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## ATTENDANCE, PROGRESS IMPROVEMENT NOTIFICATION (PIN) AND INVOLUNTARY WITHDRAWAL POLICY

### Attendance

Regular attendance is very important to the success of both your student and our school. Charter schools are funded based on “average daily attendance” or ADA. “Attendance” means when a student is engaged in educational activities required of them by the school, on days when school is actually taught. (5 C.C.R. 11960(a).)

Since our schools are non-classroom-based instructional programs, ADA is calculated based on the work completed by the student on school days and submitted by the due dates established in the independent study Master Agreement. The assigned teacher subsequently assesses the student’s work to determine whether the time value ascribed to the assigned educational activities amount to a full day of attendance. It’s important to stick to a regular work schedule/calendar so your student can clearly identify each school day on which he/she engaged in required educational activities to an extent sufficient to constitute at least one day of time value. When determining the time value of a student’s work, the teacher will consider each student individually and may adjust the assignments accordingly.

In California, each person between 6 and 18 years of age, unless otherwise exempt by law, is required to attend school full-time with regular and punctual attendance, and schools are required to enforce this compulsory attendance law. (See Ed. Code, § 48200 *et seq.*) A student’s failure to complete assignments on-time may subject the student to discipline, removal from the program, and/or being classified as truant and reported to the proper authorities. Please review the detailed Attendance, Progress Improvement Notification (PIN) and Involuntary Withdrawal policy found in the EACS Handbook.

### Governing Board Policies

In addition to attendance, the parent and student must abide by all board approved policies.

These policies include, but are not limited to:

- The Academic Integrity Policy
- The Civility Policy
- The Acceptable Use Policy

The complete list of all Board-approved policies as well as how to access them may be found at <https://www.excelacademy.education/board-governance/board-policies/>

## **Progress Improvement Notification Policy**

### **First Progress Improvement Notification (PIN)**

If a parent or student fails to meet the responsibilities outlined in the Master Agreement, Acknowledgement of Responsibilities (AoR), or Independent Study Policy, the school will send a letter to the parent/guardian informing the family that the student/parent has failed to meet the minimum standards of independent study and/or the governing Board policies. The letter will include the reason for the notification so the parent/guardian and student are aware that they are not fulfilling their responsibilities with the school.

If the reason for the notification is that the student failed to complete an identified assignment outlined in the PIN letter, per the credentialed ToR, the student must complete the assignment. Verification of completion of the identified assignment is required to ensure the student is making progress and meeting their goals.

If the reason for the notification is that the parent/guardian or student did not attend a Learning Period meeting, a follow-up Learning Period meeting must occur within five school days.

### **Second Progress Improvement Notification (PIN) - Meeting with School's Support Team**

If a parent or student fails to meet the responsibilities outlined in the Master Agreement, Acknowledgement of Responsibilities (AoR), or Independent Study Policy for a second time within the same school year, the school will send a letter to the parent/guardian informing the family that the student has failed to meet the minimum standards of independent study and/or the governing Board policies. The letter will include the reason for the notification so the parent/guardian and student are aware that they are not fulfilling their responsibilities with the school.

If the reason for the notification is that the student failed to complete an identified assignment outlined in the PIN letter per the credentialed ToR, the student must complete the assignment. In addition, a Student Success Team (SST) meeting may be held with the school's educational team within ten days. The conference will include the student, parent, teacher, and school intervention or SPED designee. The purpose of the meeting will be to develop a plan to support the student's success.

If the PIN was issued due to a missed LP meeting, a follow-up meeting must occur within five school days of the missed meeting. This meeting will take place to ensure the student has begun

making adequate progress. If the parent/guardian or student does not attend the scheduled student support meeting, the meeting will be held with the teacher and school designee.

If the student is served under a Section 504 Accommodation Plan and the SST suspects that the area identified for improvement in the PIN may be related to the student's disability, a Section 504 meeting may be scheduled in lieu of an SST meeting.

If the student has an IEP and the IEP team determines that the area identified for improvement in the PIN may be related to the student's disability, a second PIN IEP meeting may be held to determine if the student's IEP supports or services require adjustments in order to address the area of improvement.

### **Third Progress Improvement Notification (PIN) - Internal Evaluation**

If a parent or student fails to meet the responsibilities outlined in the Master Agreement, Acknowledgement of Responsibilities (AoR), or Independent Study Policy for a third time within the same school year, the school will send a letter to the parent/guardian informing the family that the student has failed to meet the minimum standards of independent study and/or the governing Board policies. The letter will include the reason for the notification so the parent/guardian and student are aware that they are not fulfilling their responsibilities with the school.

When any student fails to complete three (3) identified assignments (or fails to meet the responsibilities in the Master Agreement, Acknowledgement of Responsibilities (AoR), or Independent Study Policy three times) during any period of twenty (20) school days, the Executive Director or designee shall conduct an internal evaluation to determine whether it is in the best interests of the student to remain in independent study. If the evaluation finds that it is not in the student's best interest to remain in independent study, the student may be removed in accordance with the process outlined below.

### **Involuntary Withdrawal Policy**

In accordance with Education Code Section 51747 and the Charter School's Board policy on independent study, after three (3) missed identified assignments, an internal evaluation is held by the A.D. of Education to determine whether it is in the best interest of the student to remain in independent study. If it is determined that it is not in the student's best interest to remain in independent study, the Charter School may involuntarily withdraw the student after the Charter School follows the requirements of the Missed Assignment Policy and only after providing

notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary withdrawal as forth herein.

## **Procedures**

### **A. Grounds for Involuntary Withdrawal of Students**

As used herein, “involuntarily withdrawn” includes disenrolled, removed, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below. Students may be involuntarily withdrawn for reasons including, but not limited to, failure to comply with the terms of the student’s independent study Master Agreement, Acknowledgement of Responsibilities (AoR), and the Independent Study Policy, pursuant to Education Code Section 51747(c)(4).

### **B. Authority to Withdraw**

Students subject to involuntary withdrawal are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be withdrawn. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be withdrawn by the neutral and impartial Board of Directors. The Board of Directors shall be presided over by a designated neutral hearing chairperson. The Board of Directors may withdraw any student found to have committed a violation that warrants withdrawal. The decision of the Board of Directors shall be final.

### **C. Withdrawal Procedures**

No student shall be involuntarily withdrawn by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to withdraw the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student’s parent/guardian or, if the student is a foster child or youth or a homeless child or youth, the student’s educational rights holder, and shall inform the student, the student’s parent/guardian, or educational rights holder of the basis for which the student is being involuntarily withdrawn and the student’s parent, guardian, or educational rights holder’s right to request a hearing to challenge the involuntary removal. If the student’s parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be withdrawn until the Charter School issues a final decision.

Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the student has accrued three (3) missed identified assignments, per the Master Agreement and independent study policy.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the student. The notice shall include:

1. The date and place of the hearing.
2. A statement of the specific facts, charges and violations upon which the proposed withdrawal is based.
3. A copy of the Charter School's policies relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment.
5. The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

#### **D. Record of Hearing**

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

#### **E. Presentation of Evidence**

While technical rules of evidence do not apply to withdrawal hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A decision by the Board of Directors to withdraw must be supported by substantial evidence that the student committed a violation warranting removal. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board of Directors determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If the Board of Directors decides not to withdraw, the student shall immediately be returned to their previous educational program.

#### **F. Written Notice to Withdraw**

The Executive Director or designee, following a decision of the Board of Directors to withdraw, shall send written notice of the decision to withdraw, including findings of fact, to the student and student's parent/guardian. This notice shall also include the following: (a) notice of the

specific violation committed by the student; and (b) notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The Executive Director or designee shall send a copy of the written notice of the decision to withdraw to the chartering authority. This notice shall include the following: (a) the student's name; and (b) the specific violation warranting withdrawal committed by the student.

### **G. Withdrawal Records**

The Charter School shall maintain records of all involuntary student removals at the Charter School. Such records shall be made available to the chartering authority upon request.

### **H. No Right to Appeal**

The student shall have no right of appeal from withdrawal from the Charter School as the Charter School Board of Director's decision to withdraw shall be final.

### **I. Involuntarily Withdrawn Students/Alternative Education**

Parents/guardians of students who are involuntarily withdrawn shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during removal.

### **G. Special Procedures for the Consideration of Involuntary Withdrawal of Students with Disabilities**

#### 1. Notification of SELPA

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the involuntary withdrawal of any student with a disability or student that the Charter School or the SELPA would be deemed to have knowledge that the student had a disability.

#### 3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of any decision to change the placement of a child with a disability due to violation of the Master Agreement or independent study policy, the Charter School, the parent, and relevant members of the IEP team or 504 team shall review all relevant information in the student's file, including the child's IEP or 504 Plan,

any teacher observations, and any relevant information provided by the parents to determine:

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

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

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

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

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

#### 4. Due Process Appeals

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and the Charter School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was withdrawn; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

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

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the Charter School's Master Agreement or independent study policy may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the violation occurred.

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

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

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the

protections available to IDEA-eligible children with disabilities, including the right to stay-put.

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

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