

## **Truancy Policy**

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

### **Inadequate Progress**

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

### **Truancy**

Consequences for truancy may include interventions and/or disciplinary action, including referral for an Evaluation (defined herein below).

### **Evaluation After Truancy**

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

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

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

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

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

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

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

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

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

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

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

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

- 1) The School’s intent to remove the pupil as it is not in their best interest to remain in independent study.
- 2) The opportunity of the Parent(s) to request a hearing that follows the same procedures as the School uses for expulsions. Parent(s) (or the pupil if over 18) must submit the request for hearing in writing and the request must be received by the School within five

- (5) calendar days from the date of the Notice.
- 3) If Parent(s) or pupil over 18 requests a hearing:
- a. It will be scheduled following the School's expulsion hearing procedures as outlined in the School's approved charter.
  - b. The pupil shall remain enrolled and shall not be removed until the School issues a final decision.
- 4) If no hearing is requested, the pupil shall be removed from the charter school on the date listed on the Notice. The pupil's district of residence will be notified of the removal.

The pupil and/or parent(s) will receive a copy of the Charter School Complaint Notice along with the Notice of Decision.

### **Charter School Complaint Notice**

In accordance with Senate Bill 75 (2019) and California Education Code (EC) Section 47605(d)(4), Opportunities for Learning Capistrano Charter School shall not discourage a pupil from enrolling or seeking to enroll for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the following characteristics:

- Academically low-achieving
- Economically disadvantaged (determined by eligibility for any free or reduced price meal program)
- English learner
- Ethnicity
- Foster youth
- Homeless
- Nationality
- Neglected or delinquent
- Race
- Sexual orientation
- Pupils with disabilities

Opportunities for Learning shall not request a pupil's records or require the parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

Opportunities for Learning shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason (except for suspension or expulsion).

This notice is also available on Opportunities for Learning’s website. Opportunities for Learning will provide copies of this notice (1) when a parent, guardian, or pupil inquires about enrollment; (2) before conducting an enrollment lottery, and (3) before disenrollment of a pupil.

### **Complaint Procedures**

In order to submit a complaint, complete the Charter School Complaint Form and submit the form to the charter school authorizer, electronically or in hard copy, to the following location:

Capistrano Unified School District

33122 Valle Rd.

San Juan Capistrano, CA 92675

(949) 234-9200

[hacrowley@capousd.org](mailto:hacrowley@capousd.org)

Approved by the School Governing Board on \_\_\_\_\_, 2020

# Charter School Complaint Form

Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date of Problem: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Charter School (include address):

California *Education Code (EC)* Section 47605(d)(4) allows a parent or guardian to submit a complaint to the charter school authorizer when a charter school discourages a pupil's enrollment, requires records before enrollment, or encourages a pupil to disenroll. Please identify the basis for this complaint below, with specific facts, which support your complaint.

**Basis of complaint** (check all that apply):

- Pupil was discouraged from enrolling or seeking to enroll in the charter school.
- Records were requested to be submitted to the charter school before enrollment.
- Pupil was encouraged to disenroll from the charter school or transfer to another school.

Please provide further details:

**Please file this complaint with the authorizer of the charter school listed on the preceding page electronically or in hard copy.**

*USE FOR ENROLLMENT /DISENROLLMENT COMPLAINT*