

# Missed Assignments, Satisfactory Educational Progress, and Involuntary Removal Procedure

## California Online Public Schools

California Online Public Schools non-profit Board of Directors operates the following charter schools to which this policy applies:

California Online Public Schools Central Coast  
California Online Public Schools Central Valley  
California Online Public Schools Monterey Bay  
California Online Public Schools North Bay  
California Online Public Schools Northern California  
California Online Public Schools Southern California

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Per California Education Code Section 51747, California Online Public Schools (“CalOPS” or “Charter School”) is required to evaluate whether it is in the best interest of a student to participate in independent study if they are failing to make satisfactory progress or are missing assignments. Section 51747 also requires CalOPS to implement a tiered re-engagement process for those students who are not attending or participating which also may trigger an evaluation to determine whether it is in the best interests of the student to remain enrolled in independent study. In those cases where an evaluation has been held and it has been determined that it is not in the best interest of the pupil to remain in independent study, the involuntary removal process described herein shall be triggered. Throughout this procedure, the words “parent” or “parents” shall also mean guardian, educational rights holder, or student who is age 18 or older.

The following is the recommended legally compliant process for Gen Ed students, students with IEPs or 504 Plans who require progress monitoring and potentially a determination as to whether the student should remain in independent study.

Should a CalOPS Student have a previous evaluation within their student record which determines that it is not in the best interest of the Student to remain in independent study (either by CalOps or another local educational agency), upon the first instance of violation of the master agreement as defined below, the process may advance to Step 3. Should a CalOPS Student be documented as a Student enrolled in another public school or in a private school that is charging the Student tuition as defined in Section 11965 of Title 5 of the California Code of Regulations, the process may advance to the involuntary removal notice process.

### Step 1

**CM / HRT will call and notify CT and start Re-Engagement Strategies- Documenting in SIS - Completing #1-3 below during the call.**

### Tiered Re-Engagement

(For those students who (1) are in violation of their Master Agreement)

- A) Missing two (2) consecutive contact appointments between the student and teacher
- B) Completion of less than 70% of the assigned work within a 4 week learning period; or
- C) Failure to submit the required and assigned work samples, assessments for one
  - (1) school month (learning period), or
  - (2) do not generate attendance for more than ten percent (10%) of the required school days in a

given attendance month (as defined in the attendance calendar), or  
(3) do not participate in the Charter School's offerings of synchronous instruction for more than fifty percent (50%) of the scheduled times in a school month, the Charter School must implement the following reengagement strategies:

1. Verifying the student's current contact information.
2. Notifying parents of lack of participation within one school day of the documentation of a non-attendance day or lack of participation.
3. A plan for outreach from the school to determine the student's needs, including a possible connection with health and social services, as necessary.

\*Also Discuss the possibility with CT of ST being involuntarily removed from the school if there is no improvement.

### **If no improvement:**

#### **Step 2**

**HS/MS - CM/HRT will set up a meeting with themselves, the students counselor, ST and the Parent/Guardian.  
Elementary - CM/HRT will set up a meeting with themselves, the student, parent/Guardian and the CM/HRTs supervisor to discuss:**

- a. Absences / chronic absenteeism/lack of participation
- b. No Contact from ST
- c. No show to most recent check in with teacher of no-show IEP
- d. Lack of work completion
- e. Behavioral concerns

During meeting parent and student is informed if no improvement possibility of involuntary removal from Calops

### **If no improvement:**

#### **Step 3**

**Gen Ed Students -CM/HRT sets up meeting with student-parent/guardian-CM/HRT and an administrator attend from the grade band - or  
SPED CM will set up Progress Monitoring IEP- or  
504 ST HRT sets up Progress Monitoring 504 meeting.**

A student-parent-educator-administrator - conference, to review the student's Master Agreement, reconsider the Independent Study Program's impact on the student's achievement and well-being. This meeting shall be considered a part of the evaluation process of the Principal/AP as to whether the student should be allowed to continue in independent study.

- a. The meeting must involve, at a minimum, all parties who signed the student's written Master Agreement.

**For PM IEP Case Manager will discuss the following during the IEP:**

1. During IEP meeting - team will develop IEP goal (as appropriate for disability related needs of Student) to address current concern(s), and any additional accommodations needed
2. During IEP meeting - Case Manager will solicit parent participation and note feedback/concerns within



IEP meeting notes

3. During IEP meeting - Case Manager will review Student/Caretaker Success Agreement during IEP meeting
4. During IEP meeting - Case Manager will notify parent that a Manifestation Determination IEP meeting will be scheduled if there is continued lack of student progress.

### **Evaluation as to Whether it Is In the Best Interest of the Student to Remain in Independent Study**

In accordance with the Charter School's Board policy on independent study, the Principal/AP and/or designee must conduct an evaluation to determine whether it is in the best interests of the student to remain enrolled in independent study upon the following triggers:

If the student is in violation of their Master Agreement:

- A) Missing two (2) consecutive contact appointments between the student and teacher
- B) Completion of less than 70% of the assigned work within a 4 week learning period; or
- C) Failure to submit the required and assigned work samples, assessments for one
  - (1) school month (learning period), or
  - (2) do not generate attendance for more than ten percent (10%) of the required school days in a given attendance month (as defined in the attendance calendar), or
  - (3) do not participate in the Charter School's offerings of synchronous instruction for more than fifty percent (50%) of the scheduled times in a school month, the Charter School must implement the following reengagement strategies.

### **Conducting the Evaluation**

The evaluation may include, but is not limited, to the review of the following:

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

As part of the evaluation process, the student, parent(s), will be invited to present evidence to the individual or individuals conducting the evaluation at the student-parent-educator conference. During this student-parent-educator conference, the Charter School will determine whether it is in the best interest of the student to remain in independent study. A written record of the findings of any evaluation made pursuant to this section must be maintained in the student's mandatory interim record. If it is determined that it is not in the best interest of the student to remain in independent study, Parent will be informed that Student will be recommended for involuntarily removal from the Charter School as further described below.



## Step 4

### IEP and 504 only students Additional Required Process for Students with a Section 504 Plan or IEP – Manifestation Determination:

**IEP:** Under the direction of administration, CM sets up MDR with IEP invite - CM, Prin/AP, School Psychologist, ST, and Parent/Guardian. (Asst Director -As needed.)

**504:** Under the direction of administration, Administrator sets up MDR with IEP invite - CM, Prin/AP, School Psychologist, ST, and Parent/Guardian. (Asst Director -As needed.)

If the Charter School recommends involuntary removal as a result of the evaluation described above, and the student has a Section 504 Plan or IEP, the Charter School must schedule a manifestation determination review (“MDR”) meeting within ten (10) school days of the decision to change the student’s placement. The MDR meeting must be completed prior to issuing the notice of involuntary removal described above.

The MDR meeting must include the parent and the relevant team members. The MDR team must review all relevant information in the student’s file, including the IEP/Section 504 Plan, any teacher observations, and any relevant information provided by the parent and determine the following:

1. Whether the basis of the recommendation for involuntary removal was caused by or had a direct and substantial relationship to the student’s disability; or
2. Whether the basis of the recommendation for involuntary removal was the direct result of the Charter School’s failure to implement the IEP or Section 504 Plan, as applicable.

If the answer to either question (1) or (2), above, is yes, then the basis for the involuntary removal was a manifestation of the student’s disability and the Charter School will follow applicable state and federal laws to ensure that the student is offered a free appropriate public education. The student cannot be involuntarily removed.

If the answer to both (1) and (2), above, is no, then the student may be involuntarily removed pursuant to the notice requirements and the process described above.

If the parent disagrees with the manifestation determination, the parent may appeal the decision by requesting a hearing with the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures. Until the process has been completed, the student must remain enrolled in CalOps unless voluntarily disenrolled by the parent or the student who is 18 or over.

## Involuntary Removal

### Notice

No student shall be involuntarily removed by the Charter School for any reason unless the parent of the student has been provided written notice of the Charter School’s intent to remove the student (“Involuntary Removal Notice”). The Involuntary Removal Notice must be provided to the parent no less than five (5) schooldays before the effective date of the proposed disenrollment date.

The written notice shall be in the native language of the student or the student’s parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student’s educational rights holder. The Involuntary Removal Notice shall include:

1. The specific recommendation for involuntary removal, including the reasons underlying the



- recommendation for removal;
- 2. An explanation of the student's basic rights including the right to request a hearing before the effective date of the action;
- 3. The CDE Enrollment Complaint Notice and Form

### **Request for Hearing**

If the student's parent requests a hearing, the student shall remain enrolled and shall not be removed until a final decision is issued. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the Charter School's suspension and expulsion policy.

Upon a parent's request for a hearing, the Charter School will provide notice of hearing, through which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate. The notice of hearing shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder and shall include a copy of the Charter School's involuntary removal hearing process.

If the parent is nonresponsive to the Involuntary Removal Notice, the student will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If a parent requests a hearing and does not attend on the date scheduled for the hearing, the student will be disenrolled effective the date of the hearing.

### **Hearing Process**

The hearing shall be adjudicated by a neutral officer. The Director of ST SVS or designee shall serve in the role of neutral officer unless, in the Director ST SVS or his designee discretion, this duty is delegated to another individual to serve in this capacity. The hearing shall be scheduled within a reasonable time, not to exceed thirty (30) school days from the date of the request for appeal. The hearing may be held in-person or virtually at the discretion of the assigned neutral officer. The School Principal or designee will be given fifteen (15) minutes to present any evidence in support of the recommendation for involuntary removal. The student, through parent, advocate, or legal counsel, will be given fifteen (15) minutes to present evidence, testimony, and witnesses to support their appeal and may cross-examine any witness presented by the Charter School. The amount of time may be extended equally to each side at the discretion of the assigned neutral officer. The neutral hearing officer may ask each side and any witnesses questions as needed to assist the neutral hearing officer in making a decision. This hearing shall be held in a confidential setting. The neutral officer shall issue a written determination as to the appeal within five (5) school days of the completion of the hearing.

A hearing decision not to disenroll the student does not prevent the Charter School from making a similar recommendation in the future should this policy be triggered.

The written determination shall include a day upon which the student may seek re-enrollment. A student who has been disenrolled under this procedure may not seek re-enrollment any earlier than the next academic school year.

### **Notice After Disenrollment**

If as a result of the hearing the student is disenrolled, notice will be sent to the student's last known school district of residence within thirty (30) calendar days.

A student who has been disenrolled for non-compliance under this procedure may not seek re-enrollment any earlier than the next academic school year.



# Notice of Hearing

**Date:**

**Family Name**

**Address**

**City, CA Zip**

Dear **Addressee**,

The Principal of **(School Name)** has recommended that your **Son/Daughter/Student, Student Name (ID#)**, be involuntarily removed from California Online Public Schools. Due to non-compliance with our master agreement. A notice of this recommendation was provided to you offering you the option of appeal. The School received a notice of appeal from you on [INSERT DATE].

This letter is to inform you that the School has scheduled a hearing on the date/time scheduled below. The hearing will be conducted by the Director of Student Services or his designee who will serve as a neutral officer. The time, date and location of the hearing are as follows:

**Date:**

**Time:**

**Location:** Electronically through Zoom / Google Meet

**Hearing Process:** The hearing may be held in-person or virtually at the discretion of the assigned neutral officer. The School Principal or designee will be given fifteen (15) minutes to present any evidence in support of the recommendation for involuntary removal. The student, through parent, advocate, or legal counsel, will be given fifteen (15) minutes to present evidence and testimony. The amount of time may be extended equally to each side at the discretion of the assigned neutral officer. The neutral hearing officer may ask each side and any witnesses questions as needed to assist the neutral hearing officer in making a decision. This hearing shall be held in a confidential setting. The neutral officer shall issue a written determination as to the appeal within five (5) school days of the completion of the hearing. If a parent requests a hearing and does not attend on the date scheduled for the hearing, the student will be disenrolled effective the date of the hearing.

A hearing decision not to disenroll the student does not prevent the Charter School from making a similar recommendation in the future should the school's involuntary removal process be triggered.

The written determination shall include a day upon which the student may seek re-enrollment. A student who has been disenrolled under this procedure may not seek re-enrollment any earlier than the next academic school year.

Phil Wenker

Director of Student Services



Final Written Decision  
**Involuntary Removal from CalOPS**  
**(Per California Education Code Section 51747)**

Per California Education Code Section 51747, California Online Public Schools (“CalOPS” or “Charter School”) is required to evaluate whether it is in the best interest of a student to participate in independent study if they are failing to make satisfactory progress or are missing assignments. Per Education Code 51747 and CalOPS Master agreement the following are the criteria for involuntary removal:

1. are in violation of their Master Agreement
  - a. Missing two (2) consecutive contact appointments between the student and teacher;
  - b. Completion of less than 70% of the assigned work within a 4 week learning period;  
or
  - c. Failure to submit the required and assigned work samples, assessments for one (1) school month (learning period), or (2) do not generate attendance for more than ten percent (10%) of the required school days in a given attendance month (as defined in the attendance calendar), or (3) do not participate in the Charter School’s offerings of synchronous instruction for more than fifty percent (50%) of the scheduled times in a school month, the Charter School must implement the following reengagement strategies.

A hearing was conducted on \_\_\_\_\_ at \_\_\_\_\_ am/pm.

The following were present:

CT: \_\_\_\_\_  
ST: \_\_\_\_\_  
School Rep: \_\_\_\_\_  
Other: \_\_\_\_\_  
Other: \_\_\_\_\_

Both parties were given a 15 minute opportunity to present their evidence to support their claims. Student was represented by [insert CT name] at the hearing.

Decision:

Date student may re-enroll in California Online Public Schools: \_\_\_\_\_

Phil Wenker

Director of Student Services

