



**OPTIONS FOR YOUTH – San Bernardino, INC.**  
*A California Non-Profit Public Benefit Corporation*

**November 2019**

**Agenda Item:** MIA Process/Truancy Policy

**Purpose:** The Board will review and consider approval of Truancy Policy which evaluates Inadequate Progress of students as well as any additional consideration for IEP or 504 students. The Truancy Policy aligns with AB 1360. AB 1360 revised Education Code 47605(b)(5)(J) to require all charter schools to offer a hearing before involuntarily removing a student for non-disciplinary removals. (A hearing is required for disciplinary removals [expulsions], but for attendance reasons, it only need be offered.) The statute requires Charter Petitions to “[c]ontain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil’s parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil’s educational rights holder, and shall inform him or her of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil’s parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

**Contract Terms:** N/A

**Fiscal Impact:** As there is no additional cost, nor new expenditure, there is no impact on the budget.

**Principal’s Recommendation:** OFY-San Bernardino wishes to accept the Truancy Policy

**Related Parties:** N/A. Drafted truancy policies for review do not have related parties associated.

## **Truancy Policy**

Per California Education Code Section 51747, the governing board of Options for Youth San Bernardino Public Charter School maintains a board policy establishing the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interest of the pupil to remain in independent study.

### **Inadequate Progress**

The number of missed assignments established by that policy occurs when the student fails to complete 100% of the minimum work assignments required for one school month, fails to verify 75% of attendance for one school month, **or** misses four instructor appointments without a valid reason. Hereafter this is referred to as “Inadequate Progress.”

### **Truancy**

Pupils making Inadequate Progress are considered to be truant. Consequences for truancy may include interventions and/or disciplinary action, up to and including referral for an Evaluation (defined herein below).

### **Evaluation After Truancy**

After the pupil meets the criteria for truancy, an evaluation will be conducted by the Principal (and/or designee) and the pupil’s supervising teacher to determine whether it is in the best interests of the pupil to remain enrolled in independent study (herein referred to as the “Evaluation”). The Evaluation may include items as outlined on the pupil’s Master Agreement, but is not limited to the review of the following:

- 1) Attendance based on completion of assignments as quantified by the assigned supervising teacher;
- 2) Demonstration of skills on assignments;
- 3) Standardized test scores;
- 4) Written tests and reports if appropriate;
- 5) Oral or written presentations;
- 6) Pupil’s attitude toward learning and achievement;
- 7) Punctual attendance at scheduled appointments;
- 8) Ability to meet scheduled appointments;
- 9) Preparedness for scheduled appointments;
- 10) Pupil’s demonstration of adequate and appropriate progress toward
- 11) Common Core State Standards;
- 12) Appropriate learning environment;
- 13) Parent(s) ability to support pupil learning in the home.

As part of the Evaluation process, the pupil, parent(s), guardian(s) or if the pupil is a foster child or youth or a homeless child or youth, the pupil’s educational rights holder (all generally

referred throughout as “Parent(s)”) will be invited to present evidence to the individual or individuals conducting the Evaluation. During the Evaluation, the School will determine whether it is in the best interests of the pupil to remain in independent study. A written record of the findings of any evaluation made pursuant to this subdivision shall be maintained in the pupil’s mandatory interim record.

**Additional Consideration for Pupils with a Section 504 Plan or IEP:**

If the School recommends removal from independent study as a result of the Evaluation and the pupil has a Section 504 Plan or IEP, the Charter School shall schedule an IEP meeting or Section 504 meeting (as applicable) following applicable legal timelines, to determine the following:

- 1) Whether the missed assignments were caused by or had a direct and substantial relationship to the pupil’s disability; or
- 2) Whether the missed assignments were the direct result of the School’s failure to implement the IEP or Section 504 Plan, as applicable.

If the answer to either (1) or (2), above, is yes, then the missed assignments are a manifestation of the pupil’s disability and the School will follow applicable state and federal laws to ensure that the pupil is offered a free appropriate public education.

If the answer to either (1) and (2), above, is no, then the pupil may be removed from independent study consistent with this policy.

This meeting may be combined with the Evaluation at the discretion of the School.

**Notice of Decision and Opportunity to Request a Hearing Prior to Removal**

Once the Evaluation is complete, if it is determined that it is not in the best interest of the pupil to remain enrolled in the independent study program, the Parent(s) shall be notified in writing of the School’s intent to remove the pupil as it is not in their best interest to remain in independent study (hereinafter referred to as the “Notice”). The Notice shall be in the native language of the Parent(s) and provided no less than five (5) schooldays before the effective date of pupil’s removal. The Notice shall include the following:

- 1) The School’s intent to remove the pupil as it is not in their best interest to remain in independent study.
- 2) The opportunity of the Parent(s) to request a hearing that follows the same procedures as the School’s disciplinary hearing. Parent(s) (or the pupil if over 18) must submit the request for hearing in writing and the request must be received by the School within five (5) calendar days from the date of the Notice.
- 3) If Parent(s) or pupil over 18 requests a hearing:
  - a. It will be scheduled following the School’s expulsion hearing procedures as outlined in the School’s approved charter.
  - b. The pupil shall remain enrolled and shall not be removed until the School issues

a final decision.

- 4) If no hearing is requested, the pupil shall be removed from the charter school on the date listed on the Notice. The pupil's district of residence will be notified of the removal.

**Readmission Following Removal**

The decision to readmit a pupil into the charter school following removal due to a determination that remaining enrolled in independent study is not in the best interests of the pupil shall be in the School's sole discretion. The pupil's readmission is also contingent upon the School's capacity at the time the pupil seeks readmission.