Students

Questioning and Apprehension by Law Enforcement

The Board of Education believes that the safety of District students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when legal authority exists, the questioning and/or apprehension of students.

When any law enforcement officer requests an interview with a student, the principal or designee shall request the officer's identity, his/her official capacity, and the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

When legal authority for the interview exists, the principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

At the law enforcement officer's discretion and with the student's approval, the principal or designee may be present during the interview.

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable, either before or after the law enforcement officer has interviewed the student on school premises. The timing of this notification shall depend on any conditions outlined in a warrant or court order; the presence of exigent circumstances; whether the student is a victim, witness, or suspect; and, in consultation with the law enforcement officer, whether parent/guardian contact is appropriate before or after the interview. If the parent/guardian has not been contacted prior to the interview, the principal or designee shall advise the student, as applicable, that they are not obligated to speak with the law enforcement officer.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the

student whenever possible. When served at school, the principal or designee shall take reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

Legal Reference:
EDUCATION CODE
44807 Duty concerning conduct of pupils
48264 Arrest of truants
48265 Delivery of truant
48902 Notice to law enforcement authorities
48906 Release of minor pupil to peace officers; notice to parent, guardian or relative
48909 Narcotics and other hallucinogenic drugs (re arrest)
CODE OF CIVIL PROCEDURE
416.60 Service of summons or complaint to a minor
PENAL CODE
830-832.17 Peace officers
833-851.85 Arrests
1328 Service of subpoena
CODE OF REGULATIONS, TITLE 5
303 Duty to remain at school

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

Adopted: (7-88 4-94 9-97 6-07 9-12) 1-26

Students

Promotion/Acceleration/Retention

The Board of Directors of Santiago Charter Middle School ("Charter School") approve this policy in alignment with California Education Code Sections 48070-48070.5. This policy supersedes and replaces the Orange Unified School District Board Policy (BP) 5123 Promotion/Acceleration/Retention for the Charter School.

The Charter School expects students to progress through each grade level within one school year. Students shall progress through the grade levels by demonstrating growth in learning and meeting grade level standards of expected student achievement. To accomplish this, instruction should accommodate the varying interests, abilities and growth patterns of individual students and include strategies for providing extra attention or assistance when needed.

Progress toward high school graduation shall be based upon the student's ability to pass required and elective subjects necessary to earn the specified number of credits. This policy applies to students enrolled in the middle school grades with particular focus on the end of the middle school grades and the beginning of the high school grades.

Acceleration is possible when high academic achievement is evident. When high academic achievement is evident, the Executive Director may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

Students shall be promoted upon satisfactory completion of grade-level standards based upon multiple measures, including: course grades, mastery of California content standards, local benchmark assessments, teacher evaluation, completion of assigned interventions, attendance patterns, social-emotional readiness, and other multiple educational measures. No single measure shall determine promotion or retention.

Pursuant to Education Code Section 48070.5(c), proficiency in reading, English language arts, and mathematics shall be the basis for identifying students in middle school grades and between middle school grades and high school grades.

The Charter School recognizes that retention is an academic intervention, not a disciplinary measure and that middle school students are at a critical developmental stage where academic, emotional, and social factors must be considered collectively. Research regarding retention is mixed, therefore any decisions regarding retention must be made on an individual basis. Because parent partnership is essential in promotion and retention decisions, the Charter School provides structured pathways for both school initiated and parent/guardian requested retention as provided in Santiago Charter Administrative Regulation (AR) 5123 - Promotion/Acceleration/Retention.

Students at risk of being retained at their current grade level should be identified as early as possible in the school year and as early in their school careers as practicable. Parents/guardians shall be notified and provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the pupil as soon as practicable in the school year when a student is identified as being at risk of retention.

For students who do not have a single assigned classroom teacher, the Executive Director or designee shall specify the teacher(s) responsible for participation in a decision to promote or retain the student.

The Charter School's decision to promote or retain a student may be appealed in accordance with Santiago Charter Administrative Regulation (AR) 5123 - Promotion/Acceleration/Retention.

When a student is retained or recommended for retention, the Executive Director or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations.

Legal Reference:

EDUCATION CODE
48070-48070.5 Promotion and retention

Adopted: 3-26

Students

Promotion/Acceleration/Retention

This administrative regulation supersedes and replaces the Orange Unified School District Administrative Regulation (AR) 5123 Promotion/Acceleration/Retention for Santiago Charter Middle School ("Charter School").

Retention

The Executive Director or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)

1. Between any of the middle school grades

2. Between the end of the middle school grades and the beginning of the high school grades

The Executive Director or designee shall provide a copy of the Charter School's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.

Retention Pathways

The Charter School has established the following retention options for students who have not previously been retained at Santiago Charter Middle School:

1. School Initiated Retention - The Executive Director or Designee may recommend retention when:

    a. The student demonstrates significant academic deficiencies in two or more core subject areas; and

    b. Tiered interventions have been implemented and documented; and

    c. The Student Review Team (SRT) determines retention is likely to result in improved student outcomes.

2. Parent/Guardian Requested Retention - The parent/guardian may submit a written request for retention when:

    a. The student has not previously been retained at the Charter School; and

    b. The request is based on one or more of the following reasons:

i. Academic concerns
ii. Social-emotional maturity
iii. Significant illness or prolonged absence
iv. Family hardship impacting academic progress
v. Late enrollment with limited instructional exposure
vi. Developmental readiness concerns

Requests for retention shall not be granted when the request is made for purposes of athletic advantage, social advantage, competitive positioning, or discipline.

Parent/guardian requests alone do not guarantee a final determination for retention; however, such requests shall be considered by the Student Review Team in making recommendations regarding student promotion and retention.

Student Review Team and Recommendation

Upon initiation of either a school initiated or parent requested retention consideration, a Student Review Team (SRT) shall convene. The SRT shall consist of at least one school administrator, the assigned teacher(s), a school counselor or intervention specialist, and a parent/guardian. The SRT shall review the student's academic records, intervention history, attendance data, social-emotional indicators, and risk factors for disengagement. When determined to be age appropriate, student input may also be considered. Upon making a determination the SRT shall issue a written recommendation to the Executive Director.

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in the current grade level unless the student's assigned classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

If the assigned teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The assigned teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the Executive Director or designee before any final determination of retention or promotion. (Education Code 48070.5)

The Executive Director retains final authority over promotion and retention decisions subject to appeal. Written notice shall be provided to parents/guardians within 10 calendar days of the decision.

Students with Disabilities

Retention decisions for students with IEPs shall be made in consultation with the IEP team and consistent with Federal and State law, including the Individuals with Disabilities Education Act (IDEA).

English Learners

Retention shall not be based primarily on English language acquisition status. Language proficiency progress shall be considered in all promotion and retention decisions.

Academic Support Plan

If a recommendation for retention is approved, the Charter School shall develop a written academic support plan to assist the student in meeting grade-level expectations. The academic support plan should include targeted interventions to address specific skill deficits, measurable goals, a progress monitoring schedule, and a parent/guardian communication timeline.

Appeal Process

A decision to promote or retain a student may be appealed consistent with Charter School policy, administrative regulation and law. The burden shall be on the appealing party to show why the decision to promote or retain should be overruled. (Education Code 48070.5)

To appeal a decision for promotion or retention, the appealing party shall submit a written request to the Executive Director or designee specifying the reasons that the decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The assigned teacher(s) shall be provided an opportunity to state orally and/or in writing the criteria on which the decision was based.

Within 30 days of receiving the request, the Executive Director or designee shall determine whether or not to overrule the decision. Prior to making this determination, the Executive Director or designee may meet with the appealing party and the assigned teacher(s). If the Executive Director or designee determines that the appealing party has overwhelmingly proven that the decision should be overruled, the Executive Director or designee shall overrule the decision.

The Executive Director or designee's determination may be appealed by submitting a written appeal to the Board of Directors within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the appealing party, the assigned teacher(s) and the Executive Director or designee to decide the appeal. The decision of the Board shall be final.

If the decision of the Board is unfavorable to the appealing party, the appealing party shall have the right to submit a written statement of objections which shall become part of the student's record.