



MAGNOLIA PUBLIC SCHOOLS

Board Of Directors

Board Agenda Item #	II B
Date:	07.21.2016
To:	Magnolia Board of Directors
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	David Yilmaz, Chief Accountability Officer
RE:	Approval of New Student Policies: Education for Foster Youth Policy, Educational Records and Student Information Policy, Readmission and Reinstatement Policy and Procedure, Section 504 Policy and Procedures, Student Freedom of Speech-Expression Policy, Independent Study Policy

Proposed Board Recommendation

I move that the board approve the new student policies.

Background

As part of the annual review of our student policies, working with our stakeholders and our legal counsel, we have identified and created the following policies that need to be added to our policy binder:

- Education for Foster Youth Policy
- Educational Records and Student Information Policy
- Readmission and Reinstatement Policy and Procedure
- Section 504 Policy and Procedures
- Student Freedom of Speech-Expression Policy
- Independent Study Policy

These policies are needed to clarify our responsibilities for the areas described in each specific policy to better guide our schools to serve the needs of our students. MPS has collected feedback from stakeholders and legal counsel while creating these policies. School administrations have been trained on the draft versions of these policies. The new student/parent handbook includes a synopsis of these policies and refers to them for details. All these policies will be made available to the schools on our website and in the front office of our school sites for easy parental access.

Briefly, the new policies address the following:

- Education for Foster Youth Policy:
The policy recognizes our responsibilities to meet the needs of foster youth, including enrollment, transportation, grading, transfer of coursework and credits for graduation, and complaints.



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- **Educational Records and Student Information Policy:**
The policy describes educational records and personally identifiable student information maintained by the school, directory information, record keeping requirements, and parental rights.
- **Readmission and Reinstatement Policy and Procedure:**
The policy describes the procedure for readmitting and reinstating students previously expelled from MPS or another school. The Principal will make a recommendation to the Board for reinstatement and readmission after a conference with the parent/guardian and the Board will have 10 days to make a decision after the conference.
- **Section 504 Policy and Procedures:**
The policy describes our responsibilities under Section 504 in terms of identification, evaluation and education of students, including a handout for parent and student rights.
- **Student Freedom of Speech-Expression Policy:**
This policy clarifies policy about distribution of circulars, leaflets, newspapers, and pictorial or other printed matter, and to circulate petitions. It also addresses organized demonstrations.
- **Independent Study Policy**
This policy describes independent study guidelines for students with a legitimate need for an extended absence from school. It includes a master agreement and forms for assignment sheets and attendance records.

Traditionally, Chief Accountability Officer trains MPS school site administrations on changes made to the student/parent handbook and academic policies during the summer training and monthly academies throughout the year as well as leads discussion and collects feedback on our policies.

Attached are the policies for your review.

Budget Implications

None.

Name of Staff Originator:

David Yilmaz
Chief Accountability Officer

Attachments

NEW STUDENT POLICIES as one file which includes:
Student Policies - Education for Foster Youth Policy
Student Policies - Educational Records and Student Information Policy
Student Policies - Readmission and Reinstatement Policy and Procedure



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Student Policies - Section 504 Policy and Procedures

Student Policies - Student Freedom of Speech-Expression Policy

Curriculum Policy – Independent Study Policy

EDUCATION FOR FOSTER YOUTH POLICY

Introduction

The Governing Board of Magnolia Public Schools (“MPS”) recognizes that foster youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs. To enable such students to achieve state and charter school academic standards, MPS shall provide them with full access to MPS’ educational program and implement strategies identified as necessary for the improvement of the academic achievement of foster youth in MPS’ Local Control and Accountability Plan (“LCAP”).

Definitions

Foster youth means a child who has been removed from his/her home pursuant to California Welfare and Institutions Code section 309, is the subject of a petition filed under Welfare and Institutions Code sections 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602.

Person holding the right to make educational decisions means a parent, guardian, or responsible person appointed by a court to make educational decisions pursuant to Welfare and Institutions Code sections 361 or 726, or Education Code 56055.

School of origin means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the immediately preceding 15 months, the MPS liaison for foster youth, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, shall determine, and in the best interests of the foster youth, the school is the school of origin.

Best interests means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the opportunity to be educated in the least restrictive educational program and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all MPS students.

MPS Liaison

In order to help facilitate the enrollment, placement, and transfer of foster youth to MPS, the Governing Board shall designate an MPS foster youth liaison. The Governing Board designates the following position as MPS’ liaison for foster youth:

CEO & Superintendent
Magnolia Public Schools
250 E. 1st St. Ste 1500
Los Angeles, CA 90012
(213) 628-3634

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in MPS, and checkout from MPS of students in foster care.

2. Ensure proper transfer of credits, records, and grades when students in foster care transfer to or from MPS.

When a student in foster care is enrolling in MPS, the MPS liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the MPS liaison shall provide the student's records to the new school within two (2) business days of receiving the new school's request.

3. When required by law, notify the foster youth's attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act under MPS' charter; pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act under MPS' charter; and, a manifestation determination prior to a change in the foster youth's placement, when he/she is a student with a disability under state and federal special education laws.
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 MPS staff, including but not limited to the Principal, teachers, attendance clerks, and office staff, of the requirements for the proper enrollment, placement, and transfer of foster youth.
7. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, and other appropriate agencies to help coordinate services for MPS' foster youth.
8. Monitor the educational progress of foster youth and provide reports to the Principal or designee and the Governing Board based on indicators identified in MPS' LCAP.
9. This policy does not grant the MPS liaison authority that supersedes the authority granted under state and federal law to a parent or legal guardian retaining educational rights, a responsible person appointed by the court to represent the child pursuant to Welfare and Institutions Code sections 361 or 726, a surrogate parent, or a foster parent exercising authority under the Education Code. The role of the MPS liaison is advisory with respect to placement options and determination of the school of origin.

Enrollment

A student placed in a licensed children's institution or foster family home shall attend programs operated by MPS unless one of the following circumstances applies:

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 interest of the student to be placed in another educational program and submits a written statement to MPS indicating that determination and that he/she is aware of the following:
 - a. The student has a right to attend a regular public school in the least restrictive environment.
 - b. The alternate educational program is a special education program, if applicable.

- c. The decision to unilaterally remove the student from MPS and to place him/her in an alternate education program may not be financed by MPS.
 - 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.
 3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.
 - 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 his/her school of origin for the remainder of the academic school year.
 - c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in his/her school of origin until he/she graduates.
 - d. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts. 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 MPS 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 youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area of the school district in which the foster youth resides are eligible to attend or in MPS consistent with current enrollment procedures. All decisions shall be made in accordance with the foster youth's best interests.

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

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 youth would be served by his/her transfer to a school other than the school of origin, the Principal or designee of the new school shall immediately enroll the foster youth, consistent with any enrollment procedures if the next school is a charter school. The foster youth shall be immediately enrolled even if he/she:

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 any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute. The dispute shall be resolved in accordance with the existing MPS dispute resolution process.

Transportation

MPS shall not be responsible for providing transportation to allow a foster child to attend school, unless required by federal law. MPS is not prohibited from providing transportation, at its discretion, to allow a foster child to attend school.

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:

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

Transfer of Coursework and Credits

When a foster youth transfers into MPS, MPS shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course.

If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall not be required to retake the portion of the course that he/she completed at his/her previous school. However, MPS 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, MPS 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, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course.

In no event shall MPS 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.

Applicability of Graduation Requirements

To obtain a high school diploma, a foster youth shall pass the high school exit examination in English language and mathematics (if required by State law), complete all courses required by MPS, and fulfill any additional graduation requirement prescribed by the Board.

However, when a foster youth who has completed his/her second year of high school transfers into MPS, he/she shall be exempted from all MPS-adopted coursework and other MPS-established graduation requirements, unless MPS 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 his/her fourth year of high school. Within 30 calendar days of the foster youth's transfer, the Principal or designee shall notify the foster youth, the person holding the right to make educational decisions for him/her, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it.

To determine whether a foster youth is in his/her third or fourth year of high school, MPS shall use either the number of credits the foster youth has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption.

The Principal or designee shall notify any foster youth who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the foster youth's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.

MPS shall not require or request a foster youth to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a foster youth or any person acting on behalf of a foster youth.

Upon making a finding that a foster youth is reasonably able to complete MPS graduation requirements within his/her fifth year of high school, the Principal or designee shall:

1. Inform the foster youth and the person holding the right to make educational decisions for him/her of the foster youth's option to remain in school for a fifth year to complete MPS' graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution
2. Provide information to the foster youth about transfer opportunities available through the California Community Colleges
3. Upon agreement with the foster youth or, if he/she is under 18 years of age, the person holding the right to make educational decisions for him/her, permit the foster youth to stay in school for a fifth year to complete MPS's graduation requirements.

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.

Complaints of Noncompliance

Complaints of noncompliance with this policy shall be governed by MPS' Uniform Complaint Procedures policy.

EDUCATIONAL RECORDS AND STUDENT INFORMATION POLICY

The Board of Directors of Magnolia Public Schools (“MPS”) adopts this Educational Records and Student Information Policy to apply to all educational records and student information maintained by MPS.

I. DEFINITIONS**1. Education Record**

An education record is any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche containing information directly relating to a student that is maintained by MPS or by a party acting for MPS. Such information includes, but is not limited to:

- a. Date and place of birth; parent and/or guardian’s address, mother's maiden name and where the parties may be contacted for emergency purposes;
- b. Grades, test scores, courses taken, academic specializations and school activities;
- c. Special education records;
- d. Disciplinary records;
- e. Medical and health records;
- f. Attendance records and records of past schools attended;
- g. Personal information such as, but not limited to, a student’s name, the name of a student’s parent or other family member, student identification numbers, social security numbers, photographs, biometric record or any other type of information that aids in identification of a student.

An education record does not include any of the following:

- a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;
- b. Records maintained by a law enforcement unit of MPS that were created by that law enforcement unit for the purpose of law enforcement;
- c. In the case of a person who is employed by MPS but who is not in attendance at such agency or institution, records made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee; and are not available for use for any other purpose;
- d. Records of a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are: a) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity; b) made, maintained, or used only in connection with treatment of the student; and c) disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include

remedial educational activities or activities that are part of the program of instruction at MPS; or

- e. Records that only contain information about an individual after he or she is no longer a student at MPS.

2. Personally Identifiable Information

Personally identifiable information is information about a student that is contained in his or her education records that cannot be disclosed without compliance with the requirements of FERPA. Personally identifiable information includes, but is not limited to: a student's name; the name of a student's parent or other family member; the address of a student or student's family; a personal identifier, such as the student's Social Security number, student number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combinations, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who MPS reasonably believes knows the identity of the student to whom the education record relates.

3. Directory Information

MPS may disclose the personally identifiable information that it has designated as directory information, consistent with the terms of MPS' annual notice provided pursuant to the Family Educational Rights and Privacy Act of 2001 (20 U.S.C. § 1232g) ("FERPA"). MPS has designated the following information as directory information:

- Student's name
- Student's address
- Parent/guardian's address
- Telephone listing
- Student's electronic mail address
- Parent/guardian's electronic mail address
- Photograph
- Date and place of birth
- Dates of attendance
- Grade level
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended

- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)

4. Parent

Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

5. Eligible Student

Eligible student means a student who has reached eighteen (18) years of age.

6. School Official

A school official is a person employed by MPS as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Board of Directors of MPS. A school official also may include a volunteer or an independent contractor outside of MPS who performs an institutional service or function for which MPS would otherwise use its own employees and who is under the direct control of MPS with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks.

7. Legitimate Educational Interest

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

II. DISCLOSURE OF DIRECTORY INFORMATION

At the beginning of each year, MPS shall provide parents and eligible students with a notice containing the following information: 1) The type of personally identifiable information it designates as directory information; 2) The parent's or eligible student's right to request that MPS not release "directory information" without obtaining prior written consent from parent or eligible student; and 3) The period of time within which a parent or eligible student may notify MPS in writing of the categories of "directory information" that it may not disclose without the parent or eligible student's prior written consent.

III. ANNUAL NOTIFICATION TO PARENTS AND ELIGIBLE STUDENTS

At the beginning of each school year, in addition to the notice required for directory information, MPS shall provide parents and eligible students with a notice of their rights under the FERPA. The notice shall inform the parents and eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be

inaccurate, misleading or otherwise in violation of the student's privacy rights;

3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that disclosure is permitted without prior written consent pursuant to FERPA; and
4. File with the U.S. Department of Education a complaint concerning alleged failures by MPS to comply with the requirements of FERPA and its promulgated regulations.
5. Request that MPS not release student names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

The notice must also include the following:

1. The procedure for exercising the right to inspect and review educational records;
2. The procedure for requesting amendment of records;
3. A statement that MPS forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll;
4. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

IV. PARENTAL AND ELIGIBLE STUDENT RIGHTS RELATING TO EDUCATION RECORDS

Parents and eligible students have the right to review the student's education records. In order to do so, parents and eligible students shall submit a request to review education records in writing to the Principal. Within five (5) business days, MPS shall comply with the request.

1. Copies of Education Records

MPS will provide copies of requested documents within five (5) business days of a written request for copies. MPS may charge reasonable fees for copies it provides to parents or eligible students. The charge will not include a fee to search for or to retrieve the education records.

2. Request for Amendment to Education Records

Following the inspection and review of a student's education record, a parent or eligible student may file a written request with the Principal to correct or remove any information in the student's education record that is any of the following:

- (1) Inaccurate;
- (2) An unsubstantiated personal conclusion or inference;
- (3) A conclusion or inference outside of the observer's area of competence;
- (4) Not based on the personal observation of a named person with the time and place of the observation noted;
- (5) Misleading; or

(6) In violation of the privacy rights of the student.

MPS will respond within thirty (30) days of the receipt of the request to amend. MPS' response will be in writing and if the request for amendment is denied, MPS will set forth the reason for the denial and inform the parent or eligible student of his or her right to a hearing challenging the content of the education record.

If the Principal sustains any or all of the allegations, he or she must order the correction or the removal and destruction of the information. The Principal or Principal's designee must then inform the parent or eligible student of the amendment in writing. However, the Principal shall not order a pupil's grade to be changed, unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade.

3. Hearing to Challenge Education Record

If MPS denies a parent or eligible student's request to amend an education record, the parent or eligible student may request in writing that he/she be given the opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading or in violation of the privacy rights of the student.

The Principal or the Board Chair may convene a hearing panel to assist in making determinations regarding educational record challenges provided that the parent has given written consent to release information from the pupil's records to the members of the panel convened. The hearing panel shall consist of the following persons:

- 1) The Principal of a public school other than the public school at which the record is on file;
- 2) A certificated employee; and
- 3) A parent appointed by the Principal or by the Board of Directors, depending upon who convenes the panel.

The hearing to challenge the education record shall be held within thirty (30) days of the date of the request for a hearing, notice of the date, time and place of the hearing will be sent by MPS to the parent or eligible student no later than twenty (20) days before the hearing.

The hearing will be conducted by the Principal or his/her designee, who shall not be required to use formal rules of evidence or procedure. The parent or eligible student will be given a full and fair opportunity to present evidence relevant to the issues relating to the challenge to the education record. The parent or eligible student may also, at his/her own expense, be assisted or represented by one or more individuals of his/her choice, including an attorney. The decision of the Principal or his/her designee will be based solely on the evidence presented at the hearing and is final. Within thirty (30) days after the conclusion of the hearing, MPS' decision regarding the challenge will be made in writing and will include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, MPS decides that the information is inaccurate, misleading or

otherwise in violation of the privacy rights of the student, it will amend the record accordingly and inform the parent or eligible student of the amendment in writing.

If, as a result of the hearing, MPS decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of MPS, or both. If MPS places a statement by the parent or eligible student in the education records of a student, it will maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

V. DISCLOSURE OF EDUCATION RECORDS AND DIRECTORY INFORMATION

MPS must have a signed and dated written consent from the parent or eligible student before releasing any non-directory information from a student's education record except as provided below. The written permission must specify the records that may be disclosed, the purpose of the disclosure and the party or class of parties to whom the disclosure may be made. When disclosure is made pursuant to written permission, the parent or eligible student may request a copy of the disclosed records. Signed and dated written consent may include a record and signature in electronic form if it identifies and authenticates a particular person as the source of the electronic consent and indicates such person's approval of the information contained in the electronic consent.

MPS will only disclose personally identifiable information on the condition that the receiving party not disclose the information to any party without the prior written consent of the parent or eligible student and that the receiving party use the information for the purposes for which the disclosure was made. This restriction does not apply to disclosures that fall within the disclosure exceptions listed below. MPS must maintain the appropriate records related to these disclosure exceptions, as described below. Except for disclosures pursuant to a judicial order or lawfully issued subpoena, or directory information or to parents or eligible students, MPS will inform a receiving party of the requirement that the party not disclose the information to any other party without the prior written consent of the parent or eligible student and that the receiving party use it for the purpose for which the disclosure was made.

MPS will disclose education records, without prior written consent of the parent or eligible student, to the following parties:

1. School employees who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. MPS will make a reasonable attempt to notify the parent or eligible student of the request for records at his/her last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, MPS will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for hearing pursuant to Section (IV)(3) above;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is

- necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for the MPS in accordance with 20 U.S.C. § 1232g(b)(1)(F);
 6. Accrediting organizations in order to carry out their accrediting functions;
 7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
 8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
 9. Persons who need to know in cases of health and safety emergencies;
 10. State and local authorities, within a juvenile justice system, pursuant to specific State law;
 11. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include final results of the disciplinary proceedings conducted by MPS with respect to that alleged crime or offense. MPS may disclose the final results of the disciplinary proceeding, regardless of whether MPS concluded a violation was committed.

VI. RECORD KEEPING REQUIREMENTS

MPS will maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student for as long as the records are maintained. For each request, the record must include the following information: the parties who have requested or received the information and the legitimate interests the parties had in requesting or obtaining the information.

For disclosures of personally identifiable information to institutions that make disclosures of the information on behalf of MPS in accordance with 34 C.F.R. 99.33(b), the record must include the names of the additional parties to which the receiving party may disclose the information on behalf of MPS and the legitimate interests that each of the additional parties has in requesting or obtaining the information.

These record keeping requirements do not apply to requests from or disclosure to parents and eligible students, MPS officials with a legitimate purpose of inspecting the records, a party with written consent from the parent or eligible student, a party seeking directory information, or a party seeking or receiving the records as directed by a court order or subpoena.

The records relating to disclosures of personally identifiable student information may be inspected by parents and eligible students, MPS officials (or their assistants) responsible for the custody of the records, and parties authorized by regulations for the purpose of auditing the recordkeeping procedures of MPS.

Student cumulative records may not be removed from the premises of the MPS, unless the individual removing the record has a legitimate educational interest, and is authorized by the Principal, or by a majority of a quorum of the Board of Directors at a duly agendized meeting. Employees who remove student cumulative records or other student records the MPS premises without a legitimate educational interest and authorization may be subject to discipline. Employees are permitted to take student work-product, or other

appropriate student records, off premises without authorization for legitimate academic purposes (e.g. grading work-product, assigning credit, reviewing materials for classroom discussion, etc.)

VII. COMPLAINTS

Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by MPS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue. S.W.
Washington, D.C. 20202-5920

READMISSION AND REINSTATEMENT POLICY AND PROCEDURE

The Governing Board of Magnolia Public Schools (“MPS”) hereby adopts this policy and procedure governing readmission for pupils previously expelled from an MPS charter school or for students expelled from other public schools seeking enrollment at an MPS charter school. A copy of this policy shall be made available to an MPS pupil and the pupil’s parent/guardian at the time an MPS expulsion order is issued. Copies of the policy can also be obtained at the office of each MPS charter school.

As of the date (“readmission eligibility date”) set by the Board’s subcommittee upon a decision to expel, or by the Board of Directors after an appeal upholding a decision to expel, or by another public school, a pupil may be eligible for readmission to an MPS charter school or for admission to an MPS charter school after being expelled from another public school. For pupils expelled from an MPS charter school, at least fifteen (15) school days prior to the readmission eligibility date, the Principal or designee of the MPS charter school that expelled the student will convene a reinstatement conference. The parent/guardian and pupil shall be notified in writing of the date, time, and location of the reinstatement conference at least five (5) school days prior to the conference, which means twenty (20) school days prior to the readmission eligibility date. (For LAUSD-authorized schools: This reinstatement conference must be held even if the student does not wish to reenroll at an MPS charter school, per the Los Angeles Unified School District’s (“LAUSD”) District Required Language that must be included in MPS charter petitions.)

For students expelled from other public schools, the reinstatement conference can be held within ten (10) school days of MPS learning that the student is subject to an expulsion order from another public school.

At the reinstatement conference, the MPS charter school Principal or designee shall review the pupil’s rehabilitation plan to determine (1) whether the provisions of this plan have been met and (2) whether the pupil no longer appears to pose a threat to campus safety, other students, or MPS employees or will not be disruptive to the charter school environment. Hereafter, these criteria are referred to as “reinstatement criteria.” If the pupil wishes to enroll/reenroll in an MPS charter school, the Principal or designee must also determine whether there is capacity at the charter school as of the date of readmission. Capacity shall be based upon the MPS charter school’s current enrollment procedures.

If, after the reinstatement conference, the Principal or designee has determined the pupil has satisfied the reinstatement criteria, but there is not capacity at the MPS charter school or the parent/guardian does not wish to reenroll the pupil at an MPS charter school, the pupil shall be reinstated but shall not be readmitted. The Principal or designee shall notify in writing the parent/guardian and LAUSD (or the charter authorizer, if applicable) that the pupil has satisfied the criteria to be reinstated and the reason the pupil is not being admitted to an MPS charter school. The Principal shall also notify the MPS Board. Should the student wish to be placed on the waiting list, his or her name will be added to the end of the list consistent with the MPS charter school’s current enrollment procedures.

If, after the reinstatement conference, the Principal or designee has determined the pupil has satisfied the reinstatement criteria, and there is capacity at the MPS charter school in which the pupil wishes to reenroll, the Principal or designee shall make a recommendation to the Board to readmit the pupil. If, after the reinstatement conference, the Principal or designee has determined the pupil has not satisfied the reinstatement criteria for any reason, the Principal or designee shall make a recommendation to the Board against the pupil’s readmission. In either instance, the Board shall determine whether to readmit the pupil within ten (10) school days of the reinstatement conference. The Board shall consider, but it is not required to accept, the Principal or designee’s recommendation. The Principal or designee shall notify the parent/guardian and student in writing, by registered

mail, of the Board's decision on readmission within five (5) school days of the Board meeting. If the Board readmits the pupil, the pupil may begin classes on the school day following the date of the Board's decision. The Board's decision is final.

If the parent does not respond to the Charter School's request, or otherwise participate in the reinstatement conference, the Principal or designee shall notify LAUSD (or the charter authorizer, if applicable) within ten (10) school days of the reinstatement conference that the parent/guardian did not participate and, therefore, the MPS charter school cannot determine whether the student has satisfied the terms of the rehabilitation plan.

SECTION 504 POLICY AND PROCEDURES**IDENTIFICATION, EVALUATION, AND EDUCATION UNDER SECTION 504 POLICY**

The Board of Directors of the Magnolia Public Schools (“MPS” or “School”) recognizes the need to identify and evaluate students with disabilities in order to provide them with a free, appropriate public education and its legal responsibility to ensure that “no qualified person with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” This policy and the related administrative regulation has been developed to ensure the implementation of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and its implementing regulations as amended, which pertains to public schools. The intent is to ensure that all students with disabilities, who are eligible under Section 504, are identified and evaluated and have access to a free, appropriate public education (“FAPE”).

Under Section 504, individuals with physical or mental impairments that substantially limit one or more major life activities, including learning, are entitled to receive regular or special education and/or related aids and services designed to meet their individual needs as adequately as the needs of nondisabled students are met. Major Life Activities include functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, as well as the operation of a major bodily functions, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Students may be disabled and entitled to services under Section 504 even though they are not eligible for services pursuant to the Individuals with Disabilities in Education Act Improvement Act of 2004 (“IDEIA”).

Each MPS Principal or designee shall ensure that this policy and set of procedures is implemented and followed. Whenever there is reason to believe that, because of a disability, a student needs regular or special education and/or related aids and services (and the student has not been found eligible under IDEA) that student will be evaluated under this policy’s administrative regulation.

A Section 504 Team will be convened to determine the student’s need for regular or special education and/or related aids and services. The 504 Team will include persons knowledgeable about the Section 504 standards, the student’s individual needs and school history, the meaning of evaluation data, and placement options. The student’s parent/guardian shall be invited to participate in this 504 Team and shall receive notice of procedural safeguards guaranteed by law. If MPS does not assess a student after a parent has requested an assessment, the School shall provide notice of the parent’s/guardian’s procedural safeguards.

If the student, due to disability, is found to require regular or special education and/or related aids and services under Section 504, the Section 504 Team shall develop a 504 plan for the provision of such services to the student. The student shall be educated with nondisabled students to the maximum extent appropriate to the student’s individual needs. The student’s parent/guardian shall be provided a copy of the 504 plan and shall receive notice of procedural safeguards guaranteed by law. MPS shall periodically review the student’s progress and placement.

MPS will implement this policy through its corresponding Section 504 Procedures.

IDENTIFICATION, EVALUATION, AND EDUCATION UNDER SECTION 504 PROCEDURES

A. Definitions

1. **Academic Setting** – the regular, educational environment operated by Magnolia Public Schools (“MPS”).
2. **Individual with a Disability under Section 504** – An individual who:
 - a. has a physical or mental impairment that substantially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
3. **Evaluation** – procedures used to determine whether a student has a disability as defined within these Procedures, and the nature and extent of the services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with, all students in a school, grade or class.
4. **504 Plan** – is a plan developed to identify and document the student’s needs for regular or special education and related aids and services for participation in educational programs, activities, and school-sponsored events.
5. **Free Appropriate Public Education (“FAPE”)** – the provision of regular or special education and related aids and services that are designed to meet the individual needs of persons with disabilities as adequately as the needs of persons without disabilities are met.
6. **Major Life Activities** - Functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.
7. **Physical or Mental Impairment** –
 - a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or
 - b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

8. **504 Coordinator** – The MPS CEO shall serve as MPS' Section 504 coordinator. The parents or guardians may request a Section 504 due process hearing from, or direct any questions or concerns to the 504 Coordinator at:

CEO & Superintendent
Magnolia Public Schools
250 E. 1st St. Ste 1500
Los Angeles, CA 90012
(213) 628-3634

9. **Has a record of such an impairment** - means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

10. **Is regarded as having an impairment** - means

- a. An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
- b. Being regarded as having an impairment shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

B. Referral, Assessment and Evaluation Procedures

1. MPS will evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services.
2. A student may be referred by anyone, including a parent/guardian, teacher, other school employee or community agency, for consideration as to whether the student qualifies as a student with disabilities under Section 504. Requests for evaluation shall be made in writing, and a copy of said request will remain in the student's file regardless of the final determination. This referral should be made to the Section 504 Coordinator who will convene a 504 Team. Any requests made to another MPS employee will be forwarded to the Section 504 Coordinator.
3. MPS has the responsibility to ensure that students with disabilities are evaluated. Therefore, it is important that students who are or may be disabled are referred to the Section 504 Coordinator so that the assessment process is initiated.
4. The 504 Team convened by the Section 504 Coordinator will be composed of the student's parents/guardians and other persons knowledgeable about the student (such as the student's regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), the meaning of evaluation data, the options for placement and services, and the legal requirements for least restrictive environment and comparable facilities.

5. The 504 Team shall promptly consider the referral and determine what assessments are needed in all suspected areas of disability to evaluate whether the student is a student with a disability under Section 504 and what special needs the student may have. The decision regarding what assessments shall be undertaken shall be based on a review of the student's school records (including academic, social and behavioral records), any relevant medical records, and the student's needs. Students requiring assessment shall be provided appropriate assessments administered by qualified assessment specialists.
6. The 504 Team will consider the following information in its evaluation of the student:
 - a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel;
 - b. Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
 - c. Tests are selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure.)
7. The evaluation of the student must be sufficient for the 504 Team to accurately and completely describe: (a) the nature and extent of the disabilities; (b) the student's special needs; (c) the impact upon the student's education; and (d) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education. All significant factors relating to the learning process for that student, including adaptive behavior and cultural and language background, must be considered. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the student's teachers and parent/guardian.
8. The parents/guardians shall be given an opportunity in advance of 504 Team meetings to examine assessment results and all other relevant records.
9. If a request for evaluation is denied, the 504 Team shall inform the parents/guardians in writing of this decision and of their procedural rights as described below.

C. 504 Plan

1. When a student is identified as disabled within the meaning of Section 504, the 504 Team shall determine what, if any, services are needed to ensure that the student receives a free, appropriate public education ("FAPE").
2. The 504 Team responsible for making the placement decision shall include the parents/guardians and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
3. For each identified disabled student, the 504 Team will develop a 504 Plan describing the student's disability and the regular or special education and/or related aids and services needed. The Plan will specify how the

special education and/or related aids and services will be provided to the disabled student and by whom. The 504 Plan will also identify the person responsible for ensuring that all the components of the Plan are implemented.

4. The student's teacher and any other staff who are to provide services to the student or who are to make modifications in the classroom for the student shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. A copy of this plan shall be kept in the student's cumulative file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.
5. The disabled student shall be placed in the regular education environment unless it is demonstrated that the student's needs cannot be met in the regular education environment with supplementary aids and services. The disabled student shall be educated with students who are not disabled to the maximum extent appropriate to his/her individual needs.
6. The referral, assessment, evaluation and placement process will be completed within a reasonable time. It is generally not reasonable to exceed fifty (50) school days in completing this process.
7. The parents/guardians shall be notified in writing of the final decision concerning the student's identification as a person with disabilities, the educational program and services to be provided, if any, and of the Section 504 procedural safeguards, as described below, including the right to an impartial hearing to challenge the decision.
8. If the 504 Team determines that the student is disabled but that no special services are necessary for the student, the 504 Plan shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed.
9. The 504 Plan shall include a schedule for annual review of the student's needs, and indicate that this review may occur more frequently at the request of the parent/guardian or school staff.
10. MPS shall immediately implement a student's prior 504 Plan, when a student enrolls at MPS. Within thirty (30) days of starting school, MPS shall schedule a 504 Team meeting to review the existing 504 Plan. MPS shall request a copy of the prior 504 plan from both the prior school and the parent/guardian.

D. Review of the Student's Progress

1. The 504 Team shall monitor the progress of the disabled student and the effectiveness of the student's 504 Plan. According to the review schedule set out in the student's 504 Plan, the 504 Team shall annually determine whether the services and modifications are appropriate.
2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement.

E. Procedural Safeguards

1. Parents/guardians shall be notified in writing of all decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:

- Examine relevant records
 - Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
 - Have the right to file a Uniform Complaint pursuant to school policy
 - Seek review in federal court if the parents/guardians disagree with the hearing decision.
2. Notifications shall also set forth the procedures for requesting an impartial hearing. Requests shall be made to the 504 Coordinator c/o Magnolia Public Schools:
- CEO & Superintendent
Magnolia Public Schools
250 E. 1st St. Ste 1500
Los Angeles, CA 90012
(213) 628-3634

Notifications shall advise that reimbursement for attorney's fees is available only as authorized by law.

3. The MPS CEO or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with MPS other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.
4. If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may request a hearing to initiate due process procedures. The parent/guardian shall set forth in writing his/her request for a hearing. A request for hearing should include:
- The specific decision or action with which the parent/guardian disagrees.
 - The changes to the 504 Plan the parent/guardian seeks.
 - Any other information the parent/guardian believes is pertinent.
5. Within five (5) calendar days of receiving the parent/guardian's request for a hearing, MPS may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing shall remain in effect unless it is extended by mutual written agreement of the parent/guardian and MPS. Alternative dispute resolution options include:
- Mediation by a neutral third party.
 - Review of the 504 Plan by the Director or designee.
6. Within ten (10) calendar days of receiving the parent/guardian's request, the MPS CEO or designee shall select an impartial hearing officer. These 10 days may be extended for good cause or by mutual agreement of the parent/guardian and CEO.
7. Within thirty-five (35) calendar days of the selection of the hearing officer, the due process hearing shall be conducted. These thirty-five (35) days may be extended for good cause or by mutual agreement of the parent/guardian and MPS CEO.

8. The parent/guardian and MPS shall be afforded the rights to:
 - Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as disabled under Section 504.
 - Present written and oral evidence.
 - Question and cross-examine witnesses.
 - Receive written findings by the hearing officer.
9. The hearing officer shall issue a written decision within ten (10) calendar days of the hearing.
10. If desired, either party may seek a review of the hearing officer's decision by a federal court. The decision shall be implemented unless the decision is stayed, modified or overturned by a court.

F. Suspension and Expulsion, Special Procedures for Students with Disabilities

MPS shall follow the suspension and expulsion policy and procedures as set forth in the charter. A pupil identified as an individual with disabilities or for whom MPS has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for disciplinary action, including suspension and expulsion, and is accorded the same due process procedures applicable to regular education pupils except when federal and state law mandates additional or different procedures. MPS will follow the IDEA, Section 504, and all applicable federal and state laws when imposing any form of discipline on a pupil identified as an individual with disabilities or for whom MPS has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such pupils. The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

1. Notification of SELPA

MPS shall immediately notify the SELPA, if appropriate, and coordinate the procedures in this policy for the discipline of any student with a disability or student who MPS or SELPA would be deemed to have knowledge that the student had a disability.

2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, MPS, the parent, and relevant members of

the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If MPS, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If MPS, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that MPS had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent and MPS agree to a change of placement as part of the modification of the behavioral intervention plan.

If MPS, the parent, and relevant members of the IEP/504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP/504 Plan, then MPS may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Hearing/Appeals

The parent of a child with a disability under an IEP who disagrees with any decision regarding placement, or the manifestation determination, or MPS believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

The parent of a child with a disability under a 504 Plan who disagrees with any decision regarding placement, or the manifestation determination, or MPS believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request to utilize the appeal process outlined in the Procedural Safeguards section of these Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or MPS, the hearing officer shall determine whether the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and MPS agree otherwise.

5. Special Circumstances

MPS personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Principal or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a. Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c. Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 Team.

7. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under these Procedures only if MPS had knowledge that the student was disabled before the behavior occurred.

MPS shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- a. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to MPS supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b. The parent has requested an evaluation of the child.
- c. The child's teacher, or other MPS personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other MPS supervisory personnel.

If MPS knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA-eligible children with disabilities, including the right to stay-put.

If MPS had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. MPS shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by MPS pending the results of the evaluation.

MPS shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

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PARENT/STUDENT RIGHTS**IN IDENTIFICATION, EVALUATION, ACCOMMODATION AND PLACEMENT**

(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. Please keep this explanation for future reference.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition.
2. Have Magnolia Public Schools ("MPS") advise you of your rights under federal law.
3. Receive notice with respect to Section 504 identification, evaluation and/or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have MPS make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (IDEA) [20 U.S.C. Chapter 33, P.L. 101-4761.]
7. Have an evaluation, educational recommendation, and placement decision developed by a team of persons who are knowledgeable of the student, the assessment data, and any placement options. This includes the right to an evaluation before the initial placement of the student and before any subsequent significant change in placement.
8. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by MPS.
9. Examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Obtain a response from MPS to reasonable requests for explanations and interpretations of your child's records.
12. Request amendment of your child's educational records if there is reasonable cause to believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If MPS refuses this request for amendment, MPS shall notify you within a reasonable time and advise you of your right to an impartial hearing.
13. Request mediation or file a grievance in accordance with MPS' Section 504 mediation grievance and hearing procedures.
14. Request an impartial hearing regarding the Section 504 identification, evaluation, or placement of your child. You and the student may take part in the hearing and have an attorney represent you.

15. File a formal complaint pursuant to MPS' Uniform Complaint Policy and Procedures.
16. File a formal complaint with the U.S. Department of Education.

Region IX
Office for Civil Rights, U.S. DHHS
90 7th Street, Suite 4-100
San Francisco, CA 94103
(415) 437-8310; (415) 437-8311 (TDD)
(415) 437-8329 FAX

The MPS CEO shall serve as MPS' Section 504 coordinator. Please contact the CEO with any questions regarding the information contained herein at:

CEO & Superintendent
Magnolia Public Schools
250 E. 1st St. Ste 1500
Los Angeles, CA 90012
(213) 628-3634

STUDENT FREEDOM OF SPEECH/EXPRESSION POLICY

Introduction

Magnolia Public Schools (“MPS”) respect students’ rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, their writing, their clothing, and the printed materials they choose to post or distribute.

Student freedom of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health, and safety of all members of the school community. Expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material that so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of MPS.

Distribution of Circulars, Newspapers, and Other Printed Matter

Students shall be allowed to distribute circulars, leaflets, newspapers, and pictorial or other printed matter, and to circulate petitions, subject to the following specific limitations:

1. Leaflets, pictorial and other printed matter to be distributed shall be submitted to the MPS school site Principal or designee at least one school day prior to distribution.
2. Distribution, free or for a fee, may take place at any time except during instructional time and providing there is no substantial disruption in the school programs (as determined by the MPS school site Principal).
3. The manner of distribution shall be such that coercion is not used to induce students to accept the printed matter or to sign petitions.
4. The solicitation of signatures must not take place in instructional classes or school offices, nor be substantially disruptive to the school program (as determined by the MPS school site Principal).
5. Pupil editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this section. However, it shall be the responsibility of the adviser or advisers of pupil publications to supervise the production of the pupil staff, to maintain professional standards of English and journalism, and to maintain the provisions of this section.
6. There shall be no prior restraint of material prepared for official school publications except insofar as it violates this policy. MPS officials shall have the burden of showing justification without undue delay prior to a limitation of pupil expression under this section.

Buttons, Badges, and Other Insignia of Symbolic Expression

Students shall be permitted to wear buttons, badges, armbands, and other insignia as a form of expression, subject to the prohibitions enumerated in this Policy.

Use of Bulletin Boards

Students will be provided with bulletin boards, upon request and subject to availability, for use in posting student materials on campus locations convenient to student use. Where feasible, the location and quantity of such bulletin boards shall be by mutual agreement of student government representatives and MPS administration. Posted

material must be in compliance with other sections of this Policy, particularly regarding the distribution of materials and prohibited speech.

Organized Demonstrations

Students have the right to lawful organized on-campus demonstrations, subject to the provisions of this Policy and applicable law. Demonstrations that incite pupils to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or demonstrations that substantially disrupt of the orderly operation of the school are prohibited.

No organized demonstrations by school groups may take place during school hours off the school campus unless sanctioned by school authorities and supervised by a designated school authority. No individual student may demonstrate in the name of the school or as an official school group at any time unless authorized by the school to participate in the activity.

Enforcement

1. The MPS school site Principal or designee shall review material submitted in a reasonable amount of time and shall allow the approved material to be distributed according to the time and manner established by this Policy.
2. Any student may appeal the decision of the MPS school site Principal or designee to the Board who shall render a decision within a reasonable period of time after receipt of the appeal. The appeal by the student must be made within five school days from the time the unsatisfactory decision was rendered.
3. The MPS school site administrator shall work with student government representatives in the development of these procedures. Student responsibilities shall be emphasized.
4. Students who are considering actions in the areas covered by this Policy should be informed of the possible consequences of their action under each specific circumstance.
5. This Policy does not prohibit or prevent the MPS Governing Board from adopting otherwise valid rules and regulations relating to oral communications by pupils upon the premises of each MPS school.
6. No MPS employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a pupil engaged in the conduct authorized under this Policy, or refusing to infringe upon conduct that is authorized under this Policy, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

MAGNOLIA PUBLIC SCHOOLS (MPS) INDEPENDENT STUDY POLICY

Magnolia Public Schools (“MPS”) may offer independent study to meet the educational needs of pupils enrolled in any MPS school site. Independent study is an alternative education designed to teach the knowledge and skills of the core curriculum. MPS shall provide appropriate existing services and resources to enable pupils to complete their independent study successfully. The following written policies have been adopted by the Governing Board of MPS for implementation at each MPS school site:

1. For pupils in all grade levels offered by MPS, the maximum length of time that may elapse between the time an assignment is made and the date by which the pupil must complete the assigned work shall be thirty (30) days.
2. When any pupil fails to complete five (5) assignments during any period of thirty (30) days, the Principal of each MPS school site, or his or her designee, shall conduct an evaluation to 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 conducted pursuant to this policy shall be treated as a mandatory interim pupil record. This record shall be maintained for a period of three years from the date of the evaluation and if the pupil transfers to another California public school, the record shall be forwarded to that school.
3. A current written master agreement shall be maintain on file for each independent study pupil, including but not limited to, all of the following:
 - ◆ The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.
 - ◆ The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.
 - ◆ The specific resources, including materials and personnel that will be made available to the pupil.
 - ◆ A statement of the policies adopted herein regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study.
 - ◆ The duration of the independent study agreement, including beginning and ending dates for the pupil's participation in independent study under the agreement. Students with a legitimate need for an extended absence of five (5) or more days can enroll in independent study. No independent study agreement shall be valid for any period longer than one school year.
 - ◆ A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.
 - ◆ The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class or program pursuant to Education Code Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

- ◆ Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or care giver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.
4. MPS shall comply with the Education Code Sections 51745 through 51749.3 and the provisions of the Charter School's Act and the State Board of Education regulations adopted there under.
 5. MPS may establish regulations to implement these policies in accordance with the law.

MASTER AGREEMENT FOR INDEPENDENT STUDY

Student Name: _____	Date of Birth: _____	Grade: _____
Parent/Guardian Name: _____		
Home Address: _____		
Phone #: _____	Email: _____	
Agreement Duration: _____	Beginning Date: _____	Ending Date: _____

Students are required to report to their teacher as follows to submitting work and reporting progress:

Manner of Reporting: One-on-one Small Group E-mail Fax Mail

Time: _____ **Frequency:** _____ **Place of Meeting:** _____

Method of Study: Specific methods of study will be designated on the Student Assignment Sheet and Attendance Record incorporated herein. Examples of methods of study for the student will include but are not limited to:

- Independent Reading Textbook Activities Problem Solving Study Projects Drill & Practice
 Experiential Learning Computerized Curriculum Web/Internet Research Library Research Field Trips
 Learning Center Courses Other _____

Method of Evaluation: Academic evaluations will be designated on the Student Assignment Sheet and Attendance Record incorporated herein. Examples of acceptable methods of evaluation include but are not limited to:

- Teacher-made Tests Student Conferences Progress/Report Cards Chapter/Unit Tests Work Samples
 Observations Portfolios State Standards Testing CA High School Exit Exams Learning Journals
 Presentations Quizzes Labs Finals Other _____

Resources: The school will provide appropriate instructional materials and personnel to enable the student to complete the assigned work. Resources must include those reasonably necessary to the achievement of the objectives and must include resources that are normally available to all students on the same terms as the terms on which they are available to all. Assignments and specific resources will be designated on the Assignment and Attendance Record incorporated herein.

Board Policies:

(a) For pupils in all grade levels offered by MPS, the maximum length of time that may elapse between the time an assignment is made and the date by which the pupil must complete the assigned work shall be thirty (30) days.

(b) A pupil may miss five (5) assignments during any period of thirty (30) days before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study. Therefore, when any pupil fails to complete five (5) assignments during any period of thirty (30) days, the Principal or his or her designee shall conduct an evaluation to 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 conducted pursuant to this policy shall be treated as a mandatory interim pupil record. This record shall be maintained for a period of three years from the date of the evaluation and if the pupil transfers to another California public school, the record shall be forwarded to that school.

Objectives: The student will complete the courses listed below. All course objectives will be consistent with the established MPS board policy and are consistent with MPS standards, as outlined in MPS' subject/course

descriptions. Assignment Sheet and Attendance Record will include additional descriptions of the major objectives and activities of the courses of study covered by this agreement including the evaluation of student work and is incorporated herein. The term “Course Value” (“CV”) refers to the number of days of work the student will attempt, or if applicable, the number of credits the student will attempt (secondary education).

Course Credits or Other Measures of Academic Achievement to be Earned upon Completion:

Grades TK-5:

Subject Area	Specific Course	CV <i>(Days attempted)</i>	Modified
Elementary School Grade	Grade-level work		No
Other			No
Other			No
Other			No

Grades 6-12:

Subject Area	Specific Course	CV <i>(Days or credits attempted)</i>	Modified
English			No
Mathematics			No
Science			No
History/Social Science			No
Other			No
Other			No
Other			No
Other			No

Voluntary Statement: It is understood that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class or program pursuant to Education Code Section 48915 or 48917, instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

Signatures and Dates:

I have read and I understand the terms of this agreement, and agree to all provisions set forth.

Student: _____	Date: _____
Parent/Guardian/Caregiver: _____	Date: _____
Supervising Teacher (or designee): _____	Date: _____
Other Persons Who Have Direct Responsibility for Providing Assistance to the Pupil: <i>(Ex: education specialist, instructional aide, etc. Mark N/A if there is no other person.)</i>	
_____	Date: _____
_____	Date: _____

ASSIGNMENT SHEET AND ATTENDANCE RECORD

Student Name: _____ Grade: _____

Assignment Period: _____ to _____
Month/Day/Year Month/Day/Year

STUDENT ASSIGNMENTS	
<p>Teachers:</p> <ul style="list-style-type: none"> ▪ Please include a brief summary of the <u>assignment</u>, the <u>resources</u> to be used to complete the assignment, and the <u>method of evaluation</u> of the assignment. (Attach additional sheet as necessary.) ▪ Academic Credit/Evaluation is completed <u>AFTER</u> the student returns and the work has been evaluated. ▪ Submit this contract to the Office with an original student work sample within 5 days of student's return. Samples should have student name, date, subject, and marks of evaluation. 	
Course:	Summary:
Academic Credit/Evaluation:	Resources:
	Method of Evaluation:
Course:	Summary:
Academic Credit/Evaluation:	Resources:
	Method of Evaluation:
Course:	Summary:
Academic Credit/Evaluation:	Resources:
	Method of Evaluation:

Course:	Summary:
Academic Credit/Evaluation:	
Course:	Resources: Method of Evaluation:
Academic Credit/Evaluation:	
Course:	Summary:
Academic Credit/Evaluation:	
Course:	Resources: Method of Evaluation:
Academic Credit/Evaluation:	
Course:	Summary:
Academic Credit/Evaluation:	
Course:	Resources: Method of Evaluation:
Academic Credit/Evaluation:	

MPS recognizes that families may not evenly distribute student’s work assignments over weekdays. However, due to strict State law requirements for charter school attendance, MPS expects each student to be engaged in an educational activity required of them in the assignments on each weekday that MPS is in session, and asks that this “daily engagement” be documented on a daily basis on this sheet by the parent/guardian. This should not be read to prohibit schoolwork on weekends and should not be read to dictate the manner in which a family distributes the assignments over the independent study period. MPS asks that a parent/guardian refrain from documenting any “daily engagement” on a day where a student did not engage in any educational activity required of them by the assignments. By law, work done on weekends or other days when school is not in session cannot be used to “make-up” weekdays where no “daily engagement” occurred.

Daily Engagement In Educational Activities Assigned by the School on Days the School is in Session					
Week 1					
	Mon ___/___/___	Tue ___/___/___	Wed ___/___/___	Thu ___/___/___	Fri ___/___/___
English					
Mathematics					
Science					
History/Soc. S.					
Other					
Other					
Other					
<i>Parent – Please fill in date and initial on subjects in which student was engaged on each day.</i>					
Parent/Guardian/Caregiver: _____ Date: _____					

Daily Engagement In Educational Activities Assigned by the School on Days the School is in Session					
Week 2					
	Mon ___/___/___	Tue ___/___/___	Wed ___/___/___	Thu ___/___/___	Fri ___/___/___
English					
Mathematics					
Science					
History/Soc. S.					
Other					
Other					
Other					
<i>Parent – Please fill in date and initial on subjects in which student was engaged on each day.</i>					
Parent/Guardian/Caregiver: _____ Date: _____					

Daily Engagement In Educational Activities Assigned by the School on Days the School is in Session					
Week 3					
	Mon ___/___/___	Tue ___/___/___	Wed ___/___/___	Thu ___/___/___	Fri ___/___/___
English					
Mathematics					
Science					
History/Soc. S.					
Other					
Other					
Other					

*Parent – Please fill in date and **initial** on subjects in which student was engaged on each day.*

Parent/Guardian/Caregiver: _____ Date: _____

Daily Engagement In Educational Activities Assigned by the School on Days the School is in Session					
Week 4					
	Mon ___/___/___	Tue ___/___/___	Wed ___/___/___	Thu ___/___/___	Fri ___/___/___
English					
Mathematics					
Science					
History/Soc. S.					
Other					
Other					
Other					

*Parent – Please fill in date and **initial** on subjects in which student was engaged on each day.*

Parent/Guardian/Caregiver: _____ Date: _____

Daily Engagement In Educational Activities Assigned by the School on Days the School is in Session					
Week 5					
	Mon ___/___/___	Tue ___/___/___	Wed ___/___/___	Thu ___/___/___	Fri ___/___/___
English					
Mathematics					
Science					
History/Soc. S.					
Other					
Other					
Other					

*Parent – Please fill in date and **initial** on subjects in which student was engaged on each day.*

Parent/Guardian/Caregiver: _____ Date: _____

Daily Engagement In Educational Activities Assigned by the School on Days the School is in Session					
Week 6					
	Mon ___/___/___	Tue ___/___/___	Wed ___/___/___	Thu ___/___/___	Fri ___/___/___
English					
Mathematics					
Science					
History/Soc. S.					
Other					
Other					
Other					

*Parent – Please fill in date and **initial** on subjects in which student was engaged on each day.*

Parent/Guardian/Caregiver: _____ Date: _____

Daily Engagement In Educational Activities Assigned by the School on Days the School is in Session					
Week 7					
	Mon ___/___/___	Tue ___/___/___	Wed ___/___/___	Thu ___/___/___	Fri ___/___/___
English					
Mathematics					
Science					
History/Soc. S.					
Other					
Other					
Other					

*Parent – Please fill in date and **initial** on subjects in which student was engaged on each day.*

Parent/Guardian/Caregiver: _____ Date: _____

For Supervising Teacher Completion:

a. Days of Daily Engagement on Educational Activities Required by the School on Days the School is in Session	<input type="text"/>
b. Time Value of Student Work Product (measured in days)	<input type="text"/>
c. Attendance Approved by Teacher [insert lesser of a & b]	<input type="text"/>
Signature of Supervising Teacher (or designee): _____ Date: _____	