

**BARONA INDIAN CHARTER SCHOOL**

1095 Barona Road, Lakeside, CA 92040 • (619) 443-0948 FAX: (619) 443-7280

BaronaIndianCharterSchool.com

**Governing Board of Directors  
REGULAR BOARD MEETING AGENDA****November 15, 2021 — 4:30 PM**

Barona Community Center Meeting Room at 1095 Barona Road, Lakeside, CA 92040

*Members of the public may make Public Comment at the Board meeting in person or by calling 1 619-390-2005.*

- I. Call to Order/Roll Call**
  - Ray Welch- Chairman, Tawnya Phoenix- Vice Chair, Mandy Curo de Quintero- Secretary/Treasurer, Shirley Ruis- Founder/Member, & Danthia Gil- Member
  
- II. Approval of Agenda-** Any changes to the agenda must be made at this time
  
- III. Approval of Minutes-** October 18, 2021
  
- IV. Public Comment-** Any person may address the Board concerning any item on the agenda and may, at the discretion of the Board, be granted five (5) minutes to make a presentation to the Board at the time a specific item is under discussion. A yellow card must be completed prior to the start of the meeting and given to the Chairperson. Additional time may be granted if circumstances permit. The total time per agenda item devoted to presentations to the Board shall be determined based on the number of speakers wishing to address the board. This time will not exceed 30 minutes unless additional time is granted by a majority of the Board. All presentations shall be heard by the Board prior to the formal discussion of the agenda topic under consideration.
  
- V. Reports**
  - A. Student Services-** Nina Drammissi will report to the Board on the progress of her work on chronic absenteeism and student culture. She will also discuss the SARB process and how the new policy will assist with preventing absenteeism.
  - B. Principal-** Julie Cushman will report to the Board for the Interim Principal.
  
- VI. Public Hearing**
  - A. Educator Effectiveness Block Grant-** The Board will conduct a public hearing on the plan for this grant. EEF may be used to support professional learning for certificated teachers, administrators, paraprofessional educators, and certificated staff. BICS will be receiving \$29,956 and will be budgeted over a 5-year period. The BICS plan is attached to this agenda. The final plan will be adopted at the December 13 regular meeting.
  
- VII. Action Items**
  - A. Approve the Employment of Sahil Alami-** Mr. Alami has been hired as Campus Aide to replace Brittni Ramsey who resigned recently. He is a basketball coach for El Capitan High School and enjoys working with kids. He has experience working with students of all ages and came highly recommended from previous employers.
  - B. Approve the Employment of Yesenia Foster-** Mrs. Foster will serve as Reading Specialist to support, supplement and extend classroom teaching. She will work with the Principal and the SPED Director to implement a quality reading program that meets the needs of students. Mrs. Foster has served the Lakeside schools since 2018 as an instructional aide.

- C. Approval to Participate in the Teacher Induction Program-** The San Diego County Office of Education conducts a program to support teachers as they grow in their professional practice and transform into lifelong, reflective practitioners. The program builds upon teacher preparation experiences and expand skill levels in the ability to reflect on student progress and instructional strategies. BICS teachers Adam Muhtaseb and Wesley Leves are eligible for participation. Total cost for this program is \$3000 and will be funded by the Educator Effectiveness Block Grant.
- D. Adoption of Admissions and Enrollment Policy-** This policy details how charter schools are generally open to all California residents, ADA may be generated only for California residents and admission shall not be determined by place of residence of the pupil/legal guardian within the state. Charter schools may not charge tuition, and must be non-sectarian and non-discriminatory in their admissions policies, programs, employment practices and other operations per Education Code § 47605(d)(1).
- E. Adoption of Attendance and SARB Policy-** Schools have a right to verify absences and should have a system in place to determine when truancy occurs. Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law or Board policy. This policy also details the process for dealing with students who are chronically absent via the SARB process. This policy is drafted in accordance with the Ed Code.
- F. Approve Board Duties & Responsibilities; Delegation of Power Policy-** Charter schools are governed by boards, not by individual board members. While understanding their separate roles, the Board of Directors and the Principal/Director work together as a governance team in operating our School. This policy identifies the role of the Board and the role of the Principal/Director.
- G. Approve Annual Meeting Policy-** This policy augments the bylaws providing details not in the bylaws relating to the Board’s annual meeting.

## VIII. Discussion Items

- A. Charter Schools Development Center (CSDC)-** The Board will discuss their attendance at the CSDC Leadership Conference in San Diego December 6-7.

## IX. Organizational Business

- A.** Future agenda items and/or Board member comments
- B.** Upcoming meetings
1. December 13, January 24, February 14, March 21 (4:30), April 18, May 16, & June 20 (4:30)

## X. Adjournment

*Accommodating Individuals with Special Needs– In compliance with the Americans with Disabilities Act, Barona Indian Charter School encourages those with disabilities to participate fully in the public meeting process. If you require special accommodations to attend or participate in our public meeting, contact our office at (619) 443-0948 or [ylachappa@barona-nsn.gov](mailto:ylachappa@barona-nsn.gov) by noon of the business day prior to the regular meeting you wish to attend so that we may make every reasonable effort to accommodate you. At least 72 hours prior to each Board meeting, a copy of all available documents supporting the agenda items is available in the school office at 1095 Barona Road, Lakeside CA. You may also request a packet by contacting our office at (619) 443-0948 or [ylachappa@barona-nsn.gov](mailto:ylachappa@barona-nsn.gov).*

# Barona Indian Charter School Board of Directors Regular Meeting Minutes – October 18, 2021



The phone line has been established for public to join the meeting. Public can call 619-390-2005.

- I. Call to Order/Roll Call:** Chairman Welch called the meeting to order at 8:35 am.  
Board Members in attendance: Raymond Welch, Tawnya Phoenix, Mandy Curo Quintero, and Danthia Gil.  
**Absent Member:** Shirley Ruis  
**Others in attendance:** Interim Principal, Dr. Jeff Felix, Legal Counsel Kathy Clenney, TOSA Julie Cushman, Family Resource Coordinator Nina Drammissi, and Recording Secretary Yvonne LaChappa.
- II. Approval of Agenda**
- Motion** by Danthia to approve the agenda. Second by Tawnya. Carried 4, 0, 0.
- III. Approval of Minutes – September 20, 2021**
- Motion** by Danthia to approve the minutes of September 20, 2021. Second by Tawnya. Carried 4, 0, 0.
- IV. Public Comment:** There was no public comment requested at this meeting.
- V. Reports**
- A. Student Services** – Nina Drammissi, Family Resource Coordinator gave a Progress Attendance Report, and handouts for the Board members. Teachers, and staff school leadership collaboratively create independent study packets to support consistent academic progress when a student is to stay home. Southern Indian Health counselors will support targeted grade levels for social-emotional learning, beginning 10/ 19/ 2021. Nina has contacts of 23 families as of 10/15/21. Letters will be sent to families at the end of the trimester, to encourage positive attendance and support. Nina plans to celebrate individual, and whole class for seven plus days of Perfect Attendance. Infinite Campus Parent Portal can be used by family to obtain attendance data.
- B. Principal Report** – Julie Cushman will report for Interim Principal, Jeff Felix
- Fencing has been completed, looks very nice
  - The blacktop area has been sealed, looks very nice
  - Southern Indian Health visited BICS for wellness checks on October 12-13
  - National Unity Day - October 20, students wear orange in support of kindness and support preventing bullying School and staff will gather for a school-wide picture
  - Earthquake Drill planned for October 21
  - Red Ribbon Week October 25 to October 29, teaching the students the danger of drugs
  - Students will trick or treat to Tribal Office, Fire Station, and Tribal Enforcement on October 28, transported by tribal vans
  - Students will visit the Pumpkin Patch, October 28 at the Chekwa Garden, transported by casino shuttles
  - Veteran's Day is November 11. No school November 11,12, four day weekend
- VI. Action Items**
- A. Discussion to Conduct SARB Meetings** - Jeff shared with the Board SARB, (School Attendance Review Board) are composed of school and community members who meet regularly to diagnose and resolve student attendance or behavior problems. Discussed the possibility of parents/students coming before the school board after all other avenues have been exhausted. More discussion followed. Jeff will present a proposal at the next board meeting.
- B. Approval to Create Position of Reading Specialist** – There are a handful of students that would benefit from extra reading help. By third grade, students should be sufficient readers. Staff would like approval to hire a Reading Specialist to work with those students that are low in reading skills. The Reading Specialist will support, supplement and extend classroom teaching, and will work collaboratively to implement a quality-reading program. The Reading Specialist will assess the reading strengths and needs of students and provide that information to classroom teachers, parents, and specialized personnel such as, psychologists, special educators, or speech teachers. This position will be funded using Title I funds at 3 days/week at \$25 to \$35 per hour.

**Motion** by Danthia to approve the position of Reading Specialist. Second by Tawnya. Carried 4,0,0.

**C. Resolution #21-10-01-** Approval of this Resolution that designates authorized representatives to the San Diego County schools risk management joint powers authority for workers' compensation, property, and liability, or any other risk or plan authorized by law.

**Motion** by Tawnya to approve Resolution #21-10-01, San Diego County School risk management joint powers authority, and approve to designate Dr. Jeffrey Felix as the authorized representative of the Board of Trustees of Barona Indian Charter School, and Julie Cushman as alternate representative. Second by Danthia. Carried 4, 0, 0.

**D. Approval of the Plan to Expend ESSER III Funds** - The ESSER III (Elementary and Secondary School Emergency Relief Funds) The ESSER III funding provides LEAs with emergency relief funds to address the impact of COVID-19 on elementary and secondary schools. BICS will receive \$106,887. A minimum of 20% will be spend on Learning Loss Mitigation. A copy of the ESSER III expending plan was provided to the board members.

**Motion** by Mandy to approve the ESSER III Expenditure Plan. Second by Danthia. Carried 4, 0, 0.

**E. Approval of Sand Volleyball Playground** – The school would like to add a sand volleyball court to the north play area in front of the bungalows to increase activities for both school and recreational children and adults. The estimated cost of work performed by San Diego Asphalt is \$16,605.00. Expense will be funded by the school savings account intended for such purpose.

**Motion** by Mandy to approve the proposed Sand Volleyball Playground from San Diego Asphalt Company and pay from the Charter savings account. Second by Danthia. Carried 4, 0, 0.

**F. Adoption of Conflict of Interest Code Policy** – The Governing Board hereby adopts the attached Conflict of Interest Code, which shall apply to all governing board members, candidates for member of the board, and all designated employees of the Barona Indian Charter School. Governance Policy #7A

**Motion** by Danthia to adopt Policy#7A of the Conflict of Interest Code. Second by Mandy. Carried 4, 0, 0.

**G. Adoption of Budget Development and Fiscal Management Policy** – The policy details proper accounting procedures for use in the charter school including Controls, Negotiating Funding Entitlements, Budget Reports, Property and Liability Insurance, Solicitation, and Donation Recognition. On page two **A – Budget Development and Oversight Calendar and Responsibilities**, strike out bullet# 3, for March – April.

**Motion** by Mandy to approve the Budget Development and Fiscal Management Policy with correction. Second by Danthia. Carried 4, 0, 0.

**H. Signing of Board Bylaws** – The Secretary/Treasurer will sign the Board Bylaws approved at the August 16, 2021 meeting.

## **VII. Discussion Items**

**A.** Charter Schools Development Center (CSDC) – The board discussed their attendance at the CSDC Leadership Conference in San Diego December 6-7. Jeff will send an agenda to the Board.

## **VIII. Organizational Business**

**A.** Future agenda items and/or Board member comments

**B.** November 15 (4:30), December 13, January 24, February 14, March 21 (4:30), April 18, May 16, and June 20 (4:30).

**Motion** by Danthia to adjourn the meeting at 10:09 am. Second by Mandy. Carried 4, 0, 0.

Submitted by,

Yvonne LaChappa, Recording Secretary

# Educator Effectiveness Block Grant 2021

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Barona Indian Charter School	Dr. Jeffrey Felix Interim Principal	jfelix@mybics.org (619) 443-0948

Total amount of funds received by the LEA:	Date of Public Meeting prior to adoption:	Date of adoption at public meeting:
\$29,956	November 15, 2021	December 13, 2021

## [EC 41480](#)

(a)(2) A school district, county office of education, charter school, or state special school may expend the funds received pursuant to this subdivision from the 2021–22 fiscal year to the 2025–26 fiscal year, inclusive. School districts, county offices of education, charter schools, and state special schools **shall coordinate the use of any federal funds received under Title II of the federal Every Student Succeeds Act of 2015 (Public Law 114–95) to support teachers and administrators with the expenditure of funds received pursuant to this subdivision.**

(b) A school district, county office of education, charter school, or state special school shall expend funds apportioned pursuant to this section to provide professional learning for **teachers, administrators, paraprofessionals who work with pupils, and classified staff that interact with pupils**, with a focus on any of the following areas:

- (1) **Coaching and mentoring of staff serving in an instructional setting and beginning teacher or administrator induction, including, but not limited to, coaching and mentoring solutions that address a local need for teachers that can serve all pupil populations with a focus on retaining teachers, and offering structured feedback and coaching systems organized around social-emotional learning, including, but not limited to, promoting teacher self-awareness, self-management, social awareness, relationships, and responsible decision-making skills, improving teacher attitudes and beliefs about one’s self and others, and supporting learning communities for educators to engage in a meaningful classroom teaching experience.**

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
San Diego County Office of Education Teacher Induction Program	\$6500	\$5864	\$5864	\$5864	\$5864	29,956.00
<b>Subtotal</b>	<b>6,500.00</b>	<b>5,864.00</b>	<b>5,864.00</b>	<b>5,864.00</b>	<b>5,864.00</b>	<b>29,956.00</b>

- (2) Programs that lead to effective, standards-aligned instruction and improve instruction in literacy across all subject areas, including English language arts, history-social science, science, technology, engineering, mathematics, and computer science.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00

- (3) Practices and strategies that reengage pupils and lead to accelerated learning.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00

- (4) Strategies to implement social-emotional learning, trauma-informed practices, suicide prevention, access to mental health services, and other approaches that improve pupil well-being.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00

- (5) Practices to create a positive school climate, including, but not limited to, restorative justice, training around implicit bias, providing positive behavioral supports, multitiered systems of support, transforming a schoolsite's culture to one that values diverse cultural and ethnic backgrounds, and preventing discrimination, harassment, bullying, and intimidation based on actual or perceived characteristics, including disability, gender, gender identity, gender expression, language, nationality, race or ethnicity, religion, or sexual orientation.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00

- (6) Strategies to improve inclusive practices, including, but not limited to, universal design for learning, best practices for early identification, and development of individualized education programs for individuals with exceptional needs.

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00

**(7) Instruction and education to support implementing effective language acquisition programs for English learners, which may include integrated language development within and across content areas, and building and strengthening capacity to increase bilingual and biliterate proficiency.**

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00

**(8) New professional learning networks for educators not already engaged in an education-related professional learning network to support the requirements of subdivision (c).**

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00

**(9) Instruction, education, and strategies to incorporate ethnic studies curricula adopted pursuant to Section 51226.7 into pupil instruction for grades 7 to 12, inclusive.**

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00

**(10) Instruction, education, and strategies for certificated and classified educators in early childhood education, or childhood development.**

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00

**Summary of Expenditures**

Planned Activity	Budgeted 2021-22	Budgeted 2022-23	Budgeted 2023-24	Budgeted 2024-25	Budgeted 2025-26	Total Budgeted per Activity
Subtotal Section (1)	6,500.00	5,864.00	5,864.00	5,864.00	5,864.00	29,956.00
Subtotal Section (2)	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal Section (3)	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal Section (4)	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal Section (5)	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal Section (6)	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal Section (7)	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal Section (8)	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal Section (9)	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal Section (10)	0.00	0.00	0.00	0.00	0.00	0.00
<b>Totals by year</b>	<b>6,500.00</b>	<b>5,864.00</b>	<b>5,864.00</b>	<b>5,864.00</b>	<b>5,864.00</b>	<b>29,956.00</b>

<b>Total planned expenditures by the LEA:</b>
29,956.00

**Note:**

Per EC 41480 (d)(2): On or before September 30, 2026, the LEA must report detailed expenditure information to the California Department of Education, including, but not limited to:

- specific purchases made;
- the number of the following educators who received professional development:



- o Teachers;
- o Administrators;
- o Paraprofessional educators;
- o Classified staff.



## ADMISSIONS AND ENROLLMENT POLICY

*There are numerous options for an admissions policy that meets legal requirements. Thus, this policy is only one example. Each charter school will undoubtedly have differing needs and requirements, and must be consistent with the admissions requirements identified in its charter. It is important to note there are serious legal implications related to the decisions made with this policy, and as such, changes should be carefully reviewed to ensure compliance with legal requirements.*

### **I. Introduction**

**Admissions Generally:** *Charter schools are generally open to all California residents, ADA may be generated only for California residents and admission shall not be determined by place of residence of the pupil/legal guardian within the state (unless there's a legally permissible preference or prohibition applied). Charter schools may not charge tuition, and must be non-sectarian and non-discriminatory in their admissions policies, programs, employment practices and other operations. Education Code § 47605(d)(1). See discussion below regarding "de jure" discrimination.*

*If a student lives with a person other than his/her parent/legal guardian, he/she may be admitted with caregiver permission if the proper caregiver authorization is provided.*

**Non-Discrimination in Admissions Policies:** *In addition to the restrictions contained in the Education Code relating to admissions policies, charter schools must adhere to the limitations relating to discriminatory practices contained in other laws, e.g., Title VI of the Civil Rights Act of 1964 (discrimination prohibited based on race, color and national origin); Title IX of the Education Amendments of 1972 (discrimination prohibited based on gender); Section 504 of the Rehabilitation Act of 1973 (discrimination prohibited based on disability), the Americans with Disabilities Act of 1990, California Constitution, Art. 1, § 31 (Proposition 209 prohibiting schools from giving preferential treatment to any individual or group in public education on the basis of race, sex, color, ethnicity or national origin) and California's Education Code section 235 (discrimination prohibited based on characteristics contained in Education Code section 220). Some of these laws only apply to charter schools if they receive federal funds (e.g., Title VI, Title IX). Others, however, apply irrespective of whether the school receives federal funds (e.g., the Americans with Disabilities Act of 1990 and California's Constitution and Education Code section 235). Schools must ensure that their admissions policies and procedures do not discriminate against students protected by these laws. The two ways to discriminate against students include the following, both of which are illegal:*

**De Jure Discrimination:** *This type of discrimination occurs when the school adopts overtly discriminatory practices, such as selecting students based on religious creed, charges tuition from a particular group of students, or overtly discriminates based on ethnicity, national origin, gender, disability or any other legally protected category.*

**De Facto Discrimination:** *This type of discrimination occurs when the policy has a disparate impact on a protected category of students. This occurs when the policy or practice is facially neutral, but has a disproportionate adverse effect upon a protected class of students that is not justified by educational necessity.*

**Enrollment versus Admission:** *As used in this policy, admission refers to the final step in the process of allowing students full access to the school's programs and activities. Enrollment refers to the initial step of ensuring a student has a spot in the school. The reason for the distinction is that the law prevents charter schools from requesting a student's records or from requiring students and parents/guardians to submit the student's records to the charter school before enrollment. At the same time, California law requires a school to confirm a student's residency in order to provide educational services to them, both as California residents and as residing in a specific county if the school is nonclassroom-based. Additionally, schools cannot unconditionally admit a student to school if the student has not provided evidence of immunization status or a valid medical exemption. Charter schools are also required to follow the minimum age requirements for children to attend. For nonclassroom based programs, it is virtually impossible to design a master agreement for a student without seeing the student's transcripts and understanding any services required by an Individualized Education Program. These records are required to be presented in order for a student to access the school's educational program and activities.*

**Statement of Non-Discrimination on Applications and Outreach Programs:** *Schools that receive federal funding must identify on their applications and other outreach programs that they are non-discriminatory in their programs and activities. The federal Office of Civil Rights has determined the following notice meets the requirements of the various regulations implemented requiring such notice. "The (Name of School) does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: Name and/or Title, Address Telephone No. For further information on notice of non-discrimination, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the office that serves your area, or call 1-(800)-421-3481." <http://www.ed.gov/about/offices/list/ocr/docs/nondisc.html>.*

*Charter schools must also ensure that their admissions policies are in accord with the terms of their charter as well as any applicable provisions of other agreements with their charter-granting agency (e.g., operating agreements or "MOUs"). CSDC recommends that your school consult with legal counsel to ensure that your policy is consistent with the laws governing a school's admissions policies.*

The goal of the admissions policy of Barona Indian Charter School (hereinafter "School") is to attract, admit and retain at the School the broadest spectrum of students and families representative of the rich diversity existing in the Lakeside Union School District. The School will be nonsectarian in its programs, admissions policies, employment practices and all other operations. The School will not charge tuition and the School will not discriminate in admissions or outreach against any pupil on the basis of ethnicity, national origin, gender, disability or any other legally protected category.

## **II. Admission and Requirements for Admission**

The School is open to any student in the State of California who meets the admissions requirements described herein. If the number of pupils who wish to attend the School exceeds the school's capacity, attendance (except for existing pupils of the charter school) shall be determined by a public random drawing, the process for which is described below.

## A. Admission Eligibility and Requirements

**Requirement Defined:** *An “admission requirement” is a condition that a student meet in order to be admitted to the charter school.*

**Requirements Must be Identified in the Charter:** *Under the Charter Schools Act, the school’s charter petition must identify any admissions policies and procedures. The description should be reasonably comprehensive.*

**Legally Mandated Requirements:** *The law requires that certain requirements be met before a student may be admitted in a charter school. For instance, charter schools must follow the Education Code relating to age restrictions (e.g., age 5 years by certain dates over the next few years to be admitted to kindergarten). Additionally, a charter school may not admit a student who is also admitted in a private school that charges the student’s family tuition.*

**Volunteer Hours:** *May a school require parents to commit “volunteer” hours?*

*Effective January 1, 2018, the Education Code was amended to explicitly clarify that preferences shall not require mandatory parent volunteer hours as a criterion for admission or continued admission. It is recommended that any volunteer hours are truly voluntary and that it is made clear that the student is not negatively affected by the failure of the parents/guardians to meet any volunteer hour requirements.*

*Additionally, charter schools are prevented from discouraging a pupil from admission or seeking admission for any reason, including, but not limited to, academic performance or because the pupil exhibits any of the following characteristics: disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, pupils who are economically disadvantaged, foster youth, pupils based on nationality, race, ethnicity or sexual orientation. EC 47605(d)(4)(A).*

*In order to avoid an appearance of discrimination, ensure that all admission requirements are clearly communicated to all prospective families (e.g., in languages other than English), allow different family members to meet the requirements of participation (e.g., allow an aunt to participate in volunteer hours rather than only parents).*

In order to be eligible for admission in the School, students must meet the following eligibility requirements:

- All students must have been fully immunized and present the appropriate health examination record in accordance with the California Health and Safety Code.
- All kindergarten students must be age 5 on or before September 1 of the school year in which he/she seeks admission. If a student turns five years of age after September 1 during the school year, that student may be eligible for admission on a case by case basis in the discretion of the Board of Directors, in accordance with the Board’s age-admission policy and in accordance with law.
- For those children who do not meet the minimum age for admission into kindergarten, the School offers a transitional kindergarten (“TK”) program for eligible children. The School’s TK program is the first of a two-year kindergarten program and students shall not attend more

than two years of a combination of TK and kindergarten. The School's TK program will admit children whose fifth birthday falls after December 2 but during that same school year, with the approval of the parent or guardian; provided the governing board of the School determines that the admittance is in the best interests of the child and that the parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance. The curriculum offered in the TK program shall be age and developmentally appropriate. TK students may be placed in the same classroom as other kindergarten students, provided that the instruction given is that designed for TK students.

- All students must be at least age 6 by September 1 of the school year in which he/she seeks admission in first grade, (with some exceptions in accordance with the Board's age-admission policy and in accordance with law), and not exceeding age 19, unless the student was continuously admitted in public school prior to age 19, the student is being served under the term of an Individualized Education Program, and/or the school or program qualifies for an exemption from the general prohibition on serving students over age 19 and in accordance with the California Education Code §§ 48010, 48011, 48210 and 47612.
- No student may concurrently attend a private school that charges the student's family for tuition.
- All students shall be documented as residents of the State of California.
- If admitted in an independent study program, a student shall be documented as a resident of the county in which the charter school reports its apportionment claims or an immediately adjacent county.
- No student will be admitted if he/she has been previously expelled from another educational institution. No student will be admitted during the term of an expulsion for bringing to or possessing a firearm at any school, unless the Principal/Director makes a determination based on the specific facts of the situation in accordance with the School's discipline policy. A student that has been otherwise expelled may be admitted to the school in the discretion of the Governing Board on a case-by-case basis.

## **B. Enrollment Process**

*Note: Schools that are their own LEAs for special education purposes are required to provide services to all students, irrespective of the student's special education needs. Thus, the application should not include a request for identification of a student's special education needs (e.g., IEP, SST evaluations) because it is not an appropriate admission standard. A separate form should elicit the student's special education documentation after the student has been enrolled.*

*On the other hand, if the school relies upon the authorizing district (or other LEA) for special education services, the district or LEA has the obligation to appropriately place the student based upon the IEP team determination and to appropriately implement the IEP. If the charter school cannot properly serve the student within its then current programs and the district or LEA refuses to provide the required services at that school's site, it may be appropriate for the school to seek the student's special education status at the enrollment stage. Irrespective, it is not recommended that the special education status be requested at the enrollment stage in order to avoid a claim of*

*unlawful discrimination based on disability. The better practice is to seek the documentation after enrollment.*

In order to ensure that all students will be placed appropriately and benefit fully from the education program, the following enrollment procedures will be enforced. Failure to comply with any of these procedures will result in denial of enrollment. An enrolled student will be removed from the School if failure to comply with these procedures is discovered after enrollment has been granted. All eligible students must meet the following requirements:

- Complete applications for admission must be timely submitted to the School no later than the deadline published for that school year.
- The application for admission shall include, but is not limited to, the following:
  - Authorization for the School to request and receive student records from all schools the student has previously attended or is currently attending;
  - A statement regarding the student's immunization or exception from the requirement;
  - A statement regarding the student's examinations required by the Health and Safety Code;
  - Identification of the student's age;
  - Identification of the student's residency;
- Parents/guardians/caregivers should, but are not required to, attend a pre-enrollment information or "Back to School" meeting or its equivalent.
- Parents/guardians/caregivers are strongly encouraged to attend a School Tour
- The Parent Involvement Agreement shall be signed and returned to the School with the application for admission. The body of educational research shows a compelling correlation between parent participation in a school and their child's academic success. Therefore, in order to be admitted into the School, the student's family will be required to sign a parent involvement agreement that strongly encourages the parents to volunteer (insert number of hours) hours per year of service to the school. A fair policy will be developed that states the many ways families or their representatives can satisfy this requirement. No student will be released from the School's program or denied admission or continued admission if his/her parents or representatives fail to satisfy the required hours of the parent involvement agreement or fails to sign the parent involvement agreement.
- Parents/guardians/caregivers and students shall sign and return to the School an acknowledgement of receipt and review of the Student Handbook with the application for admission.

The School shall follow any required procedures for the transfer of a program between SELPAs. Additionally, each application will be reviewed by staff to ensure it is complete before the student will be considered for enrollment. Each application will include a description of the School's dispute

resolution process. Any student that has been denied enrollment for failure to meet the School's Admission Requirements and Process may avail him/herself to this process for reconsideration.

The School's personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport or citizenship papers. Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, School personnel shall solicit that documentation or information separately from the school enrollment process.

Pursuant to this policy and where permitted by law, the Principal/Director of the School shall enumerate alternative means to establish residency, age or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status or national origin, and that do not reveal information related to citizenship status or immigration status.

If the School solicits the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the School shall explain the limited purpose for which the information is collected. It is the School's policy that a failure to provide this information will not bar the student from enrolling in or attending the School, and such policy will be explained at the time the School asks for this information.

If the School has more applications for enrollment than available space, enrollment shall occur following the random public drawing as described below.

### **III. Preferences**

*What is a Preference? A preference is defined as giving a priority or advantage to one person over others. In the charter school context, this usually means that when applications for enrollment exceed available space, a student in a preferential category is either exempt from the random lottery or given higher enrollment priority, using a variety of different methods. If the school chooses to use the exemption method, all children falling within the preferential categories are exempt from the random public drawing, and automatically enrolled to the school provided that there is available space for all children falling in these categories. The Charter Schools Act only permits currently attending pupils to be exempt from the random public drawing. All preferences need to be identified in the school's charter.*

*Preferences may be extended to, but are not limited to, siblings of pupils admitted or attending the charter school, children of the charter school's teachers, staff and founders identified in the initial charter, and others permitted by the chartering authority on an individual basis.*

*Priority order for any preference shall be identified in the charter petition and in accordance with the following: 1) approved by the chartering authority at a public hearing; 2) consistent with federal law, the California Constitution and Education Code section 220; 3) shall not result in limiting admission access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-priced meal program, foster youth or pupils based on nationality, race, ethnicity or sexual orientation.*



*Federal non-regulatory guidance provides that charter schools may not have separate lottery pools, but may have weighted lotteries when they are necessary to comply with state law. This guidance often conflicts with California law and must be reconciled.*

**Required Preferences:** *In addition to the required preferences identified in the text of the policy, the school must adhere to the following requirements. If an existing charter located in an elementary attendance area in which less than 50% of pupil enrollment is eligible for Free and Reduced Price Meals relocates to an attendance area as identified in 47614.5(c)(2), enrollment preference shall be given to pupils who reside in the elementary school attendance area into which the school is relocating. While it appears that the intent of this legislation is that the only schools required to follow this section be recipients of funding through the Charter School Facility Grant Program, the code is not currently drafted this clearly.*

**Prohibited Preferences:** *Preferences that violate the anti-discrimination laws (see above) are prohibited. Additionally, schools may not provide any preferences (via weighted lottery or separate lotteries) for boys and girls, even if the school is attempting to ensure reasonably equal gender balance.*

In the event that there are more students applying for enrollment than available space, preferences shall be extended in the following order of priority:

- Pupils currently attending the School;
- Siblings of students currently admitted in the School;
- Children of the School’s founding families (not to exceed 10% of the school’s total population);
- Students residing within the boundaries of the Lakeside Union School District. If enrollment was based on the preferential treatment received due to the in-district residence, the student must continue to reside in the district in order to remain admitted in the following school year;
- Children of staff (not to exceed 10% of the total student population).

#### **IV. Enrollment Process and Guidelines**

**Racial and Ethnic Balance of the Charter Schools Act:** *The CSA requires that the charter state the “means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing in the territorial jurisdiction” of the granting agency. Beginning July 1, 2020, this section will change to add in special education pupils and English learner pupils, including redesignated fluent English proficient pupils. This section was added before the passage of Proposition 209, which prohibits schools from giving preferential treatment to any individual or group in public education on the basis of race, sex, color, ethnicity or national origin. California Constitution, Art. I, § 31. To avoid violating Proposition 209, design the outreach program to prevent de facto discrimination, but also to ensure a balanced mix of persons is reached by the program. To achieve this balance, consider using the following: create brochures that are written in languages representative of the population; conduct activities that are spread widely throughout the district, for instance, distribute announcements or flyers at community centers, post offices, public libraries, supermarkets and churches; place numerous newspaper ads in*

*popular publications or radio spots on various stations in various languages. In any event, outreach should be held each year even if the school is at capacity.*

**Random Public Drawing:** *It is recommended that the random public drawing not involve parents or students because it may lead to the appearance of bias. The use of a neutral third party to conduct the drawing would be the most credible practice. A neutral third party might include the school's independent auditor, a notary public or a board member (who is not a parent of a student).*

The enrollment process will begin immediately upon obtaining Charter Status. There will be an open enrollment period each year, which will be advertised within the school community so that all interested students may have an equal opportunity to apply for admission. The deadline for accepting applications will be clearly stated. When a parent, guardian or student inquires about enrollment and before conducting an enrollment lottery, the School will provide a copy of the California Department of Education's notice including the notice requirements in California Education Code section 47605(d)(4).

The process for enrollment proceeds as follows, (not necessarily in the exact order provided):

- The School will determine class size/configuration for the school year;
- The School will solicit from current students their intention to return the following year;
- The School will solicit from parents/guardians of current students their intention to apply for admission for siblings of current students;
- The School will solicit from founders and staff members their intention to apply for admission for their children;
- The School will design program informational materials;
- The School will plan one or more Information Open House Meetings (attendance at which is strongly encouraged for admission);
- The School will issue press releases and utilize other communication strategies;
- The School will actively recruit students throughout the community;
- The School will host Information Open House Meeting(s) and record attendance;
- The School will schedule School Tours beginning the second year of the program (attendance at which is strongly encouraged for admission);
- The School will establish and hold an open enrollment period so that all interested student may have an equal opportunity to apply for admission;
- The School will determine the number of returning students at each level;
- The School will determine the number of new students at each level;
- After the returning students are placed, the School will hold a random public drawing, if necessary applying its identified preferences;
- The School will notify the families of the applicants who are accepted and rejected;

- Non-accepted families will be placed on the waitlist in the order in which the students are drawn from the random public drawing. Children who complete the application process after the published deadline will be added to the next lottery pool if a wait list already exists.

A wait list is maintained from year to year. Once on the wait list, a student would remain in that position until he/she is offered a spot in the school or expresses no further interest. During enrollment, volunteers and paid employees return calls and answer questions from prospective families. If families from the wait list are offered a position, they must accept that position within three business days or if they decline or fail to respond within three business days they may be removed from the wait list or placed at the bottom of the wait list if they desire.

## **V. Final Admission**

Once the student has been enrolled, parents, guardians, education rights holders or students will be required to provide proof of immunization status, date of birth, residency, examinations required by the Health and Safety Code, transcripts, copies of any IEPs and other student records in order to complete the admissions process as described below.

In accordance with law, students who qualify as homeless students or foster students may be admitted even if some of the above-referenced documents are not timely submitted.

No student will be unconditionally admitted unless the student has been fully immunized as required by law or has a valid medical exemption on file.

No non-California residents will be admitted to the School, unless a legal exception applies.

No student who does not meet the minimum age for admission in accordance with California law will be admitted to the School.

Authorization for the School to request and receive student records from all schools the student has previously attended or is currently attending;

Proof of full immunization or exception from the requirement;

Proof of health examinations required by the Health and Safety Code;

Proof of age with the application for admission through documents such as the following: birth records, statements by the local registrar or a county recorder certifying the date of birth, baptism certificate duly attested, a declaration from the parent/guardian or a passport;

Proof of residency through documents such as the following: parent or guardian's drivers' license, ID card or DMV printout, a copy of a lease, utility bill or similar showing the address of the residence, etc., California tax returns giving California as the home address (within acceptable dates); car registration and/or car insurance; California health insurance or Medi-Cal ID;

If any information provided to by the parents/guardians could indicate immigration status, citizenship status or national origin information, the School shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending the School. If parents or guardians choose not to provide information that could indicate their children's immigration status, citizenship status, or national origin information, the School shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school;

Adopted:

Amended:

**ATTENDANCE**

*While the concept of accounting for excused absences is no longer an acceptable way to ensure attendance credit, schools have a right to verify absences and should have a system in place to determine when truancy occurs. Further, accounting for unexcused absences may otherwise assist the school to encourage regular attendance. Non-classroom based instruction is covered under the policy on Independent Study Attendance Accounting. Education Code section 48205 outlines excused absences for pupils subject to the compulsory education laws of California. This section applies to "pupils" and therefore may be binding upon charter schools because the mega-waiver explicitly applies to those laws governing school districts. This policy is drafted in accordance with the Ed Code.*

**Excused Absences for Classroom Based Attendance**

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law or Board policy.

A student's absence shall be excused for the following reasons:

1. Personal illness;
2. Quarantine under the direction of a county or city health officer;
3. Medical, dental, ophthalmologic, or chiropractic appointments;
4. Attendance at funeral services for a member of the immediate family:
  - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.
  - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/ daughter-in-law, brother, sister or any relative living in the student's immediate household.
5. Jury duty in the manner provided by law;
6. Justifiable personal reasons, when accompanied by a written request by the parent or guardian & approved by the Principal/Director or his/her designee, including, but not limited to:
  - a. Appearance in court
  - b. Attendance at a funeral service
  - c. Observance of a holiday or ceremony of his/her religion
  - d. Attendance at religious retreats
  - e. Attendance at an employment conference
  - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
7. Spending time with a member of the pupil's immediate family, who is an active duty of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this section shall be granted for a period of time to be determined at the discretion of the Principal/Director.
8. Attending the pupil's naturalization ceremony to become a United States citizen.
9. Authorized at the discretion of the Principal/Director.

Attendance at religious retreats shall not exceed four hours per semester.

Students absent for the reasons deemed “excused” shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a student is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the absence.

#### Method of Verification

When students who have been absent return to school, they must present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. Written note from parent/guardian, parent representative, or student if 18 or older;
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - a. Name of student;
  - b. Name of parent/guardian or parent representative;
  - c. Name of verifying employee;
  - d. Date or dates of absence; and
  - e. Reason for absence.
3. Visit to the student's home by the verifying employee, or any other reasonable method, which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
4. Physician's verification
  - a. When excusing students for confidential medical services or verifying such appointments, School staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
  - b. When a student has had 14 absences in the school year for illness verified by methods listed in #1 – #3 above, any further absences for illness must be verified by a physician.

Insofar as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours.

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students and to all students in grades 7 and 8, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian.

Students in grades K-6 should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency. Students in grades 7-8 should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointments.

### Unexcused Absences/Truancy for Classroom Based Attendance

The Principal/Director, or designee, shall implement positive steps to reduce truancy. Students who are habitual truants or habitually insubordinate or disorderly during attendance at School may be referred to the appropriate law enforcement agency.

When the student's attendance problems cannot be resolved or the student and parent/guardian have failed to respond to directives to correct the problem, a student who has been classified as truant may be referred to the district attorney or probation officer for truancy mediation. Further, the School attendance review board or probation officer may request a juvenile court petition on behalf of the student.

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the Principal/Director or designee.

The parent/guardian of a student classified as a truant shall be notified of the following:

- a. The student is truant;
  - b. The parent/guardian is obligated to compel the student to attend school;
  - c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution;
  - d. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy;
  - e. Alternative educational programs are available through the School;
  - f. The student may be subject to arrest by Tribal Enforcement, a Sheriff, a school administrator, or his/her designee under Education Code section 48264 if found away from home and absent from school without a valid excuse;
  - g. The student may be subject to suspension or restriction of driving privileges; and
  - h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.
2. Upon his/her first truancy, a student and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil's attendance.
  3. Upon his/her second truancy within the same school year, a student may be given a written warning by Tribal Enforcement. A record of the written warning may be kept at the school for not less than two years or until the pupil graduates or transfers from the school. If the student transfers from that school, the record may be forwarded to the school receiving the student's school records. The student may also be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #4 below.
  4. Upon his/her third truancy within the same school year, the student will be classified as a habitual truant and may be referred to, and required to attend, an attendance review board or a truancy mediation program established by the district attorney or a comparable

program deemed acceptable by the Principal/Director or designee. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #5 below.

5. Upon his/her fourth truancy within the same school year, the student may be within the jurisdiction of the juvenile court that may adjudge the pupil to be a ward of the court. If the student is adjudged a ward of the court, the student shall be required to do one of the following:
  - a. Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the student's hours of school attendance or employment. The probation officer shall report to the court the failure of the student to comply with this paragraph.
  - b. Payment of a fine by the student of not more than fifty dollars (\$50) for which a parent or legal guardian of the student may be jointly liable.
  - c. Attendance of a court-approved truancy prevention program.
  - d. Suspension or revocation of driving privileges. This subdivision shall apply only to a student who has attended a school attendance review board program, a program operated by a probation department acting as a school attendance review board, or a truancy mediation program pursuant to subdivision (c).

#### Reports

The Principal/Director, or designee, shall gather and transmit to the Board the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court.

#### Non-Classroom Based Programs

All attendance for non-classroom-based programs shall be in accordance with current law and regulations.

#### Attendance Supervision

Pursuant to EC Section 48200, every child from the age of six to eighteen in the district is required to attend school regularly in order to make a successful transition to the next grade level and to graduate with a high school diploma. All enrolled students, regardless of age, will be held to the same district school attendance rules.

The Governing Board recognizes that a vigilant supervision of attendance to improve attendance rates and graduation rates and to reduce truancy rates, chronic absenteeism rates, and dropout rates is vital to the learning and achievement of children on the margins of the educational system. Reducing chronic absenteeism rates and reducing the dropout rates while improving graduation rates are district priorities reflected in the district LCAP.

Because supervision of attendance is an essential component of an effective school attendance program, the Principal/Director will supervise attendance. The Principal/Director will be responsible for managing an attendance program that reaches every student, is conducted in collaboration with local resources, uses chronic absenteeism and dropout data by grade level and pupil subgroup to modify interventions, and shares outcomes with the County Superintendent, all SARB representatives, and the Governing Board.



Among other duties that may be required by the Board shall be those specific duties related to compulsory full-time education, truancy, work permits, compulsory continuation education, and opportunity schools; classes; and programs. (EC 48240)

It is the intent of the Governing Board that the Principal/Director shall promote a culture of attendance and establish a system to accurately track pupil attendance in order to achieve all of the following:

- Raise the awareness of school personnel, parents/guardians/caregivers, community partners, and local businesses of the effects of chronic absenteeism, truancy, and other challenges associated with poor attendance.
- Identify and respond to grade level or pupil subgroup patterns of chronic absenteeism and truancy.
- Identify and address factors contributing to chronic absenteeism and habitual truancy, including suspension and expulsion.
- Ensure that pupils with attendance problems are identified as early as possible to provide applicable support services and interventions.
- Evaluate the effectiveness of strategies implemented to reduce chronic absenteeism rates and truancy rates.

#### Limiting Excused Absences & Eliminating Unexcused Absences

The Principal/Director must ensure that the attendance program limits excused absences to those that are necessary and decrease unexcused absences. EC 48205 and EC 48225.5 enumerate the reasons for absences that shall be excused. The Principal/Director or the SARB may require verification by a school official or physician if absences for health reasons appear excessive. A prior notice may be required from parents/guardians/caregivers for absences excused for justifiable personal reasons, such as non-emergency appointments or permitted religious instruction/retreats. (EC 46014 and 48205)

A school administrator may include other reasons for excusing absences that are within the discretion of school administrators based on the facts of the pupil's circumstances. (EC 48260[c])

The Governing Board believes that chronic absenteeism and tardiness, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out. Therefore, chronic absenteeism as defined in EC 60901(c)(1) should be monitored to identify students at risk.

The "chronic absenteeism rate" as defined in California Code of Regulations Title 5, Section 157497.5 appendix also should be monitored for different significant pupil subgroups as well as for each grade level.

Students who are eighteen years of age or older or who are emancipated may provide their own excuses for absences, and the Principal/Director may require verification from a physician or designated school official when necessary. (EC 46012)

#### Providing Support Services and Interventions

The Principal/Director shall refer chronic absentees and truants to critical support services and interventions which will help them get back on track with their education. The support services and interventions may include, but are not limited to, any or all of the following:

- A conference between staff, the pupil’s parents/guardians/caregivers, and the pupil.
- Promoting co-curricular and extracurricular activities that increase pupil connectedness to school, such as tutoring, mentoring, the arts, service learning, or athletics.
- Recognizing pupils who achieve excellent attendance or demonstrate significant improvement in attendance.
- Referral to a school nurse, school counselor, school psychologist, school social worker, and other pupil support personnel for case management and counseling.
- Collaborating with child welfare services, law enforcement, courts, public health care agencies, government agencies, or medical; mental; and oral health care providers to receive necessary services.
- Collaborating with school study teams, guidance teams, school attendance review teams, or other intervention-related teams to assess the attendance or behavior problem in partnership with the pupil and his or her parents/guardians/caregivers.
- Identifying barriers to attendance that may require schoolwide strategies instead of case management in schools with significantly higher rates of chronic absenteeism.
- Referral for a comprehensive psychosocial or psychoeducational assessment.
- Referral to a SARB.
- Referral to a county truancy mediation program.

## Legal References

### California Education Code Sections

1740 Employment of personnel to supervise attendance (county superintendent)  
 2550–2558.6 Computation of revenue limits  
 37201 School month  
 37223 Weekend classes  
 41601 Reports of average daily attendance  
 42238–42250.1 Apportionments  
 46000 Records (attendance)  
 46010–46014 Absences  
 46100–46119 Attendance in kindergarten and elementary schools  
 46140–46147 Attendance in junior high and high schools  
 48200–48208 Children ages six to eighteen (compulsory full-time attendance)  
 48210–48216 Exclusions from attendance  
 48240–48246 Supervisors of attendance  
 48260–48273 Truants  
 48291 Criminal complaint against parent  
 48292 Filing complaint against parent  
 48293 Relating to truants, fine for non-attendance  
 48320–48324 School attendance review boards  
 48340–48341 Improvement of student attendance  
 49067 Unexcused absences as cause of failing grade

### California Elections Code

12302 Student participation on precinct boards

### California Family Code

6920–6929 Consent by minor

### California Vehicle Code

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

**California Welfare & Institutions Code**

601–601.4 Habitually truant minors  
11253.5 Compulsory school attendance

**California Code of Regulations, Title 5**

306 Explanation of absence  
420–421 Record of verification of absence due to illness and other causes

**California Attorney General Opinions**

66 Ops. Cal. Atty. Gen 245, 249 (1983)

**California Court Decisions**

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

**Resources****California Department of Education**

*School Attendance Review Board Handbook 2015*  
[State SARB Handbook](#) (PDF)

**California School Boards Association**

California School Boards Association website

[California School Boards Association](#)

**Administrative Regulation for Student Policy #2- ATTENDANCE**Attendance Supervision

Parents/guardians/caregivers of children are welcomed partners in improving the school attendance of their children. Trust and collaboration should be the objective in communicating and interacting with parents/guardians/caregivers about school attendance problems. The Principal/Director and other staff responsible for supervising attendance shall use appropriate formal and informal school attendance notifications and shall facilitate open, honest, and blame-free discussions about school attendance before designating students as "habitual truants."

The Principal/Director will conduct full and impartial investigations of all school attendance complaints or referrals and may forward cases of persistent irregular attendance or habitual truancy to the SARB for a proper disposition. (EC 48262, 48263, 48290)

Prior to referral to the SARB, the Principal/Director may provide support services and interventions which may include, but are not limited to, any or all of the services and interventions identified in EC 48240(c).

School attendance is a community concern, and the Principal/Director must collaborate with all appropriate agencies, including law enforcement agencies, as partners in the SARB process to meet the special needs of pupils with school attendance or school behavior problems. (EC 48262, 48263, 48291, and 48321)

Duties of the Principal/Director for Student Attendance

The Principal/Director or designee shall have the following duties of monitoring attendance, developing strategies for truancy reduction, and coordinating the SARB:

### Attendance Monitoring

1. Act as a resource to school or district staff regarding attendance issues, and provide necessary training related to record keeping for student attendance, early identification of truancy and chronic absenteeism, and data collection for chronic absenteeism rates, truancy rates, graduation rates, and dropout rates.
2. Collect, analyze, and report truancy data, chronic absenteeism data, graduation-rate data, and dropout data as ongoing activities for appropriate school, district, and county personnel to inform decisions about site-level, district-level, and county-level attendance and behavior interventions.
3. Maintain data on the successful transfer of students to and from alternative school programs, charter schools, and other schools in the district and out of the district.
4. Provide an opportunity for parents/guardians/caregivers to challenge the accuracy of attendance records that could impact the determination of grades, attendance awards, or involuntary transfers. (EC 49070)

### Developing and Coordinating Strategies for Reducing Chronic Absenteeism Rates

1. Coordinate truancy-prevention and chronic absenteeism-prevention strategies based on the early identification of truancy or chronic absenteeism, such as prompt notification of absences in the parents' native language, selective approval of work permits, assignments of weekend school instruction, and counseling for truants or chronic absentees.
2. Assist school or district staff to develop site attendance plans by providing youth development strategies, resources, and referral procedures. Explain district and county policies, regulations, and procedures.
3. Maintain an inventory of local alternative educational programs and community resources, and employ those programs and resources to meet the differential needs of students with school attendance or school behavior problems. Inform parents/guardians/caregivers of truant students about alternative educational programs in the district to which the student may be assigned. (EC 48322)
4. Encourage and coordinate the adoption of attendance-incentive programs at school sites and in individual classrooms that reward and celebrate good attendance and significant improvements in attendance.
5. Coordinate site-level Student Success Teams or School Attendance Review Teams to reduce truancy and collect data on the outcomes of those meetings at each grade level.

### SARB Chairperson Responsibilities for Dropout Prevention

1. Review the school attendance record and other documentation to determine the adequacy of all cases referred to the SARB and to determine if special arrangements or experts will be needed for the meeting. If the case warrants the resources of the SARB panel, schedule a SARB meeting with the parents/guardians/caregivers and the student. If the referral contains inadequate information or if appropriate school-level intervention has not been attempted, remand the case to the school for further work.
2. Ensure that SARB meetings maintain high expectations for all students, and ensure that families and youth are involved in selecting resources and services.
3. Refer students with attendance or behavior problems that cannot be resolved by the SARB to the appropriate agency, including law enforcement agencies when necessary. Also, refer parents/guardians/caregivers who continually and willfully fail to respond to

SARB directives or services provided to the appropriate agencies, including law enforcement agencies. (EC 48290)

4. Develop and submit follow-up reports to the SARB on all directives and agreements made at the SARB meetings, especially student agreements to attend school or improve school behavior.
5. Consider use of age-appropriate habitual-truancy petitions to the courts when necessary and allowed in the county, such as petitions to suspend or delay the driving privilege for students from thirteen to eighteen years of age. (*Vehicle Code* Section 13202.7)
6. Collect data and report outcomes on SARB referrals as needed for the annual report to the County Superintendent of Schools, with copies forwarded to the LUSD District Superintendent and the Governing Board. (EC 48273)

Reporting Severance of Attendance

The Principal/Director reports the severance of attendance or the denial of admission of any child who is an individual with exceptional needs, as that term is defined in EC 56026, or who is a qualified handicapped person, as that term is defined in Section 504 of the Rehabilitation Act of 1973. (EC 48203)

Adopted:

Amended:



## **BOARD DUTIES AND RESPONSIBILITIES; DELEGATION OF POWER**

### ***Governing Board Philosophies:***

*This policy helps to frame the respective roles and responsibilities of the governing board and the administrative staff of the school. Most schools find that it is important to clearly define these roles and responsibilities to avoid disputes related to “micro-management” by the board and/or failure to execute vital responsibilities by the staff. Virtually all charter school governing boards are lay boards that serve in a voluntary capacity and thus find that it is a practical necessity to delegate most day-to-day operational authority to the school’s administrative staff. When delegating this authority, however, the board must attend to its legal and ethical duties to protect the school’s mission and vital interests (see “Fiduciary Duties” and “Legal Limitations” below). Policy drafters should also consider the school’s mission and design and identify a desired balance of power between the board and the staff. As a general rule, governing boards tend to delegate a higher degree of power and authority to their staff when the school’s staff demonstrates the capacity and expertise to manage the school’s powers. A few such schools follow the so-called “Policy Governance” model espoused by consultant John Carver. Under this model, the emphasis is usually placed upon maximum delegation of duties to school management. In so doing, policies are grouped into four categories, which include: Governance Process, Board-Staff Relations, Executive Limitations and Ends Policies. The policies in such categories are designed to delegate the maximum amount of power to the Principal/Director by defining the expected ends and outcomes set by the board. Naturally, the board remains ultimately legally responsible; but the policy model assumes highly competent and experienced staff to carry out the mission, vision and goals of the school.*

*Most other governance models and charter schools, however, provide the board with a greater role in participating in the day-to-day activities of the school. The boards of smaller schools, new schools, and schools that lack sophisticated administrative staff tend to retain a higher degree of power at the board level and delegate less power to staff or share many critical powers. In fact, in smaller schools, board members might be actively engaged in all day-to-day activities.*

*The sample policy here has been drafted in a fashion so that the board has delegated many of the day-to-day operations of the school to the Principal/Director, keeping its role to one of oversight. This policy should be revised to reflect the practices of your school, in accordance with the school’s bylaws, articles of incorporation and the law. A more “hands-on” board may opt to retain more day-to-day operating authority whereas a more “policy-focused” board may opt to delegate more to staff.*

### ***Legal Limitations – Corporations Code:***

*Delegation: Most charter schools are organized as, or operated by, California nonprofit public benefit corporations. As such, they are subject to the law set forth in the Corporations Code relating to board governance. When it comes to the role of the governing board, the Corporations Code provides wide latitude for the board to delegate the management of the corporation’s activities to individuals, management companies or committees, provided that the activities and affairs of the corporation are managed and all corporate powers are exercised*

*under the ultimate direction of the board. Therefore, it is important that the powers delegated to the school's administration be clearly identified and identification of the board's role be clear. This policy is intended to provide such guidance.*

***Fiduciary Duties of Board Members to the Non-Profit Corporation:*** All board members owe fiduciary duties to the corporation on whose board they sit. Fiduciary duties are typically expressed through three separate duties: 1) Duty of care; 2) Duty of loyalty; and 3) Duty of obedience. Each of these duties is described here. This policy has been drafted to ensure that board members do not violate these duties when delegating power to management.

***Duty of Care:*** Board members owe a duty of care to the non-profit corporation. It is the duty of the director to see that a corporation keeps within its corporate powers and obeys the laws. Performance of this duty has been codified in the Corporations Code. A board member is required to perform his/her board duties (including serving on any committees) in good faith, in a manner that is in the best interests of the corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. In performing the duties, a board member shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, prepared or presented by: 1) One or more officers or employees of the corporation whom the member believes to be reliable and competent in the matters presented; 2) Counsel, independent accountants or other persons as to matters that the board member believes to be within the person's professional or expert competence; or 3) A committee of the board upon which the director does not serve, as to matters within its designated authority, which the committee the board member believes to merit confidence, so long as, in any such case, the board member acts in good faith, after reasonable inquiry when the need therefor is indicated by the circumstances and without knowledge that would cause such reliance to be unwarranted.

***Duty of Loyalty:*** Under California law, the duty of loyalty restricts board members from acting in their own self-interest when the interest of their corporation will be damaged thereby. This duty usually falls within the conflict of interest area (for a full discussion of the rules pertaining to conflicts of interest, see the policy relating to conflict of interest elsewhere in this publication.) In short, in some circumstances, transactions impacting interested board members are prohibited; in most circumstances, transactions impacting interested members must be fully disclosed to the board and the director must abstain from voting.

***Duty of Obedience:*** Under California law, the duty of obedience requires that board members ensure that the mission of the nonprofit is carried out by being faithful to the purposes and goals of the organization. It also requires that the board members are following the organization's rules and policies as identified in its bylaws, articles of incorporation and charter. Board members are prohibited from acting outside of the scope of corporate powers and must ensure the organization's compliance with state and federal laws.

Charter schools are governed by boards, not by individual board members. While understanding their separate roles, the Board of Directors and the Principal/Director work together as a governance team in operating **Barona Indian Charter School** ("School"). The governance team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively. In consideration of these guiding principles, the following policy identifies the role of the Board and the role of the Principal/Director.



## **Role of the Governing Board**

### **Vision and Strategic Plan**

- The Board drafts, modifies and approves the School Mission and in each subsequent year, reevaluates the School Mission;
- The Board reviews, provides input and approves the one- and five-year Strategic Plans submitted by the Principal/Director;
- The Board adopts policies to successfully implement the School Mission and Strategic Plans.
- The Board oversees the Principal/Director to ensure that the School Mission and Strategic Plans are reflected in the day-to-day operations of the school, including ensuring that the curriculum aligns with the School Mission.

### **Academic Performance Monitoring**

- The Board annually reviews student performance based on state- and federally-mandated assessments and sets goals for student achievement;
- The Board periodically reviews student performance based on school level assessments and sets goals for student achievement on school level assessments;
- The Board reviews & adopts academic policies to achieve the student achievement goals;
- The Board approves all academic performance reports to all federal, state and local agencies as required by law;
- The Board approves a Local Control Accountability Plan (LCAP) and annually reviews, updates, and approves it.
- The Board researches or develops student data collection systems and periodically reviews them to ensure their effectiveness.

### **Staffing and Personnel**

*The board of directors (or an authorized board committee), or if the nonprofit is affiliated with another charitable corporation, the board that makes retention and compensation decisions, must review and approve the compensation of the CEO or President and the CFO or Treasurer of the nonprofit to ensure they are just and reasonable. For purposes of this section, compensation includes benefits. This review must occur at the time of initial hiring, when the term of employment is extended or renewed and when compensation is modified. Additionally, the Ralph M. Brown Act, California's open meeting laws, prevents a board of directors from calling a special meeting to discuss salaries, salary schedules or compensation paid in the form of fringe benefits of the CEO or President of the nonprofit. These discussions must be held in regular meetings.*

- The Board reviews and approves personnel policies and any amendments thereto;
- The Board hires and terminates, upon nomination and recommendation of the Principal/Director, all personnel. When the Board does not agree with a personnel

recommendation by the Principal/Director, the decision of the Board is final after further consideration appropriate to the circumstances.

- The Board hires, evaluates, and terminates the employment of the Principal/Director.
- The Board establishes performance goals for the Principal/Director and communicates the goals to the Principal/Director;
- The Board annually reviews the Principal/Director's performance;
- The Board annually reviews the Principal/Director's employment contract, and reevaluates it yearly;
- The Board establishes and annually reviews the Principal/Director succession and recruitment plans;
- The Board approves the salaries and compensation policies for all School personnel in compliance with any applicable state laws;

### **Parent, Student and Community Relations**

- The Board hears and decides student expulsion recommendations;
- The Board, or a committee thereof, hears and decides student suspension appeals, if applicable;
- The Board reviews and approves student and parent policies and any proposed amendments thereto;
- As needed, the Board communicates with the media and community at large consistent with the School's Mission and Vision;

### **Finance and Budget**

*If your school receives \$2 million or more a year in gross revenue, exclusive of grants from, and contracts for services with, governmental entities for which the governmental entity requires an accounting of the funds received, your school's board is required to create an audit committee. This committee is required to confer with an outside auditor to satisfy its members that the financial affairs of the nonprofit are in order, shall review and determine whether to accept the audit, shall assure that any non-audit services performed by the auditing firm conform with Government Auditing Standards, issued by the Comptroller General of the United States (the Yellow Book), and shall approve performance of non-audit services by the auditing firm. If your school falls within this requirement, alter the description provided in this policy as required. Also review the audit-related provisions of the school's charter, along with the school's fiscal and budget-related policies, as they may address or describe the board's role. The Government Code also requires that if the nonprofit has a finance committee of the board, that committee must be separate from the audit committee. While the same members may participate in both committees, the chair of the audit committee may not sit on the finance committee.*

- The Board reviews and approves the fiscal management and internal controls policies and any proposed amendments thereto;

- The Board reviews and approves the school’s annual academic calendar and class schedule;
- The Board solicits and selects the school’s independent financial auditor, oversees the auditor’s work, and receives the auditor’s report(s);
- The Board reviews and adopts and amends the annual budget as well as interim and annual financial statements;
- The Board reviews and approves the audit report;
- The Board monitors the responses to the audit report and implementation thereof.

### **Facilities**

- The Board enters into financing and building contracts;
- The Board approves construction and remodeling of facilities;
- The Board researches school sites as needed, and funding and facilities options;
- The Board makes recommendations on facilities needs and policies.

### **Board Internal Business**

- The Board drafts, reviews and approves board policies and amendments thereto;
- The Board recruits prospective Board members;
- The Board orients new Board members;
- The Board, as needed, provides training to its members;
- The Board develops and yearly implements a Board self-evaluation. From time to time, the Board re-evaluates its self-evaluation process.

### **Charter Performance and Renewal**

- The Board annually reviews the school performance reports;
- The Board, as needed, reviews charter school renewal proposals and reports.

### **Delegation of Power to the Principal/Director**

The Board delegates the following powers to the Director, or his/her delegate:

#### **Vision and Strategic Plan**

- The Principal/Director provides input to the Board when it drafts, modifies, and approves the School Mission and in each subsequent year when it reevaluates the School Mission;
- The Principal/Director drafts and submits to the Board the School’s one- and five-year Strategic Plans;
- The Principal/Director implements the Board-adopted policies to implement the School Mission and Strategic Plans, by among other things adopting appropriate procedures and training staff on the policies and procedures.

### **Academic Performance Monitoring**

- The Principal/Director creates a report reflecting student performance based on state- and federally-mandated assessments, provides a copy to the Board, reviews the performance with the Board, or a committee thereof, and provides input to the Board when setting goals for student achievement on national assessments. The Principal/Director implements the goals for student achievement on such assessments;
- The Principal/Director quarterly creates a report reflecting student performance based on school level assessments, provides a copy to the Board, reviews the performance with the Board, or a committee thereof, and provides input to the Board when setting goals for student assessment on school level assessments. The Principal/Director implements the goals for student achievement on school level assessments;
- The Principal/Director implements Board adopted policies to achieve the student achievement goals, by among other things, adopting appropriate procedures and training staff on policies and procedures;
- The Principal/Director creates all academic performance reports required by all federal, state and local agencies as required by law and provides them to the Board for approval;
- The Principal/Director consults with teachers, principals, administrators, other school personnel, parents and pupils in developing the local control and accountability plan and annual update to the local control and accountability plan, which is approved by the Board annually;
- The Principal/Director develops the school calendar and class schedule and provides them to the Board for approval.

### **Staffing and Personnel**

- The Principal/Director drafts all personnel policies and presents them to the Board for review and approval. The Principal/Director also recommends any proposed amendments to the personnel policies and presents them to the Board for review and approval;
- The Principal/Director hires and terminates all school personnel and presents those decisions to the Board, for final approval or rejection. The Principal/Director is responsible for all recruitment activities associated with the hiring of school personnel;
- The Principal/Director recommends the salaries for all School personnel in compliance with any applicable state laws to the Board for final approval;
- The Principal/Director ensures that all school personnel are evaluated on a yearly basis and creates the process for such evaluation;
- The Principal/Director implements all personnel policies, including the school's internal complaint procedures.

### **Parent, Student and Community Relations**

- The Principal/Director implements the policies and procedures adopted for student expulsion and recommends student expulsions to the Board, upon completion of the school-level procedures.

- The Principal/Director follows the policies and procedures adopted for student suspensions and refers any student appeals to the Board to hear and decide such appeals;
- The Principal/Director drafts, and subsequently implements the Board adopted student and parent policies, by, among other things, adopting appropriate procedures and training staff on the policies and procedures. The Principal/Director drafts amendments to the student and parent policies, and presents them to the Board for approval;
- At the request of the Board, the Principal/Director communicates with the media and community at large in a fashion that is consistent with the School's Mission and Vision;

### **Finance and Budget**

- The Principal/Director drafts and subsequently implements the Board adopted fiscal policies, by, among other things, adopting appropriate procedures and training staff on the policies and procedures. The Principal/Director drafts amendments to the fiscal policies, and presents them to the Board for approval;
- The Principal/Director drafts and submits to the Board the quarterly and yearly budget drafts;
- The Principal/Director drafts and submits to the Board the final quarterly and yearly budgets and other required financial statements;
- The Principal/Director implements the responses to the audit report as instructed by the Board.

### **Facilities**

- The Principal/Director conducts school site needs assessments at the direction of the Board;
- The Principal/Director conducts capital campaigns or fundraisers as directed;
- The Principal/Director implements any facilities policies.

### **Charter Performance and Renewal**

- The Principal/Director annually drafts any required school performance reports for Board review;
- The Principal/Director, as needed, drafts charter school renewal proposals and reports.

Adopted:



ANNUAL ORGANIZATIONAL MEETING

*This policy is optional for charter schools. Nonprofit corporation law governs many aspects of board governance. Many items relating to governance are also contained in a nonprofit corporation's bylaws and articles of incorporation. This policy should be drafted to augment (rather than restate) the bylaws, and provide any detail missing in the bylaws relating to the board's annual meeting. The bylaws typically provide details relating to the annual meeting, although it is not a required element. Therefore, the policy drafter must carefully review the school's bylaws and articles of incorporation (if organized as a nonprofit) to ensure this policy is consistent with them. It is advisable to consult legal counsel to ensure consistency and legality. Nonprofit corporation law requires charter schools organized as nonprofit corporations to hold a regular meeting in accordance with the date, time and frequency stated in the bylaws, and in any event, "in each year in which the directors are to be elected at that meeting for the purpose of conducting such election." This means that an annual board meeting should be held where director elections occur each year (some charter schools may not have annual elections, but most do). Additionally, if the bylaws do not contain a description of the annual meeting, Corporations Code sections kick- in imposing certain rules relating to the annual meeting, which include (among other things) fixing the location of the meeting and determining some voting issues. To avoid the prescriptive nature of the Corporations Code, it is advisable that the bylaws set forth in detail the annual meeting requirements to provide the school with maximum flexibility.*

Time and Place for Meeting

In accordance with the Bylaws, the Board shall meet on the Barona Indian Reservation at least once annually within thirty (30) days of the beginning the Academic school year for the purpose of reorganizing the Board. That meeting is traditionally held in June since the fiscal year of the corporation ends June 30 of each year.

Order of Business

In accordance with the Bylaws, the order of business at this meeting shall be:

- A. Call to order.
- B. Elect Directors to fill vacancies.
- C. Elect a Chair.
- D. Elect a Vice Chair.
- E. Elect Secretary/Treasurer.
- F. Set regular meetings (time, place and day).
- G. Elect any representatives to serve on any committees as appropriate.
- H. Recognize departing Board members.
- I. Readopt in resolution form School policy regarding the Board's Code of Ethics.
- J. Such other business as may be determined to be necessary by the Board and reflected on the posted agenda.
- K. Adjournment.

Adopted: