



**Los Angeles County
Office of Education**
Leading Educators • Supporting Students
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January 17, 2007

To: Educational Programs

From: Compliance Support Services

Topic: **Compliance Information Bulletin Number 17
Notice of Failure**

Question: If a pupil is in danger of failing a course, must the parent be notified?

According to California Education Code §49067 (a) The governing board of each school district shall prescribe regulations requiring the evaluation of each pupil's achievement for each marking period **and requiring a conference with, or a written report to, the parent of each pupil whenever it becomes evident to the teacher that the pupil is in danger of failing a course.** The refusal of a parent to attend the conference, or to respond to the written report, shall not preclude failing the pupil at the end of the grading period.

The LACOE regulations are Student Policy 7220, Student Records and Academics/Assessment and Grading (III)(3)(a)(b) (**attached**)

For Special Education pupils, the goals and benchmarks must be monitored on a regular basis so that if the pupil is not making progress or in danger of failing. This may necessitate the modifying of goals and benchmarks and/or adding necessary accommodations and modifications.

The Los Angeles County Office of Education is in the business of promoting excellence by providing comprehensive educational services to all communities. -LACOE Mission Statement

Information Bulletin Number 17

STUDENT RECORDS AND ACADEMICS

7220 ASSESSMENT AND GRADING

Students enrolled in Los Angeles County Office of Education (LACOE) educational programs shall take all assessments required by the State Board of Education and related Education Code provisions. Teachers in LACOE educational programs shall administer tests that measure educational progress. All other assessments shall be administered by specialists in accordance with professional standards.

Students enrolled in LACOE educational programs shall receive grades for work completed. LACOE staff shall provide periodic written reports of student grades to the student and the student's parent/guardian as specified by law and LACOE policies and procedures.

(CROSS REFERENCE: INSTRUCTIONAL POLICIES 6022, 6030, 6032, 6270; PARENT INVOLVEMENT POLICY 8000)

LEGAL AUTHORITY: 20 USC 1410 et seq.; 34 CFR 300 et seq.; EC 33050 et seq., 35160, 56320 et seq., 60600, 60663; 5 CCR 800 et seq., 1021-1046.

I. Definitions

- A. Assessment that Measures Educational Progress: a test or assessment designed to show a student's academic progress
- B. Other Assessments: assessments designed to measure areas other than academic progress
- C. Grades: marks indicating the evaluation of a student's work in a course and on individual assignments.
- D. Marking Period: period designated by the site administrator, with division director approval, for disseminating individual student grades in accordance with laws and regulations regarding instruction

(CROSS REFERENCE: POLICY 7230, ACADEMIC REQUIREMENTS FOR GRADUATION)

II. Administration of Assessments

- A. LACOE shall not administer any questionnaires, surveys, tests or other similar methods designed to reveal personal data without prior parent/guardian approval.

(CROSS REFERENCE STUDENT POLICY 7330, PRIVACY)

- B. Performance Assessments

1. General Requirements
 - a. LACOE staff shall administer all required performance assessments.
 - b. Students shall take the achievement test of basic skills, selected from the approved list of the State Board of Education, annually until grade 10.
 - c. LACOE staff shall schedule make-up sessions for students who were not present for the achievement test of basic skills.
 - d. Parents/guardians may submit written requests, at the parent/guardian's initiation, to excuse their students from the achievement test of basic skills. This does not include any state-mandated proficiency examinations required of all California students.
2. Performance Assessment of Individuals with Exceptional Needs
 - a. During the pre-enrollment Program Planning Conference attended by parents/guardians and staff, the individual's priority objectives for instruction shall be identified as part of the Individualized Education Program ~~Plan~~, according to procedures established by the Division of Special Education and required by applicable state and federal laws and regulations.
 - b. Students with exceptional needs taking the achievement test of basic skills shall receive necessary adaptations or accommodations including, but not limited to, large print, Braille, extended time or the use of a reader or scribe.
 - c. The Individualized Education Program (IEP) shall be reviewed annually and may be reviewed and modified at any time at the request of the parent/guardian or staff member.
 - d. Progress reports shall be made to parents/guardians on appropriate LACOE-approved forms and shall become a part of the individual's mandatory interim record.

C. LACOE reserves the right to request a waiver of code provisions regarding assessment and testing, as permitted by law.

LEGAL AUTHORITY: EC 33050 et seq., 35160, 51513, 56320 et seq., 60600 et seq.

III. Grades

- A. The teacher assigning the work shall give grades each marking period.
- B. The grade given by the teacher shall be considered final except for an instance of clerical or mechanical mistake, fraud, bad faith or incompetence.
 - 1. No grade shall be changed by the Board or superintendent without providing the teacher who gave the grade the opportunity to explain, orally and/or in writing, the reasons for which the grade was given. The teacher should also be involved, to the extent possible, in all discussions relating to changing the grade.
 - 2. Parents/guardians may challenge the content of a student's record, following the procedure detailed in the Student Records Policy.

(CROSS REFERENCE: POLICY 7210, STUDENT RECORDS)

- 3. If a student is failing a course, the teacher shall arrange a conference with or shall make a written report to the parent/guardian. Excessive absences may lead to a failing grade.
 - a. In the event that the student has excessive absences, LACOE will give the student and/or the student's parent/guardian a reasonable opportunity to explain the absences.
 - b. If the student is assigned a failing grade based on poor attendance, that grade shall be identified as a failure on the basis of excessive unexcused absences.

(CROSS REFERENCE: POLICY 7140, ABSENCES AND TRUANCY)

- c. A student will not fail a physical education class solely because of not wearing the standardized apparel if the student's failure to comply stems from circumstances outside the student's control, such as economic hardship.
- C. LACOE reserves the right to withhold the grades, transcripts, and /or diploma of a student who has damaged LACOE or LACOE staff property or who has caused injury to LACOE staff.

(CROSS REFERENCE: STUDENT POLICY 7410, STUDENT CONDUCT, Part IV D 3)

LEGAL AUTHORITY: EC 35160, 48904-48905, 49066, 49067.

Adopted 01-05-9