during a school day without a valid excuse on any three occasions in one school year, or a combination thereof.

Habitual Truant (E.C. § 48262)
Any student is deemed a habitual truant who has been reported as a truant three or more times per school year. No student shall be deemed a habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent/guardian/caregiver of the student and the student himself, after the filing of either of the reports required by § 48260 or §48261.

Chronic Truant (E.C. § 48263.6 and Penal Code 270.1)
Any student is deemed a chronic truant who is absent without an excuse for 10% or more of the school days, providing the district has complied with Education Code notification and reporting requirements. Such parents are then subject to fines up to $2,000 and/or jail time up to 1 year.

Exemptions and Exclusions (E.C. § 48220-48232,48410)
Students may be exempted from compulsory full-time attendance when they fall into the following classes:

- Private full-time school (E.C. §48222): A student who is being instructed in a private full-time school. The attendance supervisor, or other person designated by the Governing Board shall verify that the private school complies with E.C. § 33190 before such exemptions are valid. A student who is mentally gifted and is attending a private full-time day school (E.C. §48223).
- Tutoring by a credentialed person (E.C. §48224): A student who is being instructed by a tutor for at least three hours a day for 175 days of each calendar year. The tutor must possess a valid state credential for the grade taught and conform to the requirements of E.C. §48224.
- Entertainment Industry (E.C. §48225.5): Notwithstanding §49200, a student who holds a work permit to work for a period of not more than five consecutive days in the entertainment or allied industries shall be excused from school during the period that the student is working in the entertainment or allied industry for a maximum of up to five absences per school year. The student must receive instruction during the period of absence from a studio teacher certified by the Labor Commissioner holding credentials as defined in § 11755 of Title 8 of the California Code of Regulations. The instruction must be offered between 7 a.m. and 4 p.m. for grades K-6 and between 7 a.m. and 7 p.m. for grades 7-12.
- Newly arrived from out-of-state (E.C. §48231): Students between the ages of twelve and eighteen who enter a school attendance area from another state within ten days of the end of the school term shall be exempted for the remainder of the term.
- Full-time community college: A student who, with permission, attends community college full time is exempted from attending his/her district's school.
- Leave of absence: A student, 15 or older, who takes a properly constituted leave of absence, is

not in violation of the compulsory attendance law (*Education Code* Section 48232). A student in continuation education must be age 16 or older (*Education Code 48416*).

Education Code Section 48410 permits continuation education students be exempted from compulsory attendance who are or have:

- Graduated from a public or private high school maintaining a four year course above the eighth grade.
- A physical or mental condition, or because of personal services that must be rendered to their dependents, such as to prevent or make inadvisable attendance at school or application to study. Satisfactory evidence of the condition shall be required, such as a statement attesting to the condition from a qualified medical practitioner.
- Successfully demonstrated proficiency equal or greater than standards as established by the State Department of Education (SDE) and have verified approval submitted by their parent/guardian .
- Custodial parents: Students who are disqualified for mandatory attendance because of personal services that must be given to their dependents (*Education Code* Section 48410).

ROLES AND RESPONSIBILITIES

Teachers

Compulsory education law states that all students between the ages of 6-18 years old must be enrolled and attend a full-time instructional program. For issues related to compulsory education, teachers must accurately document student attendance daily in self-contained classrooms and each class period in departmentalized settings. At least once a day, teachers must submit to the school office an attendance report listing the names of all students who are absent. When students have excessive absences, the teacher should notify the site administrator or designated attendance person. Teachers (or a classified instructional aide or other employee with first-hand knowledge of the students' attendance) must sign and date the attendance form (register, scantron, etc) to create a contemporaneous record that establishes the initial link in the audit trail. This is a requisite of state approval of the attendance accounting system.

Administrators

The site supervision of state and local attendance accounting policies and procedures is the responsibility of the site administrator in charge of attendance. Without proactive and responsive leadership by the site administrator, the student attendance accounting system is susceptible to audit exceptions. The site administrator must ensure that attendance records are properly stated and have "auditable" documentation and records are retained and destroyed in accordance with statutory requirements.

Classified Personnel

The classified personnel in charge of attendance accounting are responsible for accurate and timely maintenance of attendance records. Classified personnel must be knowledgeable of the rules and regulations that apply to excused absence notes/telephone logs, definitions of absences, and compulsory education law (truant and habitual truant, excused and unexcused absences, etc.). All classified personnel should work in conjunction with the site attendance administrator.

RECORDING OF ATTENDANCE

Attendance Accounting System

The California Department of Education must approve all attendance accounting systems for various programs, except charter schools and traditional elementary programs using the state school register.

Entries should be in ink for all manually-kept records; pencil is allowable for scantrons and other computer read forms. The system must contain necessary elements of a clear and complete audit trail from classroom, through the central data gathering and processing center, to final reports. Attendance records must be kept for compulsory education and apportionment purposes.

Attendance may be recorded as "negative" or "positive".

- Negative system: Students are assumed present unless recorded as absent. This is the method commonly used for most K-12 educational programs. The person taking attendance (typically the classroom teacher) makes a mark in the attendance record only if a pupil is not in attendance for the entire time prescribed by law (e.g. regular day classes).
- Positive system: Students are assumed absent unless recorded as present. This method is commonly used with the Hourly and Alternative Education Programs (including Independent Study and Home Hospital): Supplemental Hourly Programs; Adult Education; ROC/P, etc. The person taking attendance (typically the classroom teacher) makes a mark in the record for each student who is in attendance during the scheduled hour or portion of an hour.

Teachers (or classified staff who work in the classroom for the entire day), are required to take attendance in the classroom once a day for elementary schools, each period for secondary schools, and once each hour for hourly programs. Students or volunteers cannot take attendance.

Teachers should report student attendance to the principal or designee at least once each day, pursuant to Title 5. The classroom teacher or instructional aide is required to sign and date the attendance register within the timeframe stipulated in the attendance accounting system documents approved by the state for your district. The CDE has previously stated that a dated signature is required for the records to be valid. Electronic signatures are allowed when certain criteria are met.

Verification of Absences (Title 5 California Code of Regulations § 421)

Only district employees may verify absences. Under no circumstances may non-district employees, such as volunteers or students, verify absences. Verifications can only be performed by certain district employees as specified in Title 5, which are:

- A school or public health nurse
- An attendance supervisor
- A district employed physician
- A principal
- A teacher
- Any other qualified district employee assigned to make such verifications

Verification may be made in accordance with *any reasonable method that establishes the fact of the absence. This means that an employee should* not accept documentation or information that is known to be false. Methods **to verify absences** include:

- Notes received from parent, guardian, or their representative.
- Telephone calls made to or received from parents, guardian, or their representative or an authorized caregiver.
- Absence verification forms returned by parent, guardian, or their representative.
- Visit to the student's home by the verifying district employee.
- Any other reasonable method that establishes the fact of the student's absence. This may include information gained from others judged to be reliable, including electronic notification (such as email)

Pupils 18 years of age or over can legally provide the source (with respect to their absences from school) as may emancipated minors. (E.C. §46012)

Suspension Absence (E.C. §48900-48925)
Suspension absence shall be deemed to be an absence in computing ADA and shall not generate state apportionment payments. Suspension absence is granted when school authorities suspend a student in order to improve his/her behavior or for the protection of other students and/or school property.

Unexcused Absences (E.C. §48260-48273)
Truancies and all absences for causes not specifically noted in E.C. § 48205 are considered unexcused absences.

Explanation of Absence (Title 5 California Code of Regulations § 306)
For every temporary absence of a student, a parent/legal guardian/caregiver of the absentee is required to submit a written or verbal explanation unless student is 18 years or older.

Release of Pupil for Medical Services (E.C. § 49602)
Pupils should present a note from a parent/guardian or evidence of a medical appointment to be released from school for medical services. Because E.C. § 49602 requires counselors to keep confidential any information of a personal nature disclosed by pupils twelve years of age or older, in cases where students refuse to have parent(s) involved and where appointments during the day are unavoidable, students may be released without parental consent.

Make-up Work for Students Who Were Absent (E.C. § 48205)
A student absent from school due to an excused absence shall be allowed to complete all assignments and tests missed during the absence. Upon satisfactory completion, the student shall be given full academic credit for completed work. Makeup work shall not generate state apportionment payments. The teacher of any class from which a student is absent shall determine, pursuant to the regulations of the governing Board of the school district, what assignments the student shall make-up and in what period of time the student shall complete such assignments. The tests and assignments shall be reasonably equivalent to, not necessarily identical to, the tests and assignments, which the student missed during the absence.

Peace Officer's Authority to Interview and Remove Student (Penal Code § 836, 11174.3)
A student may be taken into custody under Penal Code § 836 by a peace officer. When a principal or other school official releases a minor to a peace officer for purposes of removing the minor from the school premises, the school official shall take immediate action to notify the parent/ guardian/caregiver that the minor is in custody and where the minor is reportedly being taken. However, when a minor has been taken into custody as a victim of suspected child abuse, the school official shall provide the peace officer with the addresses and telephone number of the minor's parent/guardian/caregiver. It is the responsibility of the peace officer to take immediate action to notify the parent/guardian/caregiver that the minor is in custody and the place where the minor is being held.

Partial Day Attendance (E.C. § 46010.3)
For programs using negative attendance accounting, a student is deemed present unless absent the entire day (for funding purposes). If student is enrolled and scheduled to attend at least the minimum school day required for the specified grade level and/or program, the student is considered present for the entire day when attending any "fraction" of the scheduled school day. For hourly programs, the student shall not be counted absent unless absent the entire hour. (CCR, Title 5, § 404)

As a condition of apportionment, the student must have been engaged in instruction and under the immediate control and supervision of a properly credentialed employee of the district for some part of the day.

Partial day absences fall into two categories and attendance should be recorded as follows:
- Student initiated absence: If a student independently departs from school before completing the minimum school day after being under the supervision of a certificated employee, apportionment attendance may be credited. Record full day apportionment attendance for programs qualifying for daily attendance accounting; record full hour when student attends any fraction of an hour, but not subsequent hours, for programs requiring hourly attendance accounting.
- School initiated absence: If a student is suspended or officially released by an authorized certificated school employee before attending the minimum day, CDE has opined only the actual time in attendance may be credited for apportionment purposes – the student has to meet the minimum day requirement to claim ADA for the day of suspension.

Field Trips (E.C. § 35330)
Pupils engaged in school-sponsored field trips or excursions may be claimed for apportionment attendance when:
- Under the supervision and control of a certificated district employee.
- Connection with course of instruction.
- Limited to 10 school days/pupil for social, cultural, athletic or school band activities.

No pupils can be prevented from participating in the field trip due to lack of sufficient funds. If the pupil is prevented, the entire class attendance on that trip cannot be claimed as an apportionment day.

In-House Suspensions
Apportionment ADA credit can be claimed only if all of the following conditions are met:

- Assigned students must be separated from other students for the period of suspension in a separate classroom.
- Immediate supervision and control by a certificated district employee for the entire period of suspension.
- Completion of assignments and tests is promoted during the period of suspension.
- Pupil has access to appropriate counseling services.
- Parental notification required.

Monthly Reporting Requirements
Monthly reports of pupil attendance must be run that coincide with the board approved school calendar months.

School sites must reconcile enrollment information on hand at the site to the computer generated enrollment report and verify the accuracy of the attendance reports. Prior month's ending data must roll into the subsequent month's starting data. The site summaries must agree with the district, school, and grade level attendance and enrollment summary as reported on the state J-reports.

K-3 Class Size
The LCFF model provides funding for districts to reduce class sizes in grades K – 3 to 24:1. Average daily enrollment cannot exceed 24 by school site. Districts have until 2020/21 to fully comply, but must show annual progress toward compliance. There is an exception that allows a district to use a different class size ratio if it is contained in their collective bargaining agreement.

The enrollment count of special education pupils in full-time special day classes, pupils in Independent Study, and charter school students are not reported on the state J-7CSR report.

K-8 Class Size Averages
K-8 class size averages are applicable to all K-8 regular education programs, except:

- CSR classrooms (which operate under smaller class size requirements)
- Districts with less than 101 ADA
- Special Day Classes (SDC), summer schools, juvenile halls, and charter schools
- Grades 7 and 8 maintained by a high school or unified district

Grade	Per Class	District-Wide@
Kindergarten	33.0	31.0
1-3	32.0	30.0
4-8	N/A	29.9

*unless higher in 1964

@Note that if all classes are at individual cap, then the district is non-compliant with the district-wide cap.

Monitor the K-8 class size average both by site and district is non-wide, and be sure to resolve exceptions in a timely manner. Attempt an SBE waiver only as a last resort.

THE AUDIT TRAIL

The annual audit is performed in accordance with the audit guide published annually by the Education Audit Appeals Panel (EAAP). This publication is found at www.eaap.ca.gov/

The attendance account process produces what is known as the audit trail (the set of records substantiating every specific fact relevant to compliance with compulsory attendance law and apportionment of state funds). The audit trail includes, but is not limited to:

- Teacher roll sheets (signed attendance rosters) for the entire school year
- Weekly or semi-monthly and monthly Attendance Summary Reports for the entire school year, including any corrections
- Absence notes, re-admit slips, off campus permits, tardy slips, and telephone logs
- Bell schedule for regular days and all alternative schedules (i.e. fog delays, activity schedules, testing schedules, parent conference day schedules, etc.) used at the school during the year
- Attendance calendar, to include all minimum days, fog delays, Staff Development Days, and (when necessary) school closures
- Student Registration Cards
- Saturday School, Home/Hospital, and Supplemental Hourly attendance documents
- In-school suspension attendance documents
- Independent Study agreements and course agreements, teacher apportionment and academic credit records, school attendance and apportionment records, sample student work products, student assignments and work records, and attendance registers.

Record Retention (Title 5, CCR § 430-438)

Class I-Permanent

- ADA, including P-1, P-2, and Annual attendance and supplemental reports
- Pupil enrollment and scholarship information including transcript records
- Those declared by board minutes to be permanent

Class II - Optional

- Maintained until student leaves district or usefulness ceases
- Progress reports, health records, access logs

Class III - Disposable

- Attendance records not classified as Permanent or Optional. Maintain until third July following audit (3 years)

If microfiche or CD-ROM, must retain original source document for one subsequent year, and microfiche or CD-ROM is a permanent document (Class 1).

It is the opinion of the State Controller's Office that notes and phone logs are "source documents basic to the audit process"; therefore, Title 5, CCR requires that these documents be retained for the required 3 year period.

Except for Permanent Class I records, all supporting documentation (for audit purposes) must be

maintained until the third July following completion of the audit.

SCHOOL CALENDAR REQUIREMENTS

All grades in a school district must be maintained for equal length of time (*Education Code* Section 37202) – this requirement is relevant to annual instructional minutes, not calendar school days. While not a condition of apportionment, non-compliance may lead to civil lawsuits.

It is permissible to have single district-wide calendar or a calendar for each school site. The school year begins July 1 and ends on the last day of June. The school month is 20 school days, Monday – Friday, including holidays but excluding weekends.

Most districts receive Longer Day/Longer Year Incentive Funding, so must meet minimum annual number of school days and school minutes.

Statutory Number of School Days

- Traditional schools: 180 school days
- Multi-track year-round schools: 163 school days
- Continuation Education: 180 school days
- Charter schools: 175 days

Kindergarten is the only grade level with a maximum day requirement. Although there is currently no provision in law for a state waiver, school districts may adopt a board policy, pursuant to E.C. § 8970-8974 to allow full-day kindergarten.

Statutory Minimum Day Requirements

Block schedules and minimum day schedules may present noncompliance if pupils are not enrolled for the statutory minimum day required for each grade level, exclusive of concurrent enrollment, work experience, or vocational education. Provisions exist to allow schools to drop below the minimum day to an "absolute minimum" as long as the average meets the minimum day requirements over a prescribed averaging period. Charter schools are not subject to minimum day requirements, but are subject to annual minutes requirements.

Minimum Day Requirements Matrix

Program or Grade Level (a)	Minimum Day Requirements Per School Day (b)	Absolute Minimum (c)	Method of Averaging (d)	*Education Code* Sections (e)
K-12 and County Community School Grade Level				
Kindergarten	180 minutes*, max 240 minutes**	60 minutes	10 day	46111, 46117, 46118
Kindergarten – double session only	150 minutes, max 240 minutes	60 minutes	10 day	46119 (receives only ½ ADA)
Grades 1-3	230 minutes	170 minutes	10 day	46112, 46114
Grades 4-8 including 6 – 8 middle schools	240 minutes	180 minutes	10 day	46113, 46114
Grades 7 - 8 Grades 9-12	240 minutes	180 minutes	2 day***	46141, 46142, 46145, 46147
Program				
Opportunity Class/School	180 minutes	No provision	N/A	46180
Continuation Education	180 minutes	No provision	N/A	46170, 48400, 46802, 48433
Independent Study	Comparable time concept	No provision	N/A	46300(e), 51745, 51746
Concurrent enrollment in public college	240 minutes, 180 minutes	No provision	N/A	46146
Work Experience and Vocational Education	180 minutes	No provision	N/A	46144, 46147 (receives only 3/4 ADA)
Community Day School	360 minutes	No provision	N/A	48663
Special Education	Same as grade level in regular education unless IEP specifies other duration of time			

Statutory Annual Instructional Minute Requirements
Annual instructional minutes must be equal for each grade level to comply with the Equal Instructional Time Standard per E.C. § 37202.

Districts must meet annual instructional time requirements in all schools (including charter schools). Below are the current requirements:

- Kindergarten 36,000
- Grades 1-3 50,400
- Grades 4-8 54,000
- Grades 9-12 64,800

Hourly programs, such as continuation schools, do not have an annual instructional minute requirement.

Include as instructional minutes:
- Educational time under the immediate supervision of a certificated employee.
- Required, certificated employee supervised attendance time in study halls or homerooms.
- "Actual" passing time between departmentalized classes and same program settings
  - Should be equal between all periods during the day
  - Can't exceed 10 minutes
  - For classes between lunch, normal passing time between classes had lunch not occurred
- Assembly time if instructional time required and under immediate supervision of a certificated employee.
- Recess for kindergarten.

Do not include:
- Class periods that do not qualify as "valid" offerings
- Class periods that have barriers to attendance
- Passing time in excess of "actual" (clocked) time
- Passing time between *different program* settings, i.e. high school to ROP
- Recess, breaks, lunch
- Tutorial time at the beginning or end of the day, or times the campus is "open"
- Anything that is not defined in E.C. § 46300(a) as instructional time

Emergency Days
Granted by CDE only if unforeseen or extraordinary condition such as fire, impassable roads, earthquake, flood, or closure of entire small isolated school due to inability to hold and secure a teacher or teacher illness.

The State recognizes three types of emergency days: School closure for entire day, material ADA decrease (10% or more below October or May average ADA), and lost or destroyed attendance records.

The emergency waiver, when granted, allows school agencies to claim ADA and instructional time for days on which schools are forced to close, or days when schools are open but attendance is reduced, because of an emergency condition.

REGULATIONS PERTAINING TO ADMISSION OF PUPILS

Minors must attend school in the district in which they and their parents, guardians, or caregivers reside, exceptions include:

- Interdistrict transfer agreements
- Parent or guardian employment (requires interdistrict transfer)
- Great flexibility is provided to homeless children, and all districts must identify a homeless liaison to help identify and properly serve homeless children.

Leaving a residence for a temporary purpose does not change the residency status - for example vacationing out-of-district.

Pupils may establish residency separate from that of their parents, guardians, or caregivers when any of the following occurs:

- Court placement in licensed children's facility, state hospital, or licensed foster home within district boundaries
- Emancipated (by marriage, military, or superior court order) and lives within district boundaries
- Adult (over age 18)
- Hospitalized in facility within district boundaries

Caregiver's Authorization Affidavit

The state caregiver affidavit form or other state approved form is required to be completed for all students who live with an adult other than their legal parent or guardian. It does not create legal guardianship, but serves as a statement of fact that the minor is living within district boundaries.

Citizenship or Immigrant Status

Students residing within school boundaries shall not be denied admission on the basis of citizenship or legal resident status. No employee shall question students about citizenship or immigrant status. Obtaining information about student citizenship status is not part of the legal responsibilities of the school or its employees, except where program funding requires such information.

Intradistrict Transfers (E.C. § 46600)

These are transfers between schools in the same district. Before a student may enroll in a school outside the attendance area designated by the residence of the parents or guardians of the student, the district must follow their open enrollment policies and processes.

- No student currently residing within a school's attendance area shall be displaced by another student. (E.C. § 35160.5)
- Once enrolled, a student shall not have to apply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Interdistrict Transfers (E.C. § 46600)

Before a student may be permitted to enroll in a school district outside the attendance area designated by the residence of the parents or guardians of the student, the student must have a permit authorizing it. An interdistrict transfer is a formal attendance agreement between districts. Arrangements between school districts to accommodate inter-district attendance must include provisions stated in law and board policy. Both districts must sign and agree to the transfer for it to be valid.

Open Enrollment Act (E.C. § 47000)
The Open Enrollment Act has been suspended as CDE can not develop a list of the 1000 lowest performing schools based on the API results.

Admission-Immunizations (Title 17 of the California Code of Regulations)
To ensure the health and safety of students, teachers, and staff, the state requires specified immunizations prior to attendance in the schools. The Health and Safety Code contains the basic laws regarding immunization and exclusion and Title 17 of the California Code of Regulations details the conditions of admission and exclusion. Students may be admitted conditionally or uncomditionally, dependant on the status of their immunization records.

Conditional admission is allowed when a student:

- Is partially immunized and scheduled for completion of immunizations
- Has a temporary medical exemption
- Is a transfer student whose cumulative file has not been received by district
  - Not to exceed 30 school days

Unconditional admission is allowed when a student has:

- Documented proof by licensed health professional of complete immunization
- Permanent medical exemption statement from a licensed health professional
- Affidavit signed by parent/guardian based on personal beliefs, prior to Jan 1, 2016 (see below)

Personal Beliefs Affidavits and SB277

Effective Jan 1, 2016, personal belief affidavits no longer exempt a child from the vaccine requirements unless the child is home schooled, in independent study with no classroom component, or on an IEP. Pre-existing affidavits are accepted until the child reaches a grade level where additional vaccines are required (Kindergarten and 7th grades).

Admission—Oral Health Assessment (Education Code 49452.8)
By May 31 of initial enrollment in school (Kindergarten or 1st Grade), parents must certify that their child has had an oral health assessment.

Minimum Age Requirement
Attendance is not mandatory until a child is 6 years old. The child must be age 5 on or before Sept 1 to be admmitted to Kindergarten, and between Sept 2 and Dec 2 to be admitted to Transitional Kindergarten. Transitional Kindergarten is a program that is both age and developmentally appropriate to these younger students

A child can be admitted to TK who is born after Dec 2, with parental request and counseling, and Board approval. No ADA can be claimed on such a child until they are 5 years of age.

Documentation of age is most commonly a birth certificate or county certified record of birth, passport, immigration documents, or other similar records.

Maximum Age Limits

K-12 Programs
The law doesn't stipulate a maximum age limit for K-12 programs operated by school districts and county offices of education. However, as a condition of charter state apportionment, the law states that adults age 18 and over must complete all coursework for a high school diploma in the same amount of time a minor high school student has to finish a comparable amount of work and must demonstrate continuous and satisfactory progress toward a high school diploma. *5 CCR* Section 11960(c)A and B and *Education Code* Section 47612(b) place maximum age limitations on the claiming of apportionment for adults attending charter schools. The attendance of adults in charter schools can only be claimed for apportionment if the student was and remains continuously enrolled in a public K-12 educational program since his/her 19th birthday and demonstrates satisfactory progress towards a high school diploma. No apportionment may be claimed by a charter school once the student reaches the age of 22.

Kindergarten State Continuance Forms (E.C. § 46300 and 48011)
The law requires that both the District and the student's parent/guardian be in agreement that it is beneficial for the student to continue in kindergarten for not more than one additional year. A state approved kindergarten continuance form must be used to document this understanding between the parent/guardian and the District. State approval must be obtained to use any alternate form. Failure to obtain the student's parent/guardian dated signature on the state approval form will result in the loss of ADA generated by the student. A continuance agreement is required to be signed and dated by the parent near the admission anniversary (one year anniversary) date AND cannot exceed one year beyond the anniversary date. The date the parent(s) consented to the retention must be listed on the form.

Saturday (Weekend) Classes (E.C. § 37223)
The law does not permit the public schools to **require** students to attend school on Saturdays and Sundays, except that "truants" as defined in E.C. § 48260 may be required to attend weekend make-up sessions. Parental permission must be secured for non-truant students to attend weekend classes. Regular apportionment credit may be earned for such compulsory make-up classes, as well as for students who voluntarily attend make-up or other types of classes held on Saturdays. No apportionment may be claimed for makeup of suspension days. Statutory minimum day requirements for each grade level, control and immediate supervision by a credentialed person, and instructional activities are requisites of state funding.

Saturday classes may include, but are not limited to:
- Continuation classes
- Special day classes for mentally gifted minors
- Make-up classes for previous absences

The attendance of any student in a class or program held on a weekend shall not result in the

crediting of more than five days of attendance for the student per week (E.C. § 37223). There must be a clear audit trail to the day being made up. There is no banking of ADA.

The free and reduced meal requirements apply to weekend classes. Students must be provided a nutritional meal unless a waiver is granted by CDE.

Year-Round School (E.C. § 37672)
School agencies may claim ADA apportionment for makeup classes for late entrance to multi-track year-round schools.

- Applicable only to a pupil entering multi-track year-round program *after* September 1 when pupil's track started in July or August.
- Can only makeup instructional days lost prior to September 1.

INDEPENDENT STUDY GUIDELINES

Adopted Board policies and agreements that are compliant with current laws are a requisite of state apportionment.

A supervising teacher is assigned to oversee, assist, and evaluate each pupil's course of study

- CDE opines, must be a teacher, not a principal, counselor or other non-teacher.
- Cannot be each course teacher at secondary level (they are *other person responsible*), one teacher must be assigned as supervising teacher (may be a course teacher, but not shared by all course teachers)
- May be classroom teacher at the elementary level.
- Must review and evaluate student's work and determine both apportionment and academic credit.

Agreements, academic assignments, and attendance accounting records must be maintained in accordance with current laws.

Independent Study is strictly voluntary.

The state stipulates limits on funding

- 5 consecutive schoolday minimum (not applicable to charter schools)
- One year maximum per independent study agreement
    - Student may attend beyond one year, but new agreement needed each year

A new agreement must be signed and dated by all required parties on or before the subsequent term.

Students with an IEP cannot be placed on Independent Study unless the IEP so authorizes this placement setting.

Legal Compliance
Compliant master agreement and Board policy

Student work samples

- An original representative sample of the student work products must be kept with the IS Agreement in the student's IS file.
- Student work samples must bear evidence that the supervising teacher has personally evaluated the pupil's work product(s), or reviewed the evaluations made by other teachers, for both academic and apportionment credit.

Time value (apportionment credit)

- It is the opinion of the Legal Office of CDE that apportionment credit cannot be claimed unless the assigned supervising teacher has personally reviewed and evaluated the time value of each student's work products. (*E.C. §* 51747.5 (b), 51747(c)(8), 51747.5(a).

Record retention

- Retain for three years (until 3rd July following completion of audit):
  - Copy of the adopted school board policy and regulations
  - Attendance register or computer generated report that clearly separates IS from other attendance records
  - A list of all IS students showing credits attempted and awarded per agreement and a record of attendance
    - A file for each IS pupil containing:
      - Master Agreement and Student Work Assignment Record
      - Representative (original) samples of completed student work that has been evaluated, signed and dated by supervising IS teacher
      - A record of grades, apportionment credit, and other evaluations of IS assignments
  - Ensure sample work product(s) bear evidence (signature or initial and date) of the supervising teacher's personal evaluation of pupil's work.

Course based independent study may also be offered, with a valid course agreement and annual board certification of the courses.

ALTERNATIVE EDUCATION PROGRAMS

Home and Hospital

Temporarily disabled pupils are entitled to instruction in their homes or in hospitals

- Temporary disability means a physical, mental, or emotional disability whereby pupil can reasonably be expected to return to regular day or alternative classes without special intervention

Generally may be referred and/or diagnosed by a licensed physician and/or surgeon.

Students with an IEP cannot be placed on Home/Hospital unless the IEP authorizes such placement.

Temporary disabled pupil's parent/guardian notify the school district and determination of how instruction will be provided must be made within 5 working days of receipt of parent notification. Instruction must be provided within 5 working days of determination.

Hospital or licensed facility location designates residency requirements.

- District where hospital is located becomes the District of Residence for apportionment purposes.

Annual notification to pupils and parents of availability of Home and Hospital instruction required.

Work Experience/Vocational Education Program Requirements

Special shorter minimum day provisions apply to pupils enrolled in qualifying work experience program

- Regular = 180 minutes of no less than 4 periods
- Proportional ADA funding for last semester seniors w/<180 min.
  - Actual minutes shall be rounded down to nearest multiple of 60 minutes

No more than 1 day apportionment attendance per student per school day

- By itself, work experience has no apportionment credit
  - Except in continuation education where it may generate hours of ADA
- Special minimum day provisions must be met in other programs enrolled
- Apportionment earned in the regular classes

Concurrent Public College

Local Board authorization (E.C. § 48800, 48800.5)

- Must determine which student would benefit
- Pupil by pupil basis
- Prerequisites
  - Recommendation of the principal of the school
  - Parental consent
  - Board action to authorize student attendance at a community college as special part-time students
- Academic credit
  - Part-time pupils may be enrolled in up to 12 units semester
- Full-time public college exempts pupil from compulsory attendance for K-12 Schools

Apportionment attendance

- Minimum school day K-12
- Pupils enrolled less than statutory minimum day
  - Title 5, CCR 406 requires attendance in clock hours
- E.C. § 46146 authorizes 180 minutes minimum day
  - Pupils in grades 11 and 12 enrolled part-time in CSU and USC
  - All pupils enrolled part-time in community college (Article 1, §48800,Ch. 5 of Part 27)
  - ADA computed and reported as .75 ADA
  - 240 minutes/180 minutes = .75 ADA
  - Attending 240 minutes earns 1 ADA

Opportunity Education

Pupil Retention Block Grant replaces Opportunity School in most cases, and most Education Code was repealed. Small COES (less than 8000 ADA) may still establish and run Opportunity Schools

in lieu of Continuation High School.

- Facilitate return to regular classroom

Opportunity Program

- Enrollment in opportunity program is limited to not less than a class period and not more than 179 minutes per day (E.C. § 48632). Opportunity program combined with regular education must meet statutory minimum day requirements for each grade level (for example, 240 minutes for grades 4-12).

Opportunity School

- The statutory minimum day in an opportunity school or class must be no less than 180 minutes. The pupil must be scheduled to attend 180 minutes; no opportunity apportionment can be earned for students *scheduled* less than 180 minutes.
- Only authorized for County Office of Education with less than 8000 students and existing programs that are "grandfathered" in.

Continuation Education

Apportionment attendance (E.C. § 46170)

- Maximum 15 hours of apportionment attendance per 5-day school week per pupil
- No minimum day required, but must operate no less than 180 days and offer no less than 180 instructional minutes each schoolday
- Flexible scheduling afforded whereby pupil may attend, for example, six hours each on Monday and Tuesday, and 3 hours on Wednesday, and none on Friday
- Pupils may earn more than one day ADA per school day within weekly limit; however, cannot exceed 15 hour maximum per week for funding purposes.
- ADA proportionately reduced for holidays and nonschool days
  - Subtract 3 hours (180 minutes) for each nonschool day
    - Extra ADA hours earned (on a pupil by pupil basis) may be credited to a prior school week in which the pupil generated *less* than the *maximum 15 hours/week per 5 day school week*

Recording of attendance

- Attendance reported in clock hours
  - Each class period must be separately reported
  - Class period earns only actual schedule minutes
- Passing time
  - Allowed for departmentalized settings, not to exceed actual time or 10 minutes, whichever is the *lesser*
- Partial attendance
  - If pupil attends any fraction of the schedule class period, then earn actual scheduled minutes, exclusive of subsequent passing time
  - For example, period 1 scheduled for 55 minutes with 5 minutes passing time to period 2. If pupil only attends fraction of period 1, then only 55 minutes can be claimed for apportionment, not 60 minutes (1 hour).
- Surplus hours may be credited to prior attendance week
  - Pursuant to E.C. § 46170

- Monthly attendance reports must clearly link preceding short weeks to surplus weeks
- Cannot bank surplus hours

Combined with work experience

- On-the job work experience earns maximum 10 hours/week apportionment
  - Pupils must be regularly employed and hold a valid work permit
  - Unemployed pupils must be scheduled to attend 15 hours/week during period of unemployment
    - May satisfy with combination of continuation, and ROC/P
    - Continuation may credit only hours earned in program
    - ROC/P credits hours earned in ROC/P
  - One hour of work/week earns one hour ADA/week, capped at 10 hours/week.
  - Pupil(s) must be 16 years or older, and under 18 years, unless continuously enrolled in grades K-12 since 18th birthday
- Immediate supervision in "off campus" work
  - State-approved plan whereby employer and certificated school personnel share responsibility for on-the job supervision.
  - Pupil-teacher ratio cannot exceed 125:1, unless waiver granted by CDE
  - Employer and pupil sign and date work record
    - Submit no less than monthly to certificated school person
    - Original time card as auditable documentation
    - Must retain time card with attendance records
  - Assigned certificated school person completes CDE approved apportionment and academic records
    - Must sign and date attendance form
    - 1 hour work = 1 hour apportionment, capped @ 10 hours/week
- Minimum weekly instructional hours
  - No apportionment may be claimed for any week *unless* the pupil has actually attended continuation school for *no less* than 4 hours during that school week
- 15 hour week calculation
  - + Actual weekly work hours (not to exceed 10)
  - + 4 hours (or more) actual school attendance
  - + 1 hour additional class attendance/ week, or class time with certificated Work Experience person
    - Certificated person takes attendance on approved form
    - Must show actual "session" time, (start and end time)



CDE WEB RESOURCES

Attendance Information
http://www.cde.ca.gov/fg/sf/aa/

Adult Education
http://www.cde.ca.gov/sp/ae/

Alternative Schools and Program of Choice
http://www.cde.ca.gov/sp/eo/as/

Attendance Improvement/Truancy
http://www.cde.ca.gov/ls/ai/

Class Size Reduction
http://www.cde.ca.gov/ls/cs/

Community Day Schools
http://www.cde.ca.gov/sp/eo/cd/

Continuation Education
http://www.cde.ca.gov/sp/eo/ce/

LCFF
http://www.cde.ca.gov/fg/aa/lc/lcffoverview.asp

Education Code
http://leginfo.legislature.ca.gov/faces/codes.xhtml

