

MODESTO CITY SCHOOLS

Administrative Regulation

AR 6173.1

INSTRUCTION

Education for Foster Youth

Definitions

Foster youth, foster child, or student in foster care means any of the following: (Education Code 42238.01, 48853.5)

1. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 300, whether or not the child has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 319 or 361.
2. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602, whether or not the has been removed from the child's home
3. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602, has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code 727, and is in foster care as defined by Welfare and Institutions Code 727.4(d)
4. A nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01.
5. A child who has been removed from the youth's home pursuant to Welfare and Institutions Code 309
6. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the court's jurisdiction in accordance with the tribe's law
7. A child who is the subject of a voluntary placement agreement, as defined in Welfare and Institutions Code 11400

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Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

School of origin means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the foster youth was last enrolled, or if there is another school that the foster youth attended with which the foster youth is connected and that the foster youth attended within the preceding 15 months, the District liaison, in consultation with, and with the agreement of, the foster youth and the person holding the right to make educational decisions for the foster youth shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. (Education Code 48853.5)

Best interests of a foster youth means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the proximity to the school at the time of placement, appropriateness of the educational setting, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all District students. (Education Code 48850, 48853; 20 USC 6311)

District Liaison

The Superintendent designates the following position as the District's liaison for foster youth: (Education Code 48853.5)

Senior Director, Student Support Services
426 Locust Street
Modesto, Ca. 95351
209.574.1600

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

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2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

When a student in foster care is enrolling in a District school, the liaison shall contact, within two business days of the student's request for enrollment, the school last attended by the student to obtain, all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

3. Notify a foster youth's educational rights holder, attorney and county social worker when a foster youth is undergoing any expulsion or other disciplinary proceeding including a manifestation determination for a foster youth who is a student with a disability, prior to a change in the foster youth's placement. (Education Code 48853.5, 48911, 48915.5, 48918.1)
4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973
5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services
6. Develop protocols and procedures for creating awareness for District staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth
7. Collaborate with the county office of education, county placing agency, county child welfare agency, county probation department, juvenile court, and other appropriate agencies to help coordinate instruction, counseling, tutoring, mentoring vocational training, and other related services for the District's foster youth

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8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in the District's local control and accountability plan

The Superintendent or designee shall regularly monitor the liaison's caseload, as well as their additional duties outside of the foster youth program, to ensure that adequate time and resources are provided to meet the needs of foster youth in the District.

Enrollment

A student placed in a licensed children's institution or foster family home within the District shall attend programs operated by the District unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency.
2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interests of the student to be placed in another education program and submits a written statement to the District indicating that determination and an awareness of the following:
 - a. The student has a right to attend a regular public school in the least restrictive environment.
 - b. The alternate education program is a special education program, if applicable.
 - c. The decision to unilaterally remove the student from the District school and to place the student in an alternate education program may not be financed by the District.
 - d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

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3. At the initial placement or any subsequent change in placement, the student exercises the right to continue in the school of origin, as defined above. In any such circumstance, the following shall apply:
 - a. The student may continue in the school of origin for the duration of the court's jurisdiction.
 - b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in the school of origin for the remainder of the school year.
 - c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in the school of origin through graduation.
 - d. If the student is transitioning between school grade levels, the student shall be allowed to continue in the District in the same attendance area to provide the student the benefit of matriculating with the student's peers in accordance with the established feeder patterns of schools in the District. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

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

The District liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the foster youth's right to attend the school of origin be waived and the foster youth be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from the school of origin, the liaison shall provide the foster youth and the person holding the right

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to make educational decisions for the youth with a written explanation of the basis for the recommendation and how the recommendation serves the youth's best interests. (Education Code 48853.5)

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the foster youth would be served by a transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth, regardless of whether the foster youth: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

If the foster youth or a person holding the right to make educational decisions for the foster youth disagrees with the liaison's enrollment recommendation, they may appeal to the Associate Superintendent, Student Support Services. The Associate Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Associate Superintendent's decision, the foster youth or the person holding the right to make educational decisions for the foster youth may appeal that decision to the Board. The Board may consider the issue at its next regularly scheduled meeting. The Board may decide not to hear the appeal, in which case the Associate Superintendent, Student Support Services' decision shall be final.

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

Transportation

The Superintendent or designee shall collaborate with the local child welfare agency to determine how transportation will be provided, arranged, and funded in a cost-effective manner to enable a foster youth to remain in the school of origin, for

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the duration of the time spent in foster care, when it is in the foster youth's best interest to do so. Such transportation costs may be paid by either the child welfare agency or the District, or shared by both. (20 USC 6312)

Effect of Absences on Grades

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the grades shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

Transfer of Coursework and Credits

When a foster youth transfers into a District school, the District will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the foster youth and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

The District shall transfer the credits and grades from the transferring school's transcript onto an official District transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

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If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (Education Code 51225.2)

The District shall accept and issue full or partial credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency. (Education Code 51225.2)

If the entire course was completed, the District shall not require the foster youth to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the foster youth shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, the District may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the District finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, the foster youth shall be enrolled in the same or equivalent course, if applicable, to enable the completion of the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended, per subject, in which the student is receiving a passing grade. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the District's notification of the student's transfer, as required under Education Code 49069.5

In no event shall the District prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

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Applicability of Graduation Requirements

To obtain a high school diploma, a foster youth shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Board.

However, when a foster youth who has completed the second year of high school transfers into the District from another school district or transfers between high schools within the District, the foster youth shall be exempted from all District-adopted coursework and other District-established graduation requirements, unless the District makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the foster youth's transfer, the Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions for the foster youth, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer a foster youth. (Education Code 51225.1)

To determine whether a foster youth is in the third or fourth year of high school, the District shall use either the number of credits the foster youth has earned as of the date of the transfer, the length of school enrollment, or for a foster youth with significant gaps in school attendance, the foster youth's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the foster youth for the exemption. (Education Code 51225.1)

If a foster youth was not properly notified of an exemption, declined the exemption, or was not previously exempted, the foster youth or the person holding the right to make educational decisions for the foster youth may request the exemption and the Superintendent or designee shall exempt the foster youth within 30 days of the request. A student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 51225.1)

When the Superintendent or designee determines that a foster youth who transferred into a District school is reasonably able to complete District-

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established graduation requirements by the end of the foster youth's fourth year of high school, the foster youth shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the foster youth shall be reevaluated based on the foster youth's course completion status at the time, to determine if the student continues to be reasonably able to complete the District-established graduation requirements in time to graduate by the end of the foster youth's fourth year of high school. Written notice as to whether the foster youth then qualifies for the exemption shall be provided to the foster youth, the person holding the right to make educational decisions for the foster youth, and if applicable, to the foster youth's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the foster youth is not reasonably able to complete the District- established graduation requirements in time to graduate from high school by the end of the foster youth's fourth year of high school, the Superintendent or designee shall provide the foster youth with the option to receive an exemption from District-established graduation requirements or stay in school for a fifth year to complete the District-established graduation requirements upon agreement with the foster youth, or if under 18 years of age, the person holding the right to make educational decisions for the foster youth, and provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a foster youth is exempted from District-established graduation requirements, the Superintendent or designee shall consult with the foster youth and the person holding the right to make educational decisions for the foster youth about the following: (Education Code 51225.1.)

1. Discussion of how any requirements that are waived may affect the foster youth's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the foster youth's academic data and any other information relevant to making an informed decision on whether to accept the exemption

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The District shall not require or request a foster youth to transfer schools in order to qualify for an exemption and shall not grant any request made by a foster youth or any person acting on behalf of a foster youth for a transfer solely to qualify the foster youth for an exemption. (Education Code 51225.1)

The Superintendent or designee shall not require a foster youth who is eligible for an exemption from District- established graduation requirements, and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the foster youth is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a foster youth is exempted from District-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the termination of the court's jurisdiction over the student while still enrolled in school or if the foster youth transfers to another school or school district. (Education Code 51225.1)

The Superintendent or designee shall not require or request a foster youth who is exempted from District-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the foster youth's fourth year of high school. (Education Code 51225.1)

Upon making a finding that a foster youth is reasonably able to complete District graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the foster youth and the person holding the right to make educational decisions for the foster youth of the option to remain in school for a fifth year to complete the District established graduation requirements and how that will affect the foster youth's ability to gain admission to a postsecondary educational institution
2. Consult with and provide information to the foster youth about transfer opportunities available through the California Community Colleges.

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3. Upon agreement with the foster youth or, if under 18 years of age, the person holding the right to make educational decisions for the foster youth, permit the foster youth to stay in school for a fifth year to complete the District's graduation requirements
4. Consult with the foster youth and the person holding the right to make educational decisions for the foster youth of the option to remain in the foster youth's school of origin

When a foster youth who has completed the second year of high school transfers into the District from another school district or transfers between high schools within the District, and is not reasonably able to complete the District-established graduation requirements within the foster youth's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the foster youth shall be exempted from all District-established graduation requirements and provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the foster youth and the person holding the right to make educational decisions for the foster youth, regarding the following: (Education Code 51225.1)

1. The foster youth's option to remain in school for a fifth year to complete statewide coursework requirements
2. The effect of waiving the District-established requirements and remaining in school for a fifth year on the foster youth's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education
3. Other options available to the foster youth, including but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges
4. The foster youth's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

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Eligibility for Extracurricular Activities

A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

Notification and Complaints

Information regarding the educational rights of foster youth shall be included in the annual uniform complaint procedures notification distributed to students,

parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

Any complaint alleging that the District has not complied with requirements regarding the education of foster youth may be filed in accordance with the District's procedures in AR 1312.3 - Uniform Complaint Procedures. If the District finds merit in a complaint, the District shall provide a remedy to the affected student. A complainant not satisfied with the District's decision may appeal the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. If **the** CDE finds merit in an appeal, the District shall provide a remedy to the affected student. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation costs by parents/guardians; waiver for foster youth

42238.01-42238.07 Local control funding formula

42920-42926 Foster children educational services

48645-48647 Juvenile court schools

48850-48859 Education of foster youth and homeless students

48915.5 Recommended expulsion; foster youth with disabilities

48918.1 Notice of recommended expulsion

49061 Definitions; directory information

49069.5 Students in foster care; grades and credits

49076 Access to student records

51225.1 Exemption from district graduation requirements

51225.2 Course credits

51225.3 High school graduation requirements

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Legal Reference (cont.):

52060-52077 Local control and accountability plan

56055 rights of foster parents pertaining to foster youth's education

HEALTH AND SAFETY CODE

120341 Foster youth; school placement and immunization records

1522.41 Training and certification of group home administrators

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

309 Investigation and release of child

317 Appointment of legal counsel

361 Limitations on parental or guardian control

366.27 Educational decision by relative providing living arrangements 602

Minors violating law; ward of court

726 Limitations on parental or guardian control

727 Order of care, ward of court 16000-

16014 Foster care placement CODE OF

REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

1415 Procedural safeguards; placement in alternative educational setting

6311 State plan

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504 UNITED

STATES CODE, TITLE 42

670-679b Federal assistance for foster care programs

11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

CSBA PUBLICATIONS

Foster Youth: Supports for Success, Governance Brief, May 2016 Our

Foster Youth: What School Boards Can Do, May 2016 ALLIANCE FOR

CHILDREN'S RIGHTS PUBLICATIONS

Foster Youth Education Toolkit, December 2016 CALIFORNIA

CHILD WELFARE COUNCIL

Partial Credit Model Policy and Practice Recommendations, September 2013

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Our Children: Emancipating Foster Youth, A Community Action Guide

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016

CALIFORNIA FOSTER YOUTH EDUCATION TASK FORCE PUBLICATIONS

California Foster Youth Education Law Facts Sheets, January 2021

WEB SITES

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

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

Alliance for Children's Rights: <http://www.kids-alliance.org>

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>

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Management Resources (cont.):

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy>

California Department of Social Services, Foster Youth Ombudsman Office:

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

California Foster Youth Education Task Force: <http://www.cfyetf.org>

California Youth Connection: <http://www.calyouthconn.org/site/cyc>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

Foster Ed: <http://foster-ed.org>

National Center for Youth Law: <https://youthlaw.org>

Cross References (cf.):

0200 – Goals For The School District (N/A)

0410 – Nondiscrimination in District Programs And Activities

0415 – Equity

0450 – Comprehensive Safety Plan

0460 – Local Control And Accountability Plan (N/A)

0470 -COVID-19 Mitigation Plan

0500 – Accountability

1312.3 – Uniform Complaint Procedures

1400 – Relations Between Other Governmental Agencies And The Schools (N/A)

3100 – Budget (N/A)

3250 – Transportation Fees (N/A)

3260 – Fees And Charges

3515.4 – Recovery For Property Loss Or Damage

3540 – Transportation (N/A)

3541 – Transportation Routes And Services (N/A)

3553 – Free And Reduced Price Meals

4131/4231/4331 – Staff Development Certificated

5111 – Admission

5111.1 – District Residency

5113.1 – Chronic Absence And Truancy

5113.11 – Attendance Supervision

5116.1 – Intradistrict Open Enrollment

5117 – Interdistrict Attendance

5121 – Grades/Evaluation Of Student Achievement (N/A)

5123 – Promotion/Acceleration/Retention

5125 – Student Records

5125.2 – Withholding Grades, Diploma Or Transcripts

5131 – Conduct

5131.2 – Bullying

5131.6 – Alcohol And Other Drugs

5132 – Dress And Grooming

5137 – Positive School Climate

5138 – Conflict Resolution/Peer Mediation (N/A)

5138 – Electronic Signaling or Communication Devices

5141.22 – Infectious Diseases

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Cross References (cf.) (cont.):

5141.26 – Tuberculosis Testing
5141.31 – Immunizations
5141.32 – Health Screening For School Entry
5141.6 – School Health Services (N/A)
5141.6 – Aid for Students in Need
5144.1 – Suspension and Expulsion / Due Process
5144.2 – Suspension And Expulsion /Due Process (Student With Disabilities)
5145.3 – Nondiscrimination /Harassment
5145.6 – Parent /Guardian Notifications
5145.9 – Hate-Motivated Behavior
5147 – Dropout Prevention
5148.2 – Before /After School Programs
5148.3 – Preschool /Early Childhood Education
6000 – Concepts And Roles
6011 – Academic Standards
6020 – Parent Involvement (N/A)
6145 – Extracurricular And Cocurricular Activities
6145.2 – Athletic Competition
6146.1 – High School Graduation Requirements
6146.3 – Reciprocity Of Academic Credit
6159 – Individualized Education Program
6159.2 – Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3 – Appointment Of Surrogate Parent for Special Education Students
6159.4 – Behavioral Interventions For Special Education Students (N/A)
6162.51 – State Academic Achievement Tests
6164.2 – Guidance /Counseling Services
6164.4 – Identification And Evaluation Of Individuals For Special Education
6164.6 – Identification and Education Under Section 504
6172 – Gifted And Talented Student Program (N/A)
6173 – Education For Children in a Transitional Living Situation /Homeless Children
6174 – Education For English Learners
6177 – Summer Learning Programs (N/A)
6179 – Supplemental Instruction for Remediation
6184 – Continuation Education
6190 – Evaluation of The Instructional Program (N/A)
9320 – Meetings And Notices

ADOPTED: January 11, 2020

REVIEWED: April 1, 2023

August 26, 2023