

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
**600 SIXTH STREET, SUITE 400,**  
**LINCOLN, CALIFORNIA 95648**  
**Phone: 916.645.6350 Fax: 916.645.6356**

**MEMBERS OF THE GOVERNING BOARD**

Brian Haley - President  
Damian Armitage - Vice President  
Kris Wyatt - Clerk  
Paul Long - Member  
Paul Carras - Member

**DISTRICT ADMINISTRATION**

Scott Leaman, Superintendent  
Gabe Simon, Assistant Superintendent of Personnel Services  
Audrey Kilpatrick, Assistant Superintendent of Business & Operations  
Kerry Callahan, Assistant Superintendent of Educational Services

<b>School</b>	<b><u>STUDENT ENROLLMENT</u></b>		
	<b>2014-15 CALPADS</b>	<b>9/1/2015</b>	<b>10/1/2015</b>
Sheridan Elementary (K-5)	79	64	66
First Street Elementary (K-5)	465	463	465
Carlin C. Coppin Elementary (K-5)	389	387	394
Creekside Oaks Elementary (K-5)	613	602	607
Twelve Bridges Elementary (K-5)	645	632	632
Foskett Ranch Elementary (K-5)	465	470	471
Lincoln Crossing Elementary (K-5)	666	644	645
Glen Edwards Middle School (6-8)	795	871	866
Twelve Bridges Middle School (6-8)	804	775	773
Lincoln High School (9-12)	1,643	1,741	1,735
Phoenix High School (10-12)	74	78	77
<b>TOTAL</b>	<b>6638</b>	<b>6,727</b>	<b>6,731</b>

**Pre-K/Special Ed**

Foskett 15  
First Street/LIP 59

**Parent Education**

Continuing Educ. Classes 130

**GLOBAL DISTRICT GOALS**

- Develop and continually upgrade a well articulated K-12 academic program that challenges all students to achieve their highest potential.
- Foster a safe, caring environment where individual differences are valued and respected.
- Provide facilities for all district programs and functions that are suitable in terms of function, space, cleanliness and attractiveness.
- Promote the involvement of the community, local government, business, service organizations, etc. as partners in the education of our students.
- Promote student health and nutrition in order to enhance readiness for learning.

Western Placer Unified School District  
**Regular Meeting of the Board of Trustees**  
October 20, 2015, 7:00 P.M.  
Lincoln Crossing Elementary School – Multi-Purpose Room  
635 Groveland Lane, Lincoln, CA 95648

## AGENDA

**2015-2016 Goals & Objectives (G & O) for the Management Team:** Component I: Quality Student Performance; Component II: Curriculum Themes; Component III: Special Student Services; Component IV: Staff & Community Relations; Component V: Facilities/Administration/Budget.

All Open Session Agenda related documents are available to the public for viewing at the Western Placer Unified School District Office located at 600 Sixth Street, Fourth Floor in Lincoln, CA 95648.

### **6:10 P.M. START**

1. **CALL TO ORDER** – Lincoln Crossing Elementary School. – Multi-Purpose Room
2. **COMMUNICATION FROM THE PUBLIC**

This portion of the meeting is set aside for the purpose of allowing an opportunity for individuals to address the Board regarding matters not on the agenda. The Board is not allowed to take action on any item, which is not on the agenda except as authorized by Government Code Section 54954.2. Request forms for this purpose are located at the entrance to the Board Room. Request forms are to be submitted to the Board Clerk prior to the start of the meeting.

### **6:15 P.M.**

3. **CLOSED SESSION** – Lincoln Crossing Elementary School – Administration Office Conference Room
  - a. **CONFERENCE WITH LABOR NEGOTIATOR**  
Bargaining groups: WPTA & CSEA Negotiations  
Agency Negotiators:  
~Scott Leaman, Superintendent  
~Gabe Simon, Assistant Superintendent of Personnel Services  
~Audrey Kilpatrick, Assistant Superintendent of Business and Operations  
~Kerry Callahan, Assistant Superintendent of Educational Services
  - b. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
Property Designated as Mariner Ranch
  - c. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
CAL200 et al. v. Apple Valley et al., S.F. County Superior Court Case No. CPF-15-514477
  - d. **PERSONNEL**  
Public Employee Employment/Discipline/Dismissal/Release

### **7:00 P.M.**

4. **ADJOURN TO OPEN SESSION/PLEDGE OF ALLEGIANCE** – Lincoln Crossing Elementary School – Multi- Purpose Room  
The Board of Trustees will disclose any action taken in Closed Session regarding the following items:

**Regular Meeting of the Board of Trustees  
October 20, 2015**

**Agenda**

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- a. **Page 9 - CONFERENCE WITH LABOR NEGOTIATOR**  
Bargaining groups: WPTA & CSEA Negotiations  
Agency Negotiators:  
~Scott Leaman, Superintendent  
~Gabe Simon, Assistant Superintendent of Personnel Services  
~Audrey Kilpatrick, Assistant Superintendent of Business and Operations  
~Kerry Callahan, Assistant Superintendent of Educational Services
  - b. **Page 10 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
Property Designated as Mariner Ranch
  - c. **Page 11 - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
CAL200 et al. v. Apple Valley et al., S.F. County Superior Court Case No. CPF-15-514477
  - d. **Page 12 - PERSONNEL**  
Public Employee Employment/Discipline/Dismissal/Release
5. **Page 14 - SPECIAL ORDER OF BUSINESS**  
School Being Featured: Lincoln Crossing Elementary School

6. **Page 17-14 - CONSENT AGENDA**

**NOTICE TO THE PUBLIC**

All items on the Consent Agenda will be approved with one motion, which is not debatable and requires a unanimous vote for passage. If any member of the Board, Superintendent, or the public, so request, items may be removed from this section and placed in the regular order of business following the approval of the consent agenda.

- a. Certificated Personnel Report
- b. Classified Personnel Report
- c. Ratification of Contract with Disability Access Consultants and Western Placer Unified School District
- d. Overnight Field Trips
- e. Ratification of Contract with Boys2Men Foundation, Inc. for Supplemental Educational Services (SES)
- f. Acceptance of WPUSD Re-Roofing at Various Campuses Project and Approval of Notice of Completion
- g. Williams Uniform Quarterly Complaint Report.

*Roll call vote:*

7. **COMMUNICATION FROM THE PUBLIC**

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Agenda

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8. **REPORTS & COMMUNICATION**

- Lincoln High School Student Advisory – Harpreet Chumber
- Western Placer Teacher's Association – Tara McCroskey
- Western Placer Classified Employee Association – Mike Kimbrough
- Superintendent - Scott Leaman

9. **◆ACTION ◆DISCUSSION ◆INFORMATION**

Members of the public wishing to comment on any items should complete a yellow **REQUEST TO ADDRESS BOARD OF TRUSTEES** form located on the table at the entrance to the Board Room. Request forms are to be submitted to the Board Clerk before each item is discussed.

9.1 Discussion/ *Page 36 - SUNSHINE FOR NEGOTIATIONS REGARDING THE*  
Action *COLLECTIVE BARGAINING AGREEMENT BETWEEN*

*WESTERN PLACER UNIFIED SCHOOL DISTRICT AND THE*  
*WESTERN PLACER TEACHER'S ASSOCIATION – Simon (15-16 G*

*& O Component I, II, III, V, IV)*

- Pursuant to Government Code section 3547, all proposals of the recognized employee groups and of the District must be presented at a public meeting of the District. This is commonly referred to as "Sunshining" the proposals.

9.2 Information/ *Page 39 - NOMINATION TO THE COUNTY COMMITTEE ON*  
Discussion *SCHOOL DISTRICT ORGANIZATION*

*– Leaman (15-16 G & O Component I, II, III, IV, V)*

- Each year the County Superintendent acting as Secretary to the County Committee, must conduct an election to fill one or more seats on the eleven member election committee. The voting will take place before the Trustee Dinner on November 16, 2015.

9.3 Action *Page 45 - ADOPTION OF REVISED/NEW POLICIES/*  
*REGULATIONS/ EXHIBITS – Leaman (15-16 G & O Component I, II, III,*

*IV, V)*

- The District Policy Committee and Management Team have reviewed the following new and revised policies/regulations/exhibits as per CSBA. They are now being presented for adoption by the Board of Trustees.

- BP/AR 1312.3 Uniform Complaint Procedures
- BP/AR 5125 Student Records
- AR 5141 Health Care and Emergencies
- AR 5141.21 Administering Medication and Monitoring Health Conditions
- AR 5141.3 Health Examinations
- BP/AR 5141.4 Child Abuse Prevention and Reporting
- BP/AR 5144.1 Suspension and Expulsion/Due Process
- AR 6145.2 Athletic completion
- BP/AR 6158 Independent Study
- AR 6162.51 State Academic Achievement Tests
- AR 6173 Education for Homeless Children



**10. BOARD OF TRUSTEES**

**a. FUTURE AGENDA ITEMS**

The following are a number of agenda items that the Board of Trustees has been monitoring. They are NOT action items for tonight's meeting, but are noted here for continuing purposes and to ensure that when there are changes or new information they will be called up as Action/Discussion/Information.

- High School in the Twelve Bridges Area
- Lincoln Crossing Elementary South/Facilities Update
- Community Information Breakfast
- Measure A Update

**b. BOARD MEMBER REPORTS/COMMENTS**

**11. ESTABLISHMENT OF NEXT MEETING(S)**

The President will establish the following meeting(s):

➤ **November 3, 2015 7:00 P.M.**, Regular Meeting of the Board of Trustees – District Office/City Hall Bldg., 3<sup>rd</sup> Floor Conference Room

➤ **November 17, 2015 7:00 P.M.**, Regular Meeting of the Board of Trustees – Sheridan Elementary School, Multi-Purpose Room

**12. ADJOURNMENT**

<p><b>BOARD BYLAW 9320:</b> Individuals requiring disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing at least two days prior to meeting date. (American Disabilities Act) Government Code 54954.1</p>
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Posted: 101615

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**DISCLOSURE  
OF ACTION  
TAKEN IN  
CLOSED SESSION,  
IF ANY**

# Western Placer Unified School District

## CLOSED SESSION AGENDA

Place: Lincoln Crossing Elementary School – Administration Office

Date: Tuesday, October 20, 2015

Time: 6:15 P.M.

1. LICENSE/PERMIT DETERMINATION
2. SECURITY MATTERS
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
6. LIABILITY CLAIMS
7. THREAT TO PUBLIC SERVICES OR FACILITIES
8. PERSONNEL
  - \* PUBLIC EMPLOYEE APPOINTMENT
  - \* PUBLIC EMPLOYEE EMPLOYMENT
  - \* PUBLIC EMPLOYEE PERFORMANCE EVALUATION
  - \* PUBLIC EMPLOYEE EMPLOYMENT/DISCIPLINE/DISMISSAL/RELEASE
  - \* COMPLAINTS OR CHARGES AGAINST AN EMPLOYEE
9. CONFERENCE WITH LABOR NEGOTIATOR
10. STUDENTS
  - \* STUDENT DISCIPLINE/EXPULSION PURSUANT TO E.C. 48918
  - \* STUDENT PRIVATE PLACEMENT
  - \* INTERDISTRICT ATTENDANCE APPEAL
  - \* STUDENT ASSESSMENT INSTRUMENTS
  - \* STUDENT RETENTION APPEAL, Pursuant to BP 5123
  - \* DISCLOSURE OF CONFIDENTIAL STUDENT RECORD INFORMATION
  1. LICENSE/PERMIT DETERMINATION
    - A. Specify the number of license or permit applications.
  2. SECURITY MATTERS
    - A. Specify law enforcement agency
    - B. Title of Officer
  3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
    - A. Property: specify the street address, or if no street address the parcel number or unique other reference to the property under negotiation.
    - B. Negotiating parties: specify the name of the negotiating party, not the agent who directly or through an agent will negotiate with the agency's agent.
    - C. Under negotiations: specify whether the instructions to the negotiator will concern price, terms of payment or both.
  4. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

- A. Name of case: specify by reference to claimant's name, names or parties, case or claim number.
- B. Case name unspecified: specify whether disclosure would jeopardize service of process or existing settlement negotiations.
- 5. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
  - A. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9 (if the agency expects to be sued) and also specify the number of potential cases.
  - B. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9 (if the agency intends to initiate a suit) and specify the number of potential cases.
- 6. **LIABILITY CLAIMS**
  - A. Claimant: specify each claimants name and claim number (if any). If the claimant is filing a claim alleging district liability based on tortuous sexual conduct or child abuse, the claimant's name need not be given unless the identity has already been publicly disclosed.
  - B. Agency claims against.
- 7. **THREATS TO PUBLIC SERVICES OR FACILITIES**
  - A. Consultation with: specify name of law enforcement agency and title of officer.
- 8. **PERSONNEL:**
  - A. **PUBLIC EMPLOYEE APPOINTMENT**
    - a. Identify title or position to be filled.
  - B. **PUBLIC EMPLOYEE EMPLOYMENT**
    - a. Identify title or position to be filled.
  - C. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
    - a. Identify position of any employee under review.
  - D. **PUBLIC EMPLOYEE EMPLOYMENT/DISCIPLINE/DISMISSAL/RELEASE**
    - a. It is not necessary to give any additional information on the agenda.
  - E. **COMPLAINTS OR CHARGES AGAINST AN EMPLOYEE, UNLESS EMPLOYEE REQUESTS OPEN SESSION**
    - a. No information needed
- 9. **CONFERENCE WITH LABOR NEGOTIATOR**
  - A. Name any employee organization with whom negotiations to be discussed are being conducted.
  - B. Identify the titles of unrepresented individuals with whom negotiations are being conducted.
  - C. Identify by name the agency's negotiator
- 10. **STUDENTS:**
  - A. **STUDENT DISCIPLINE/EXPULSION PURSUANT TO E.C. 48918**
  - B. **STUDENT PRIVATE PLACEMENT**
    - a. Pursuant to Board Policy 6159.2
  - C. **INTERDISTRICT ATTENDANCE APPEAL**
    - a. Education Code 35146 and 48918
  - D. **STUDENT ASSESSMENT INSTRUMENTS**
    - a. Reviewing instrument approved or adopted for statewide testing program.
  - E. **STUDENT RETENTION/ APPEAL**
    - a. Pursuant to Board Policy 5123
  - F. **DISCLOSURE OF CONFIDENTIAL STUDENT RECORD INFORMATION**
    - a. Prevent the disclosure of confidential student information.

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**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

**MISSION STATEMENT:** Empower Students with the skills, knowledge, and attitudes for Success in an Ever Changing World.

**DISTRICT GLOBAL GOALS**

1. Develop and continually upgrade a well articulated K-12 academic program that challenges all students to achieve their highest potential, with a special emphasis on students
2. Foster a safe, caring environment where individual differences are valued and respected.
3. Provide facilities for all district programs and functions that are suitable in terms of function, space, cleanliness and attractiveness.
4. Promote the involvement of the community, parents, local government, business, service organizations, etc. as partners in the education of the students.
5. Promote student health and nutrition in order to enhance readiness for learning.

**SUBJECT:**

Bargaining Groups:

WPTA & CSEA Negotiations

Agency Negotiators:

Scott Leaman, Superintendent

Gabe Simon, Assistant Superintendent  
of Personnel Services

Audrey Kilpatrick, Assistant Superintendent  
Business and Operations

Kerry Callahan, Assistant Superintendent of  
Educational Services

**AGENDA ITEM AREA:**

Disclosure of action taken in  
closed session

**REQUESTED BY:**

Scott Leaman  
Superintendent

**ENCLOSURES:**

No

**DEPARTMENT:**

Personnel

**FINANCIAL INPUT/SOURCE:**

N/A

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

No

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**BACKGROUND:**

Labor Negotiator will give the Board of Trustees an update on Western Placer Teachers Association & Classified Schools Employee Association Bargaining Groups.

**ADMINISTRATION RECOMMENDATION:**

Administration recommends the board of trustees be updated on negotiations.

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

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**SUBJECT:**

CONFERENCE WITH REAL PROPERTY  
NEGOTIATORS

**AGENDA ITEM AREA:**

Closed Session

**REQUESTED BY:**

Scott Leaman, Superintendent

**ENCLOSURES:**

No

**DEPARTMENT:**

Administration

**FINANCIAL INPUT/SOURCE:**

N/A

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

No

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**BACKGROUND:**

The Board of Trustee will disclose any action taken in closed session in regard to Mariner Ranch Property.

- *Agency Negotiator: Megan Macy, Lozano Smith*
- *Caltrans and Western Placer Unified School District*

**RECOMMENDATION:**

Administration recommends the Board of Trustee disclose action taken in closed session in regard to Real Property.

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

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**SUBJECT:**

CONFERENCE WITH LEGAL COUNSEL –  
EXISTING LITIGATION

**AGENDA ITEM AREA:**

Disclosure of Action Taken in  
Closed Session

**REQUESTED BY:**

Scott Leaman, Superintendent  
Kerry Callahan,  
Assistant Superintendent of Educational Services

**ENCLOSURES:**

No

**DEPARTMENT:**

Administration

**FINANCIAL INPUT/SOURCE:**

N/A

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

No

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**BACKGROUND:**

The Board of Trustees will disclose any action taken in closed session in regard to Case: Mark Babbin and CAL200, S.F. County Superior Court (Case No. CPF-15-514477.

**RECOMMENDATION:**

Administration recommends the Board of Trustees disclose action taken in closed session in regard to Existing Litigation.

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

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**SUBJECT:**

PUBLIC EMPLOYEE EMPLOYMENT/DISCIPLINE/  
DISMISSAL/RELEASE

**AGENDA ITEM AREA:**

Closed Session

**REQUESTED BY:**

Gabe Simon  
Assistant Superintendent of Personnel Services

**ENCLOSURES:**

No

**DEPARTMENT:**

Personnel

**FINANCIAL INPUT/SOURCE:**

N/A

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

Yes

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**BACKGROUND:**

The Board of Trustees will disclose any action taken in closed session in regards to Public Employee Employment/Discipline/Dismissal/Release.

**RECOMMENDATION:**

Administration recommends the Board of Trustees disclose action taken in closed session in regards to Public Employee Employment/Discipline/Dismissal/Release.



**SPECIAL  
ORDER  
OF  
BUSINESS**

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

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**SUBJECT:**

Featured School:  
Lincoln Crossing Elementary School

**AGENDA ITEM AREA:**

Special Order of Business

**REQUESTED BY:**

Scott Leaman,  
Superintendent

**ENCLOSURES:**

Yes

**DEPARTMENT:**

Administration

**FINANCIAL INPUT/SOURCE:**

N/A

**MEETING DATE:**

October 20, 2015

**ROLL CALL VOTE:**

No

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**BACKGROUND:**

Lincoln Crossing Elementary School will share a short presentation to the Board of Trustees.

**RECOMMENDATION:**

Administration recommends the Board of Trustees enjoy the presentation.



- **Introductions & Welcome** - Mr. Rodriguez
- **PTC update** - PTC (talk about Playground night & spirit days & whatever other items they'd like to highlight - maybe technology support, teacher and grade level tech support, etc...)
- **LCE is Better Together Presentation (slide show and narrative from students)**
  - **Student Presenters:** Michael Dallas, Kali Stacy, Kammy Elmer, Abby Warner, and Grant Sly
  - **Greeters Program** - YDI Focus: Safety; Leader In Me Focus: Think Win Win
  - **Pink Out Day** - YDI Focus: Relationship Building; Leader In Me Focus: Synergize
  - **Leadership Ambassadors** - YDI Focus: Youth Participation; Leader In Me Focus: Begin with the End in Mind
  - **Field Trips** - YDI Focus: Community Involvement; Leader In Me Focus: Seek first to Understand...
  - **Art Programs** - YDI Focus: Skill Building; Leader In Me Focus: Sharpen the Saw
- **Looking to the Future...**our plans for 2015/16 & Beyond - Mr. Rodriguez

**CONSENT**

**AGENDA**

**ITEMS**

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

**MISSION STATEMENT:** Empower Students with the skills, knowledge, and attitudes for Success in an Ever Changing World.

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**SUBJECT:**

Certificated Personnel Report

**AGENDA ITEM AREA:**

Consent Agenda

**REQUESTED BY:**

Gabe Simon *GS*  
Assistant Superintendent of Personnel Services

**ENCLOSURES:**

Yes

**DEPARTMENT:**

Personnel

**FINANCIAL INPUT/SOURCE:**

Categorical/General

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

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**BACKGROUND:**

The Board of Trustees will take action to approve the certificated personnel report.

**RECOMMENDATION:**

Administration recommends ratification of the certificated personnel report.

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**

**PERSONNEL REPORT**

**October 20, 2015**

**CERTIFICATED/MANAGEMENT**

**NEW HIRES:**

1.	<b>Name:</b>	<b>Kari Cramer</b>
	<b>Position:</b>	<b>Online Credit Completion Teacher</b>
	<b>FTE:</b>	<b>1.0</b>
	<b>Effective Date:</b>	<b>January 4, 2016</b>
	<b>Site:</b>	<b>Lincoln High School</b>

**RESIGNATIONS:**

1.	<b>Name:</b>	<b>Michelle Kamilos</b>
	<b>Position:</b>	<b>Second Grade Teacher</b>
	<b>FTE:</b>	<b>1.0</b>
	<b>Effective Date:</b>	<b>June 30, 2016</b>
	<b>Site:</b>	<b>Creekside Oaks Elementary School</b>

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

**MISSION STATEMENT:** Empower Students with the skills, knowledge, and attitudes for Success in an Ever Changing World.

**DISTRICT GLOBAL GOALS**

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**SUBJECT:**

Classified Personnel Report

**AGENDA ITEM AREA:**

Consent Agenda

**REQUESTED BY:**

Gabriel Simon  
Assistant Superintendent of Personnel Services *GS*

**ENCLOSURES:**

Yes

**DEPARTMENT:**

Personnel

**FINANCIAL INPUT/SOURCE:**

General Fund/Categorical

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

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**BACKGROUND:**

The Board of Trustees will take action to approve the classified personnel report.

**RECOMMENDATION:**

Administration recommends ratification of the classified personnel report.

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
PERSONNEL REPORT**

October 20, 2015

**CLASSIFIED/MANAGEMENT**

**NEW HIRES:**

- |           |                                 |             |                           |
|-----------|---------------------------------|-------------|---------------------------|
| 1. Name:  | Giselle Alvarez                 | Effective:  | 10/5/15                   |
| Position: | Grant Funded Instructional Aide | Site:       | Glen Edwards Middle       |
| Salary:   | Range 1, Step A                 | Replacement |                           |
| Hours:    | 2.75 Hours/Day                  |             |                           |
| Days:     | 10 Months/Year                  |             |                           |
|           |                                 |             |                           |
| 2. Name:  | Tracie Cervetti                 | Effective:  | 10/12/15                  |
| Position: | Campus/Café Supervisor          | Site:       | Twelve Bridges Elementary |
| Salary:   | CSEA, Range 13, Step A          | Replacement |                           |
| Hours:    | 20 minutes/Day                  |             |                           |
| Days:     | 10 Months/Year                  |             |                           |
|           |                                 |             |                           |
| 3. Name:  | Andrea Gibson                   | Effective:  | 10/13/15                  |
| Position: | Instructional Aide              | Site:       | Twelve Bridges Elementary |
| Salary:   | CSEA, Range 15, Step A          | Replacement |                           |
| Hours:    | 4 Hours/Day                     |             |                           |
| Days:     | 10 Months/Year                  |             |                           |
|           |                                 |             |                           |
| 4. Name:  | Andrea Gibson                   | Effective:  | 10/13/15                  |
| Position: | Instructional Aide              | Site:       | Twelve Bridges Elementary |
| Salary:   | CSEA, Range 15, Step A          | Replacement |                           |
| Hours:    | 2 Hours/Day                     |             |                           |
| Days:     | 10 Months/Year                  |             |                           |
|           |                                 |             |                           |
| 5. Name:  | Mary Hayes                      | Effective:  | 10/5/15                   |
| Position: | Intervention Services Provider  | Site:       | Foskett Ranch Elementary  |
| Salary:   | CSEA, Range 20, Step C          |             |                           |
| Hours:    | 6 Hours/Day                     |             |                           |
| Days:     | 10 Months/Year                  |             |                           |

**ADDITIONAL POSITION**

- |           |                        |             |                             |
|-----------|------------------------|-------------|-----------------------------|
| 1. Name:  | Teddy Powell           | Effective:  | 10/1/15                     |
| Position: | Campus/Café Supervisor | Site:       | Creekside Oaks Elementary   |
| Salary:   | CSEA, Range 13, Step A | Replacement |                             |
| Hours:    | .5 Hours/Day           |             |                             |
| Days:     | 10 Months/Year         |             |                             |
|           |                        |             |                             |
| 2. Name:  | Teddy Powell           | Effective:  | 10/1/15                     |
| Position: | Campus/Café Supervisor | Site:       | Lincoln Crossing Elementary |
| Salary:   | CSEA, Range 13, Step A | Replacement |                             |
| Hours:    | .5 Hours/Day           |             |                             |
| Days:     | 10 Months/Year         |             |                             |

**TRANSFER**

- |           |                         |             |                             |
|-----------|-------------------------|-------------|-----------------------------|
| 1. Name:  | Sarah Bartlett          | Effective:  | 9/28/15                     |
| Position: | Campus/Café Supervisor  | Site:       | Lincoln Crossing Elementary |
| Salary:   | CSEA, Range 13, Step A  | Replacement |                             |
| Hours:    | 1.5 Hours/3 Days a week |             |                             |
| Days:     | 10 Months/Year          |             |                             |



**RESIGNATIONS:**

1. Name: Carly Anderson  
Position: Grant Funded Instructional Aide  
Site: Sheridan School  
Hours: 3.75 Hours/Day  
Effective: 10/15/15
2. Name: Sarah Bartlett  
Position: Campus/Café Supervisor  
Site: Lincoln Crossing Elementary  
Hours: 2 Hours/Day  
Effective: 9/27/15

# WESTERN PLACER UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES MEETING FACT SHEET

**MISSION STATEMENT:** Empower Students with the skills, knowledge, and attitudes for Success in an Ever Changing World.

## DISTRICT GLOBAL GOALS

1. Develop and continually upgrade a well articulated K-12 academic program that challenges all students to achieve their highest potential, with a special emphasis on students
2. Foster a safe, caring environment where individual differences are valued and respected.
3. Provide facilities for all district programs and functions that are suitable in terms of function, space, cleanliness and attractiveness.
4. Promote the involvement of the community, parents, local government, business, service organizations, etc. as partners in the education of the students.
5. Promote student health and nutrition in order to enhance readiness for learning.

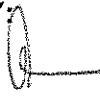
### SUBJECT:

Ratification of Contract with Disability  
Access Consultants and Western Placer  
Unified School District

### AGENDA ITEM AREA:

Consent

### REQUESTED BY:

Audrey Kilpatrick   
Assistant Superintendent of  
Business and Operations

### ENCLOSURES:

Yes

### DEPARTMENT:

Business Services

### FINANCIAL INPUT/SOURCE:

General Fund

### MEETING DATE:

October 20<sup>th</sup>, 2015

### ROLL CALL REQUIRED:

No

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### BACKGROUND:

The attached contract is for services with Disability Access Consultants (DAC) and Western Placer Unified School District. The services include enhancing, updating, documenting, and achieving compliance with the Americans with Disabilities Act of 1990. The DAC will inspect First Street School and identify solutions for accessibility and provide the proposed methods for barrier removal. The cost of these services is \$3,900.00 and will be paid with the General Fund.

### RECOMMENDATION:

Administration recommends that the Board ratify the contract agreement between DAC and Western Placer Unified School District.

**Proposal for Consultant Services by Disability Access Consultants (DAC)**  
**Americans with Disabilities Act and Related Accessibility Standards and Requirements**  
**for**  
**Western Placer Unified School District**  
**600 Sixth Street, Suite 400**  
**Lincoln, CA 95648**

**Description of Disability Access Consultants**

Disability Access Consultants (DAC) provides specialized services to school districts, colleges and charter schools to enhance or achieve compliance with Title II of the Americans with Disabilities Act of 1990 and related legislation. As one of the nation's largest consulting firms specializing in ADA compliance for public schools, DAC has earned a reputation for providing low cost, effective solutions to the educational community.

DAC has extensive experience with assisting school districts and educational institutions with compliance of Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Individuals with Disabilities Education Act and related civil rights laws, accessibility standards and regulations. DAC has an understanding of the programmatic requirements of the ADA, Section 504 of the Rehabilitation Act, IDEA and related civil rights laws in addition to the facility requirements. The team is staffed by individuals who have served the educational system in leadership roles and by team members that have been involved with the building and construction industry. DAC has a dedicated team of professionals with experience in developing thousands of ADA Transition/Barrier Removal Plans and hundreds of self-evaluations for school districts. DAC has conducted accessibility surveys for thousands of miles of public rights-of-way (sidewalks, intersections, bus shelter/stops, street furniture) for public entities and incorporated the findings into our DACTrak intake and accessibility management system.

**Schedule of Proposed Activities**

Disability Access Consultants (DAC) proposes to provide the following services for the Western Placer Unified School District (WPUUSD) to enhance, update, document and achieve compliance with the Americans with Disabilities Act of 1990 and with U.S. Department of Justice regulations implementing Subtitle A of Title II of the Act as codified at 28 CFR Part 35 *Nondiscrimination on the Basis of Disability In State & Local Services*, Section 504 of the Rehabilitation Act and related California and federal accessibility standards.

**Site Inspection, Transition/Barrier Removal Plan and Software**

DAC will inspect the following District site for compliance with ADA Standards and California Title 24 of the California Building Code (CBC) Accessibility Standards.

First Street Elementary School  
 1400 First Street  
 Lincoln, CA 95648

**Transition/Barrier Removal Plan**

DAC will identify solutions for the removal of structural barriers and determine the best solution or method for the removal of access barriers in each situation. The Transition/Barrier Removal Plan will identify the barriers to accessibility and provide the proposed methods for barrier removal, as required by Title II of the ADA. Findings and recommendations will be incorporated into DAC's accessibility management software DACTrak. DACTrak will allow WPUUSD to make modifications in the proposed plan as appropriate according to anticipated or allocated funds, remodeling, deferred maintenance or removal of items that have been prioritized by specific needs of students, staff or others.

**Accessibility Management Software- DACTrak**

DAC will add the updated report to the existing WPUSD account in our web based DACTrak accessibility management software package to enable WPUSD to revise and track compliance throughout the implementation process. Since DACTrak is a web based management program, no hardware or software is needed, only access to a web browser. Cost estimates using industry standards, when available, will be given for most individual recommendations by individual item and element when possible. Multiple types of reports are available, including progress reports. The program has the ability to sort data and produce accurate up-to-date reports by item, facility, date range, and progress status.

DAC records as-is measurements to provide WPUSD with precise information to make an informed decision regarding barrier removal or priorities. A simple checklist or "yes" or "no" statement does not give the member sufficient information to decide barrier removal priorities. For example, if parking space width is not compliant, it is important to know if it is not compliant due to lacking ½ inch or 6 inches. In addition, the recording of as-is conditions and the related photograph has proved to be a valuable risk management tool.

As required by the ADA, the standard that provides the greater level of accessibility (federal or state) will be utilized. California has recently aligned itself with some of the federal 2010 ADA standards, which overall provided a cost savings to many public entities. If additional codes changes are approved, findings entered in DACTrak can be reprocessed without re-inspections and new reports developed.

**Key Project Team Members**

Project team members will be on site as needed to complete the tasks identified in the proposal. All employees of Disability Access Consultants have been fingerprinted according to California Education Code, and have cleared FBI and DOJ background checks.

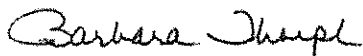
**DAC California Educational Client Experience**

DAC has completed inspections and produced ADA Self-evaluations and Transition Plans for thousands of school sites, colleges JPA's and other insured groups. DAC has worked with Members of all sizes, from one site to 342 sites. DAC has assisted Members to defend their current practices and plans in regards to litigation and has only served on the side to assist school Members and has never assisted with litigation against a school Member.

**Fee for Inspection of Site, Transition/Barrier Removal Plans and Software**

DAC proposes to survey First Street Elementary School for a fixed fee of \$3900.

Submitted by,



Barbara Thorpe, President

Disability Access Consultants (DAC)

2243 Feather River Blvd

Oroville, CA 95965

P: 530-533-3000 or (800) 743-7067

F: 530-533-3001

bthorpe@dac-corp.com

Approved by the Western Placer Unified School District:



Asst Supt of Business Svcs and Operations

10/5/15

Authorized Representative

Title

Date

# WESTERN PLACER UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES MEETING FACT SHEET

**MISSION STATEMENT:** Empower Students with the skills, knowledge, and attitudes for Success in an Ever Changing World.

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5. Promote student health and nutrition in order to enhance readiness for learning.

**SUBJECT:**

Overnight Field Trips

**AGENDA ITEM AREA:**

Consent

**REQUESTED BY:**

Kerry Callahan   
Assistant Superintendent

**ENCLOSURES:**

No

**DEPARTMENT:**

Educational Services

**FINANCIAL INPUT/SOURCE:**

Student Fees/School Funds

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

No

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**BACKGROUND:**

Per Board Policy 6153, the Board of Trustees recognizes that school-sponsored trips are an important component of a student's development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the district's course of study or school-related social, educational, cultural, athletic, school band activities, or other extracurricular or cocurricular activities. A field trip to a foreign country may be permitted to familiarize students with the language, history, geography, natural science, and other studies relative to the district's course of study.

Requests for school-sponsored trips involving out-of-state, out-of-country, or overnight travel shall be submitted to the Superintendent or designee. The Superintendent or designee shall review the request and make a recommendation to the Board as to whether the request should be approved by the Board. All other school-sponsored trips shall be approved in advance by the principal.

Students will not be excluded due to inability to pay.

Information regarding the overnight field trips for which approval is being sought is as follows:

# WESTERN PLACER UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES MEETING FACT SHEET

<b>FIELD TRIP:</b>	CASL Conference
<b>SCHOOL(S):</b>	Twelve Bridges Middle School
<b>BRIEF DESCRIPTION:</b> (citing educational purpose)	To mold current student leaders on TBMS's campus to become stronger, more effective leaders. Benefits all students because ASB comes back with fresh ideas and insights to implement on campus, creating a more positive experience for all.
<b>DATES:</b>	April 7-9, 2016
<b>LOCATION(S):</b>	Ontario, CA
<b>LODGING/ACCOMMODATIONS:</b>	TBD - In all past years, it was held at The Doubletree Ontario, CA (where students stayed and attended the conference, all at one site)
<b>PERSON(S) COORDINATING:</b>	Mark Weber, TBMS Leadership Teacher
<b>STUDENTS PARTICIPATING:</b>	Approximately 10-20 students

<b>FIELD TRIP:</b>	AP/Honors Oregon Shakespeare Festival
<b>SCHOOL(S):</b>	Lincoln High School
<b>BRIEF DESCRIPTION:</b> (citing educational purpose)	Students enrolled in AP English Literature or Honors English courses have the opportunity to supplement their literary and theatrical learnings and experiences by attending two plays put on by the professional theater company employed by the Oregon Shakespeare Festival.
<b>DATES:</b>	March 31-April 1, 2016
<b>LOCATION(S):</b>	Ashland, OR
<b>LODGING/ACCOMMODATIONS:</b>	Hotel - TBD
<b>PERSON(S) COORDINATING:</b>	Tara McCroskey, Janet Smith, Sylvia Ward
<b>STUDENTS PARTICIPATING:</b>	Approximately 50 students

## RECOMMENDATION:

Approve the aforementioned Overnight Field Trip request.

# WESTERN PLACER UNIFIED SCHOOL DISTRICT BOARD OF TRUSTEES MEETING FACT SHEET

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5. Promote student health and nutrition in order to enhance readiness for learning.

**SUBJECT:**

Ratification of Contract with  
Boys2Men Foundation, Inc. for  
Supplemental Educational Services (SES)

**AGENDA ITEM AREA:**

Consent

**REQUESTED BY:**

Kerry Callahan *KC*  
Assistant Superintendent

**ENCLOSURES:**

Yes

**DEPARTMENT:**

Educational Services

**FINANCIAL INPUT/SOURCE:**

Title I, SES Set-aside

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

No

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**BACKGROUND:**

Supplemental educational services (SES) are additional academic instruction provided outside of the regular school day and designed to increase the academic achievement of students attending schools in Program Improvement (PI) Years 2 through 5. SES, or free tutoring, must be high quality, research based, and specifically designed to increase student academic achievement. Eligible students are all low-income students who attend Title I PI Years 2 through 5 schools.

Attached is a contract with Boys2Men, an approved SES provider, for Supplemental Educational Services for qualifying students within the district.

**RECOMMENDATION:**

Administration recommends that the Board ratify the contract proposal agreement between Boys2Men Foundation, Inc. and Western Placer Unified School District.



## Master Contract for Providers of Supplemental Educational Services

Providers of Supplemental Educational Services (SES) for students enrolled at Western Placer Unified School District (WPUSD) are held accountable for the following stipulations.

- A. All instruction provided by Boys2Men Foundation Inc. (hereafter referred to as the "Provider") shall be secular, neutral, and non-ideological.
- B. By signing this document the Provider certifies that it and its principals
  1. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any government entity (federal, state, or local).
  2. have not, within a three-year period preceding this contract, been convicted of or has a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  3. are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in (2) above; and
  4. have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.
- C. This agreement is subject to approval or ratification by the WPUSD Board of Trustees.
- D. Unless previously agreed in writing between the Provider and WPUSD, the Provider shall be responsible for the provision of all appropriate supplies, equipment, assessments, and/or facilities for WPUSD students as specified in the Student Learning Plan and IEP or 504 if applicable.
- E. Supplemental Educational Services to WPUSD students must be provided in facilities that comply with all applicable federal, state, and local laws, regulations, and ordinances related, but not limited to: disability access; fire, health, sanitation, and building standards and safety, fire warning systems, zoning permits, and occupancy capacity unless the services are provided in the students' homes.
- F. During the term of this Master Contract the Provider shall comply with all applicable federal, state, and local statutes, laws, ordinances, rules, policies, and regulations. The Provider shall not unlawfully discriminate on the basis of race, religion, sex, national origin, age, sexual orientation, or disability in employment or in the performance of services under this Master Contract.
- G. The Provider shall at his/her sole expense maintain in full force and effect during the term of this Agreement, liability insurance coverage from a California licensed insurer with an A minus or better rating from A.M. Best. The insurance coverage must be sufficient to cover any claims, damages, liabilities, costs, and fees arising out of the contractor's fulfillment of its obligations. Failure to obtain the insurance coverage specified in the WPUSD master contract or failure to maintain insurance coverage shall be cause for termination.
- H. Provider will disclose to WPUSD prior to entering into this agreement any and all existing circumstances that might pose a potential conflict of interest. Should a conflict of interest issue arise, the Provider agrees to fully cooperate in any inquiry and to provide WPUSD all documents or other information reasonably necessary to enable WPUSD to determine whether or not a conflict exists or existed. Failure to comply with the provision of this section shall constitute grounds for immediate termination of this agreement, in addition to whatever other remedies WPUSD may have.
- I. WPUSD may terminate this Agreement in its entirety if the Provider becomes insolvent or is unable to meet its debts as they mature or files for bankruptcy or reorganization.
- J. The Provider shall notify WPUSD immediately when personnel changes occur with Provider staff providing direct SES services to students.
- K. All Provider personnel prior to working with WPUSD students must have valid identification, a current live scan, and tuberculosis screening on file and available upon request in a timely manner.
- L. The Provider shall maintain registers/logs for each WPUSD student that fully describes the Services provided.



Original attendance forms or daily service logs and notes describing the Services provided shall be completed by the actual service personnel providing the SES to the student. The document shall have that person's signature on the forms and shall be available for review, inspection, or audit by WPUSD during the Term of the contract and for a period of five years afterward.

- M. To qualify for payment: Provider invoices and related documents, such as copies of student progress reports, shall be submitted to WPUSD no later than thirty days after the end of the calendar month in which the services were rendered. The invoice must include the names of the students receiving the SES, the location, the dates and hours of service, and the name of the person providing the service. The hourly rate is \$55 established prior to the commencement of services. The maximum amount is determined by the per-pupil amount (PPA) that is reserved for SES services for each eligible student by the participating Title I school in WPUSD. The PPA at Western Placer Unified School District for 2015-2016 is \$17,484. WPUSD shall make payment to the Provider based on the number of billable days of attendance and hours of service at the specified rate above. Payment shall be within forty-five days after WPUSD's receipt of invoices that are prepared and submitted as specified by WPUSD. Payment will be a reimbursement for services rendered only. WPUSD shall not pay for non-attendance of students.
- N. The Provider shall send no bill or statement of charges of any kind to parents for SES including but not limited to screenings, assessments, hours of instruction, and interviews prior to and/or a condition of student enrollment.
- O. If WPUSD determines that cause exists to withhold payment to the provider, WPUSD shall within ten days of this determination, provide to the Provider written notice that WPUSD is withholding payment. Such notice shall specify the basis for WPUSD's withholding payment and the amount to be withheld.
- P. No up-front incentive valued over \$2.00 per student shall be provided by the Provider to encourage students or parents to sign up for the Provider's services. Acceptable incentive items would be pencils, pens, magnets, etc. Once the student has signed up for the services incentives may not exceed \$5.00 per student as achievement and/or attendance incentives. The Provider may not offer incentives to WPUSD employees to recruit parents or students to sign up for their SES services.
- Q. The Provider will administer a pre-test assessments at the beginning of service to each WPUSD student and post-test assessments before the end of the student's final date designated on the individual Student Learning Plan. Sample pre and post test assessments to be used in carrying out the SES program will be provided to WPUSD no later than the date the Master Contract is signed. The Provider shall not charge WPUSD or the parents of SES students the cost of the pre and post test assessments. The scores of the pre and post tests will be provided on the initial and final progress reports for each student and on the individual Student Learning Plan.
- R. Prior to beginning instruction a Student Learning Plan must be developed collaboratively with the school, parents of the student, and the Provider for each student. Provider agrees to work collaboratively on the development of the Student Learning Plan. The Learning Plan must be on the approved WPUSD form which includes tutor-to-student ratio, service period, student progress timeline, academic achievement goals, learning activities, and measurement tools. It also includes a confidentiality agreement and format for termination of services by the parent. No tutoring services to students may begin without a parent/guardian approved and signed and WPUSD approved and signed Student Learning Plan.
  - 1. A Student Learning Plan will only be issued for eligible WPUSD students enrolled in a SES program with the approval of Western Placer Unified School District.
  - 2. The measurement tool indicated on the Student Learning Plan must be indicated on the student progress reports that are provided to parents and WPUSD on a regular basis following the timeline indicated on the Student Learning Plan. A copy of the progress report must be maintained at the Provider's place of business and made available upon request by WPUSD and/or the parents/guardians of the enrolled student at any time and without prior notice.
  - 3. The general program of instruction of the Provider shall be described in writing and approved by Western Placer Unified School District and shall become a part of this Master Contract prior to enrollment of students in the Provider's program. The general program of instruction shall be consistent with WPUSD and State of California standards.
  - 1. Instruction will be organized and presented in a manner designed to meet the specific achievement goals of individual students as outlined by the SES provider in the individual Student Learning Plans.
  - 2. Any and all changes to a WPUSD student's educational program shall be made solely on the basis of the revision of the Student Learning Plan and approved by the parent/guardian and WPUSD.
  - 3. Instruction will be coordinated with the student's school program, and, if applicable, the individualized Education Programs (IEP) and/or a Section 504 plan.
  - 4. Instruction will be of high quality and will increase student academic achievement in English

Language Arts and/or Mathematics.

5. Equitable access to services will be provided to Students with Disabilities and English Language Learners.
  6. If the Provider fails to meet specific achievement goals and timetables described in the individual Student Learning Plan for students assigned to the Provider via parent requests, WPUSD has the right to terminate the agreement and not contract with said Provider in the following year.
- T. The Provider shall not unilaterally terminate an individual Student Learning Plan. The Provider shall obtain written authorization from WPUSD before terminating any individual Student Learning Plan.
- U. The provider shall notify the WPUSD Assistant Superintendent of Educational Services immediately if the parent of a WPUSD student has requested a withdrawal of services. The Provider shall also inform the parents to contact the Assistant Superintendent of Education Services if they would like to choose a different SES Provider.
- V. All student information shall be kept confidential. The Provider agrees to use student information only as necessary to inform parents/guardians and appropriate school staff of student progress and to comply with LEA, CDE, and federal evaluation requirements.
1. The Provider agrees it will not disclose to the public the identity of any student eligible for SES or information about WPUSD employees.
  2. The Provider will comply with all federal, state, and local laws, rules and regulations regarding personally identifiable information concerning WPUSD students, employees, and agents over which the Provider has control or to which the Provider has access, as well as any other student WPUSD employee data provided or made available to the Provider in connection with this Master Contract (including, without limitation, all applicable provisions of the Health Insurance Portability and Accountability Act, the Family Educational Rights and Privacy Act and the Children's Internet Protection Act), and will observe all WPUSD security procedures related to the foregoing, as in effect from time to time including (without limitation) those set forth in WPUSD District policy.
  3. This Master Contract, all communications and information obtained by the Provider from WPUSD relating to this Master Contract, and all information developed by the Provider under this Master Contract including without limitation all pupil records and the identity of WPUSD students being served by the Provider shall be kept confidential.
- W. All records shall be maintained by the Provider as required by state and federal laws and regulations. All records shall be maintained for five years after the termination of the Master Contract. Records shall include attendance records of daily SES providers, staff lists specifying credentials held, Student Learning Plans and notes describing provision of services.
- X. WPUSD may ask for a copy of the Provider's annual SES accountability report to the CDE.

Date of Contract Commencement: 10/01/2015

Date of Contract Termination: May 31st 2015

Signature and Title of Joseph D. Perry Executive Director Representative: Joseph D. Perry

Signature of WPUSD Assistant Superintendent of Ed Services: B. Blalock Date 10/1/15

Copy of contract sent to WPUSD EL/Intervention Office \_\_\_\_\_ (date)

600 Sixth Street, Suite 400, Lincoln, California

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

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<b>DISTRICT GLOBAL GOALS</b>	
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5.	Promote student health and nutrition in order to enhance readiness for learning.

**SUBJECT:**

Acceptance of WPUSD Re-Roofing at  
Various Campuses Project and Approval  
of Notice of Completion

**AGENDA ITEM AREA:**

Consent

**REQUESTED BY:**

Michael Adell  
Director of Facilities

**ENCLOSURES:**

Yes

**DEPARTMENT:**

Facilities

**FINANCIAL INPUT/SOURCE:**

Deferred Maintenance

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

No

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**BACKGROUND:**

On June 16, 2015 the Board accepted the bid from MCM Roofing Company, Inc., for the WPUSD Re-Roofing at Various Campuses Project and authorized staff to execute the contract to deliver the project per the plans and specifications by LPA Architects, Inc., in the amount of \$382,500.00. There were three (3) change orders for this project totaling \$37,262.37 to address roof decking dryrot repairs and additional insulation installation for a project total of \$419,762.37.

The project scope including, but not limited to, the demolition and abatement of existing roof systems, repair of decking, installation of insulation, and installation of new roofing and gutter systems has been completed and MCM Roofing Company, Inc., has completed their contractual responsibilities including punchlist and project closeout documents for the project. Staff believes it is appropriate to approve the Notice of Completion as attached at this time.

**RECOMMENDATION:**

Staff recommends that the Board of Trustees accept the WPUSD Re-Roofing at Various Campuses Project and approve the Notice of Completion.

RECORDING REQUESTED BY: Michael Adell, Director of Facilities  
Western Placer Unified School District  
WHEN RECORDED MAIL TO:

NAME Michael Adell, Director of Facilities

MAILING ADDRESS 600 6<sup>th</sup> Street, Suite 400

CITY, STATE ZIP CODE Lincoln, CA 95648

No Fee Per Government Codes §6103, 27383

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

### NOTICE OF COMPLETION

#### NOTICE IS HEREBY GIVEN:

That the work of improvements on the real property hereinafter described, consisting of construction of WPUSD Re-Roofing at Various Campuses Project, Project site address: 790 J Street, Lincoln, CA 95648, was completed on the 12th day of October, 2015.

That the name and address of the Owner of said property are as follows:

	NAME	ADDRESS
(1)	<u>Western Placer Unified School District</u>	<u>600 Sixth Street, Suite 400</u> <u>Lincoln, CA 95648</u>

That then nature of its title to said property is a fee simple.

(2) That the name of the original Contractor for the work of improvement as a whole is: MCM Roofing Company, Inc.; that the name of surety for said Contractor is American Contractors Indemnity Company, incorporated under the laws of the State of California, and Authorized to do business in the State of California by the laws of the State of California.

The property herein referred to is located in the County of Placer, California, and is a portion of the real property.

This project benefits the School District.

Audrey Kilpatrick  
BY Assistant Superintendent of Business and Operations  
Western Placer Unified School District

State of California

County of Placer

*"I certify under penalty of perjury that the foregoing is true and correct"*

(Date)

(Signature)

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

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4. Promote the involvement of the community, parents, local government, business, service organizations, etc. as partners in the education of the students.
5. Promote student health and nutrition in order to enhance readiness for learning.

**SUBJECT:**

Williams Uniform Quarterly  
Complaint Report

**AGENDA ITEM AREA:**

Consent

**REQUESTED BY:**

Scott Leaman,  
Superintendent

**ENCLOSURES:**

Yes

**DEPARTMENT:**

Administration

**FINANCIAL INPUT/SOURCE:**

N/A

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

No

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**BACKGROUND:**

One component of the Williams Settlement Legislation requires each district to submit a quarterly report to the County Superintendent and the Governing Board on the nature and resolution of complaints addressing insufficient instructional material, teacher vacancies and misassignments, and emergency or urgent facilities issues.

**RECOMMENDATION:**

Administration recommends the Board of Trustees approve the results of the Williams Uniform Complaint report.

Quarterly Report on Williams Uniform Complaints  
[Education Code § 35186(d)(e)]

District: Western Placer Unified School

Person completing this form: Rosemary Knutson

Title: Secretary to the Superintendent

Quarterly Report Submission Date:  
(Check one)

☐ April

Due: April 30<sup>th</sup>

☐ July

Due: July 31<sup>st</sup>

☒ October

Due: October 31<sup>st</sup>

☐ January

Due: January 31<sup>st</sup>

Date quarterly report was or will be reported publicly at a regularly scheduled board meeting: 10/20/15


☒ No complaints were filed with any school in the district or with a district official during the quarter indicated above.

☐ Complaints were filed with a school(s) in the district or with a district official during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	-0-		
Teacher Vacancy or Misassignment	-0-		
Facilities Conditions	-0-		
CAHSEE Intensive Instruction & Services	-0-		
<b>TOTALS</b>	-0-		

Scott Leaman

Print Name of District Superintendent

  
Signature of District Superintendent

10/14/15

Date

Please submit to: Suzie Arcuri, Executive Assistant to the County Superintendent of Schools  
Placer County Office of Education  
360 Nevada Street, Auburn, CA 95603  
(530) 889-5941 / Fax: (530) 886-5841

**INFORMATION**

**DISCUSSION**

**ACTION**

**ITEMS**

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

**MISSION STATEMENT:** Empower Students with the skills, knowledge, and attitudes for Success in an Ever Changing World.

**DISTRICT GLOBAL GOALS**

1. Develop and continually upgrade a well articulated K-12 academic program that challenges all students to achieve their highest potential, with a special emphasis on students
2. Foster a safe, caring environment where individual differences are valued and respected.
3. Provide facilities for all district programs and functions that are suitable in terms of function, space, cleanliness and attractiveness.
4. Promote the involvement of the community, parents, local government, business, service organizations, etc. as partners in the education of the students.
5. Promote student health and nutrition in order to enhance readiness for learning.

**SUBJECT:**

Sunshine for Negotiations Regarding the Collective  
Bargaining Agreement Between Western Placer Unified  
School District and the Western Placer Teacher's Association

**AGENDA ITEM AREA:**

Discussion/Action

**REQUESTED BY:**

Gabe Simon, Ed.D.  
Assistant Superintendent of Personnel Services

**ENCLOSURES:**

Collective Bargaining Sunshine Proposals  
for WPUSD

**DEPARTMENT:**

Personnel

**FINANCIAL INPUT/SOURCE:**

N/A

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

No

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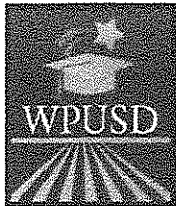
**BACKGROUND:**

Pursuant to Government Code section 3547, all proposals of the recognized employee groups and of the District must be presented at a public meeting of the District. This is commonly referred to as "Sunshining" the proposals. The Western Placer Teacher's Association and the Western Placer Unified School District are both proposing reopener negotiations under the current Collective Bargaining Agreement. After both Parties proposals were presented to the public at a previous meeting, in order to allow the members of the public to become informed and have an opportunity to express themselves regarding the proposals, the Board shall now consider adopting its initial proposal.

**RECOMMENDATION:**

Administration recommends the Board of Trustees adopt the District's initial proposal as attached.





## WESTERN PLACER UNIFIED SCHOOL DISTRICT

600 Sixth Street, Suite 400, Lincoln CA 95648  
Ph: 916-645-6350

### Board of Trustees:

Paul Long  
Brian Haley  
Paul Carras  
Kris Wyatt  
Damian Armitage

Superintendent: Scott Leaman

### VIA Electronic Mail & District Mail

September 30, 2015

Mike Agrippino, WPTA Labor Relations Representative, Glenn Edwards Middle School  
204 L Street  
Lincoln, CA 95648

**Re: WPUSD Sunshine Proposal for Reopener Collective Bargaining Negotiations for the  
2015-2016 School Year**

Dear Mike,

This letter serves as notice that the District desires to negotiate contract provisions that are fiscally and educationally responsible in order to provide students with instructional programs based on a sound, realistic budget. The District is especially interested in negotiating fiscally responsible concepts that result in the best outcomes for students. Based on last year's tentative agreement, the District is reopening the following elements of the noted articles which do not count against either party for their three re-openers:

- *Article IX, Class Size*
- *Article VII, Teaching Hours (preparation time for preschool teachers)*
- *Article XII, Evaluation (evaluation forms for non-teaching unit members, goal setting form)*
- *Article XIV, Employee Benefits*
- *Article XIII, Salary*

We look forward to working together with the WPTA Bargaining Team throughout the negotiations process.

Sincerely,

Gabe Simon, Ed.D.

Assistant Superintendent of Personnel Services

CC: Scott Leaman, Superintendent (Via Email PDF)  
Audrey Kilpatrick, Assistant Superintendent of Business Services (Via Email PDF)  
Kerry Calahan, Assistant Superintendent of Educational Services (Via Email PDF)  
Tara McCroskey, WPTA President (Via Email PDF)



September 30, 2015

Gabe Simon, Western Placer Unified School District

**Re: Sunshine Proposal from the Western Placer Teachers Association  
to the Western Placer Unified School District**

Dear Gabe,

The Rodda Act requires a bargaining unit to "Sunshine" an initial proposal in appropriate time for the negotiating process before the end of the fiscal year. In accordance with the Rodda Act, The Western Placer Teachers Association is Sunshining their proposal for the 2015-16 school year.

- *Article VII, Teaching Hours*
- *Article VIII, Leaves*
- *Article IX, Class Size*
- *Article XII, Evaluation (evaluation forms for non-teaching members, goal setting form)*
- *Article XIII, Salary*
- *Article XIV, Employee Benefits*

Article VII, Teaching Hours and Article VIII, Leaves are our two new re-openers.

We look forward to working with the district on these items.

Sincerely,

Mike Agrippino

Chief Negotiator

Western Placer Teachers Association

CC: Tara McCroskey, WPTA President

**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

<b>MISSION STATEMENT:</b> Empower Students with the skills, knowledge, and attitudes for Success in an Ever Changing World.	
<b>DISTRICT GLOBAL GOALS</b>	
<ol style="list-style-type: none"><li>1. Develop and continually upgrade a well articulated K-12 academic program that challenges all students to achieve their highest potential, with a special emphasis on students</li><li>2. Foster a safe, caring environment where individual differences are valued and respected.</li><li>3. Provide facilities for all district programs and functions that are suitable in terms of function, space, cleanliness and attractiveness.</li><li>4. Promote the involvement of the community, parents, local government, business, service organizations, etc. as partners in the education of the students.</li><li>5. Promote student health and nutrition in order to enhance readiness for learning.</li></ol>	

**SUBJECT:**  
Placer County Committee Nominations

**AGENDA ITEM AREA:**  
Information/Discussion

**REQUESTED BY:**  
Scott Leaman  
Superintendent

**ENCLOSURES:**  
Yes

**DEPARTMENT:**  
Administration

**FINANCIAL INPUT/SOURCE:**  
N/A

**MEETING DATE:**  
October 20, 2015

**ROLL CALL REQUIRED:**  
No

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**BACKGROUND:**

Each year the County Committee must conduct an election to fill one or more seats on the eleven member committee. The County Committee is composed of two members residing in each of the five supervisorial districts and one member elected "at-large" from Placer County. The governing boards of each school district in Placer County vote to elect the members of the County Committee. This is done by each school board selecting one member of their board to cast the district's votes for nominees running for each open seat.

**ADMINISTRATION RECOMMENDATION:**

The administration recommends the Board of Trustees participate in the nominating individuals to serve on this important committee.

## Memorandum

Date: October 7, 2015  
To: District Superintendents & Sierra College President  
From: Gayle Garbolino-Mojica, County Superintendent of Schools  
RE: County Committee Nominations

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The Placer County Committee on School District Organization ("County Committee") is involved in school and community college district organization matters including the organization of new districts, territory transfers, district mergers, and the creation, revision or abolition of trustee areas.<sup>1</sup>

I have enclosed for your review a roster of the individuals currently serving on the County Committee and the year in which their four-year term expires. The seats up for election this year are held by Damian Armitage (Supervisory District 2), Greg Daley (Supervisory District 3), Paige Stauss (Supervisory District 4) and James Chambers (Member At-Large).

The map depicting the supervisory districts is enclosed. To be eligible to serve, candidates must not only reside in the corresponding supervisory district, but also must be a registered voter. Additionally, candidates may not be employed by a county superintendent of schools, school district, or community college district.

Please note, even if your district is not located in a supervisory district where a term is set to expire, any member of your governing board, its voting representative, or the board itself may nominate a qualifying individual to run for any open seat.

Please use the enclosed form to notify this office of any nomination your district is making for the open seats this year. This form must be received by my office no later than Friday, October 30, 2015 so that qualifying factors for each nominee may be verified. Please fax your nomination form to Suzie Arcuri at (530) 886-5841 or e-mail to [sarcuri@placercoe.k12.ca.us](mailto:sarcuri@placercoe.k12.ca.us).

A meeting of the voting representatives will take place before the trustee dinner at 5:30 p.m. on Monday, November 16, 2015. Enclosed please find a roster of the voting representatives who have been strongly encouraged to attend this meeting to cast their vote in person. However, absentee ballots will be sent to voting representatives who request an absentee ballot if they are not able to attend.

The County Committee has a primary role in the organization of Placer County school districts and community college district. Please ensure that your district participates in this process by nominating individuals to serve on this important committee. If you have any questions please contact me. Thank you.

GGM:sea

Enclosures

County Committee Member & Voting Rosters  
Board of Supervisors District Map  
Nomination Form

cc: District Superintendent's Assistants  
District Voting Representatives  
County Committee Members

<sup>1</sup>The eleven-member County Committee is composed of two members residing in each of Placer County's five supervisory districts and one member elected "at-large" from Placer County. Individuals are elected to the County Committee by district voting representatives selected the previous year at the governing board's annual organizational meeting.



Placer County Office of Education  
360 Nevada Street, Auburn, CA 95603  
(530) 889-8020 • Fax (530) 886-5841 • [www.placercoe.k12.ca.us](http://www.placercoe.k12.ca.us)  
Gayle Garbolino-Mojica, County Superintendent of Schools

## COUNTY COMMITTEE NOMINATION FORM 2015

Please use this form to list any nominee for the open seat indicated. Nominations may be submitted by any school or community college district governing board, board member or board representative, regardless of the supervisorial district(s) the "nominating" district is located in. Nominees must be registered voters and must reside in the supervisorial district where the seat is vacant. Nominees may not be employees of the county superintendent of schools, a school district or a community college district.

### SUPERVISORIAL DISTRICT 2

I wish to nominate

Home Address

Mailing Address (if different)

Email Address

Contact Phone Number

Employer (if known)

### SUPERVISORIAL DISTRICT 3

I wish to nominate

Home Address

Mailing Address (if different)

Email Address

Contact Phone Number

Employer (if known)

### SUPERVISORIAL DISTRICT 4

I wish to nominate

Home Address

Mailing Address (if different)

Email Address

Contact Phone Number

Employer (if known)

### MEMBER AT-LARGE

I wish to nominate

Home Address

Mailing Address (if different)

Email Address

Contact Phone Number

Employer (if known)

Please return this form to the Placer County Superintendent of Schools, attention Suzie, on or before Friday, October 30, 2015. Please fax your nomination form to Suzie Arcuri at (530) 886-5841 or email to [sarcuri@placercoe.k12.ca.us](mailto:sarcuri@placercoe.k12.ca.us). *Nominations received after October 30, 2015 will not be accepted.*



2015 PLACER COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION MEMBER ROSTER

<u>Supervisory District</u>	<u>Title</u>	<u>First Name</u>	<u>Last Name</u>	<u>Term Expires</u>	<u>School District</u>	<u>Email</u>
1	Member	Stephanie	Dement	2018	n/a	<a href="mailto:dement@brandman.edu">dement@brandman.edu</a> <a href="mailto:Stephanie.dement@yahoo.com">Stephanie.dement@yahoo.com</a>
1	Member	Tracy	Pittman	2016	DCJESD	<a href="mailto:pittman5@surewest.net">pittman5@surewest.net</a>
2	Chair	Glenn	Vineyard	2016	n/a	<a href="mailto:gvineyard@c21selectgroup.com">gvineyard@c21selectgroup.com</a>
2	Member	Damian	Armitage	2015	WPUISD	<a href="mailto:dtarmitage@gmail.com">dtarmitage@gmail.com</a>
3	Member	Lorene	Euerle	2017	n/a	<a href="mailto:leuerle@cde.ca.gov">leuerle@cde.ca.gov</a>
3	Member	Greg	Daley	2015	RUSD	<a href="mailto:greg@daleydvd.com">greg@daleydvd.com</a>
4	Vice Chair	Reve'	Taylor	2017	n/a	<a href="mailto:revetaylor@hotmail.com">revetaylor@hotmail.com</a>
4	Member	Paige	Stauss	2015	RJUHS	<a href="mailto:paige@stauss.com">paige@stauss.com</a>
5	Member	Maureen	Ward	2016	PUHS	<a href="mailto:mowardmail@yahoo.com">mowardmail@yahoo.com</a>
5	Member	David	Rosenquist	2017	Alta Dutch	<a href="mailto:drosenquist@gmail.com">drosenquist@gmail.com</a>
At-Large	Member	James	Chambers	2015	n/a	<a href="mailto:chambers34@comcast.net">chambers34@comcast.net</a>
	Secretary	Gayle	Garbolino-Mojica		PCOE	<a href="mailto:ggarbolino@placercoe.k12.ca.us">ggarbolino@placercoe.k12.ca.us</a>

## 2015 COUNTY COMMITTEE VOTING REPRESENTATIVE ROSTER

<u>District</u>	<u>First Name</u>	<u>Last Name</u>	<u>E-Mail Address</u>
Ackerman Charter School	Stacy	Clement	<a href="mailto:sclement@ackerman.k12.ca.us">sclement@ackerman.k12.ca.us</a>
Alta-Dutch Flat School District	David	Rosenquist	<a href="mailto:djrosenquist@gmail.com">djrosenquist@gmail.com</a>
Auburn Union School District	Sandra	Scott	<a href="mailto:sscott@auburn.k12.ca.us">sscott@auburn.k12.ca.us</a>
Colfax Elementary School District	Karen	Sheets	<a href="mailto:ksheets@colfax.k12.ca.us">ksheets@colfax.k12.ca.us</a>
Dry Creek Joint ESD	Scott	Otsuka	<a href="mailto:scottotsuka@drycreek.k12.ca.us">scottotsuka@drycreek.k12.ca.us</a>
Eureka Union School District	Ryan	Jones	<a href="mailto:ryanrjones@yahoo.com">ryanrjones@yahoo.com</a>
Foresthill Union School District	Josh	Wilson	<a href="mailto:jwilson@sebastiancorp.net">jwilson@sebastiancorp.net</a>
Loomis Union School District	Kurt	Turner	<a href="mailto:turnerk77@yahoo.com">turnerk77@yahoo.com</a>
Newcastle Elementary	Sarah	Gillmore	<a href="mailto:sarahgillmore@gmail.com">sarahgillmore@gmail.com</a>
Placer Hills Union School District	Melody	Thomasson	<a href="mailto:mmthomasson@sbcglobal.net">mmthomasson@sbcglobal.net</a>
Placer Union High School District	Kathleen	Geary	<a href="mailto:kgeary@puhsd.k12.ca.us">kgeary@puhsd.k12.ca.us</a>
Rocklin Unified School District	Greg	Daley	<a href="mailto:greg@daleydvd.com">greg@daleydvd.com</a>
Roseville City School District	Hallic	Romero	<a href="mailto:hromero@surewest.net">hromero@surewest.net</a>
Roseville Joint Union High School District	Linda	Park	<a href="mailto:lparker@riuhsd.us">lparker@riuhsd.us</a>
Sierra Joint Community College District	Nancy	Palmer	<a href="mailto:np95949@sbcglobal.net">np95949@sbcglobal.net</a>
Tahoe-Truckee Unified School District	Gaylan	Larson	<a href="mailto:glarson@ttusd.org">glarson@ttusd.org</a>
Western Placer Unified School District	Paul	Carras	<a href="mailto:paul_carras@yahoo.com">paul_carras@yahoo.com</a>



**WESTERN PLACER UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEE MEETING FACT SHEET**

**MISSION STATEMENT:** Empower Students with the skills, knowledge, and attitudes for Success in an Ever Changing World.

**DISTRICT GLOBAL GOALS**

1. Develop and continually upgrade a well articulated K-12 academic program that challenges all students to achieve their highest potential, with a special emphasis on students
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4. Promote the involvement of the community, parents, local government, business, service organizations, etc. as partners in the education of the students.
5. Promote student health and nutrition in order to enhance readiness for learning.

**SUBJECT:**

Adoption of Revised/New  
Policies/Regulations/Exhibits

**AGENDA ITEM AREA:**

Action

**REQUESTED BY:**

Scott Leaman  
Superintendent

**ENCLOSURES:**

Yes

**DEPARTMENT:**

Administration

**FINANCIAL INPUT/SOURCE:**

N/A

**MEETING DATE:**

October 20, 2015

**ROLL CALL REQUIRED:**

No

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**BACKGROUND:**

These new and/or revised policies/regulations/exhibits are now being presented for approval by the Board of Trustees.

- BP/AR 1312.3 Uniform Complaint Procedures
- BP/AR 5125 Student Records
- AR 5141 Health Care and Emergencies
- AR 5141.21 Administering Medication and Monitoring Health Conditions
- AR 5141.3 Health Examinations
- BP/AR 5141.4 Child Abuse Prevention and Reporting
- BP/AR 5144.1 Suspension and Expulsion/Due Process
- AR 6145.2 Athletic completion
- BP/AR 6158 Independent Study
- AR 6162.51 State Academic Achievement Tests
- AR 6173 Education for Homeless Children

**RECOMMENDATION:**

Administration recommends the Board of Trustees approve the new and revised Policies, Regulations and Exhibits as submitted.

# **POLICY GUIDESHEET**

**December 2014**

**Page 1 of 3**

Note: Descriptions below identify major revisions made in CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts should review the sample materials and modify their own policies accordingly.

## **BP/AR 1312.3 Uniform Complaint Procedures**

(BP/AR revised)

Policy and Regulation updated to reflect district changes

## **BP/AR 5125 - Student Records**

(BP/AR revised)

Mandated policy updated to reflect **NEW LAW (AB 1442)** which requires districts to notify students and parents/guardians and provide an opportunity for public input before adopting a program to gather or maintain safety-related information from students' social media activity. Policy also reflects **NEW LAW (SB 1177)** which, effective January 1, 2016, will prohibit an online/mobile operator from selling or disclosing student information or using student information to target advertising or amass a profile about a student. Policy reflects **NEW LAW (AB 1584)** which mandates districts entering into a contract with a third party for the digital storage, management, and retrieval of student records to adopt policy allowing such contracts.

Mandated regulation reflects **NEW LAW (AB 2160)** which requires districts to submit the grade point average of all 12th-graders to the Cal Grant program unless a student opts out, and **NEW LAW (AB 1068, 2013)** which authorizes the disclosure of records to students age 14 years and older who are homeless and unaccompanied minors, persons who complete a caregiver's authorization affidavit, and caseworkers or other agency representatives legally responsible for the care and protection of a student. New section added to reflect requirements of **NEW LAW (AB 1442)** for districts that choose to adopt a program to gather or maintain information from students' social media activity related to school or student safety.

## **AR 5141 - Health Care and Emergencies**

(AR revised)

Regulation updated to reflect **NEW LAW (AB 2217)** which clarifies that employees and districts will not be liable for civil damages resulting from the use of an automated external defibrillator (AED) if they comply with specified legal requirements. Regulation expanded to reflect requirements related to a written plan, maintenance and testing of the AED, and the provision of information and training to employees.

## **AR 5141.21 - Administering Medication and Monitoring Health Conditions**

(AR revised)

Regulation updated to add definitions of epinephrine auto-injector and anaphylaxis and to reflect **NEW LAW (SB 1266)** which requires districts to provide emergency epinephrine auto-injector(s) to each school site, requires annual notice to staff requesting volunteers, and deletes requirements for a district plan.

## **AR 5141.3 - Health Examinations**

(AR revised)

Regulation reflects **NEW LAW (SB 1172)** which specifies the grade levels at which vision tests must be conducted and requires near-vision screening to be included in the tests. Regulation also expands material on hearing tests and reflects **NEW LAW (SB 852)** which extends the suspension of requirements for scoliosis screening through the 2014-15 fiscal year.

## **BP/AR 5141.4 - Child Abuse Prevention and Reporting**

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 2016)** which authorizes districts to provide students with instruction in sexual abuse and sexual assault awareness, **NEW LAW (AB 2560)** which requires applicants for a new or renewed credential to sign a statement that they understand their obligations as mandated reporters, and **NEW LAW (AB 1432)** which mandates staff training regarding the duties of mandated reporters.

# **POLICY GUIDESHEET**

**December 2014**

**Page 2 of 3**

## **BP/AR 5141.4 - Child Abuse Prevention and Reporting (*continued*)**

(BP/AR revised)

Regulation updated to reflect **NEW LAW (AB 1775)** which amends the definition of sexual exploitation and **NEW LAW (AB 1432)** which requires districts to provide for annual training of mandated reporters. Revised regulation also expands the list of mandated reporters to include athletic coaches, athletic administrators, and athletic directors and reflects current law which provides that a student's homelessness or status as an unaccompanied minor is not a reason for reporting child abuse or neglect.

## **BP/AR 5144.1 - Suspension and Expulsion/Due Process**

(BP/AR revised)

Mandated policy updated to reflect **NEW LAW (AB 420)** which prohibits districts from expelling any student, and from suspending students in grades K-3, for disruption or willful defiance. Policy also revised to include material formerly in AR related to board authority to expel and to delete material related to requiring parents/guardians to attend a portion of the school day when their child is removed from class for specified behaviors.

Mandated regulation updated to reflect **NEW LAW (AB 420)** which prohibits districts from expelling any student, and from suspending students in grades K-3, for disruption or willful defiance. Updated regulation reflects **NEW LAW (AB 1806)** which requires notification of the district's liaison for homeless students when the student being considered for expulsion is a homeless student and **NEW LAW (SB 1111)** which provides that, if a hearing officer or administrative panel does not recommend expulsion, a student must be permitted to return to the classroom instructional program from which the expulsion referral was made. Regulation deletes material related to requiring parents/guardians to attend a portion of the school day when their child is removed from class for specified behaviors.

## **AR 6145.2 - Athletic Competition**

(AR revised)

Regulation updated to reflect **NEW LAW (SB 1349)** which, beginning with the 2015-16 school year, requires each school that offers competitive athletics to post certain information about the participation of males and females in competitive athletics on its web site or, if the school does not have a web site, then on the district web site. Regulation also reflects **NEW LAW (AB 2127)** which limits full-contact practices by a middle or high school football team and requires an athlete with a concussion to complete a gradual return-to-play protocol.

## **BP/AR 6158 - Independent Study**

(BP/AR revised)

Mandated policy updated to reflect **NEW LAW (SB 858)** which changes the maximum length of the written master agreement and mandates policy with specified components as a condition of offering a program of course-based independent study beginning in the 2015-16 school year. Policy also adds material on the variety of independent study formats that may be offered, deletes recommendation for weekly student-teacher conference in order to be more flexible, and expands material on program evaluation to include comparison of student performance data of independent study students with students in classroom-based instruction.

Mandated regulation updated to reflect **NEW LAW (SB 858)** which changes the maximum length of the written master agreement, mandates policy with specified components as a condition of offering a program of course-based independent study beginning in the 2015-16 school year, and clarifies that the teacher-student ratio must be equivalent with that of all other educational programs at the applicable grade span unless a new higher or lower grade span ratio is negotiated.

## **AR 6162.51 - State Academic Achievement Tests**

(AR revised)

Regulation updated to reflect **NEW LAW (SB 858 and AB 1599)** which officially change the name of the state assessment system to the California Assessment of Student Performance and Progress (CAASPP). Regulation also reflects the status of CAASPP testing for the 2014-15 school year, including field testing of a new alternative test of English language arts and mathematics for students with significant cognitive disabilities. Updated regulation reflects **NEW TITLE 5 REGULATIONS** (Register 2014, No. 35) which

# **POLICY GUIDESHEET**

**December 2014**

**Page 3 of 3**

## **AR 6162.51 - State Academic Achievement Tests *(continued)***

**(AR revised)**

establish testing windows, require parental notification related to exemption from testing, list allowable testing resources (i.e., universal tools, designated supports, accommodations) that may be used during test administration, and provide that, if test results are received from the test contractor after the last day of instruction for the school year, then the report must be disseminated to parents/guardians within the first 20 days of the next school year.

## **AR 6173 - Education for Homeless Children**

**(AR revised)**

Regulation updated to reflect **NEW LAW (AB 1806)** which requires districts to award partial credits to homeless students who transfer from school to school, exempts homeless students who transfer in grades 11-12 from locally established high school graduation requirements, and authorizes districts to allow a homeless student to remain in high school for a fifth year to complete graduation requirements. Regulation also reflects provisions of AB 1806 requiring districts to notify the district liaison for homeless students when a homeless student is recommended for expulsion and, when a change of placement is proposed for a homeless student with disabilities, to invite the district liaison to participate in the individualized education program meeting to make a manifestation determination. Regulation revised to reflect law providing that, upon enrollment, a homeless student will be immediately deemed to meet residency requirements for participation in interscholastic sports or other extracurricular activities.

*For Board Approval: 10/20/2015*

**UNIFORM COMPLAINT PROCEDURES**

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt a uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 3555 - Nutrition Program Compliance)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 6159 - Individualized Education Program)*  
*(cf. 6171 - Title I Programs)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6178.1 - Work-Based Learning)*  
*(cf. 6178.2 - Regional Occupational Center/Program)*  
*(cf. 6200 - Adult Education)*

2. Any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, in district programs and activities against any person based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

**UNIFORM COMPLAINT PROCEDURES** (continued)

3. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics

*(cf. 5131.2 - Bullying)*

4. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

*(cf. 3260 - Fees and Charges)*

*(cf. 3320 - Claims and Actions Against the District)*

5. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

*(cf. 0460 - Local Control and Accountability Plan)*

6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
7. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination, **harassment**, **intimidation**, or bullying, the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if

## **UNIFORM COMPLAINT PROCEDURES (continued)**

he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

*(cf. 3580 - District Records)*

### **Non-UCP Complaints**

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.

**UNIFORM COMPLAINT PROCEDURES** (continued)

4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination  
 8200-8498 Child care and development programs  
 8500-8538 Adult basic education  
 18100-18203 School libraries  
 32289 School safety plan, uniform complaint procedures  
 35186 Williams uniform complaint procedures  
 48985 Notices in language other than English  
 49010-49013 Student fees  
 49060-49079 Student records  
 49490-49590 Child nutrition programs  
 52060-52077 Local control and accountability plan, especially  
 52075 Complaint for lack of compliance with local control and accountability plan requirements  
 52160-52178 Bilingual education programs  
 52300-52490 Career technical education  
 52500-52616.24 Adult schools  
 52800-52870 School-based program coordination  
 54400-54425 Compensatory education programs  
 54440-54445 Migrant education  
 54460-54529 Compensatory education programs  
 56000-56867 Special education programs  
 59000-59300 Special schools and centers  
 64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state  
 12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition  
 422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section  
 4600-4687 Uniform complaint procedures  
 4900-4965 Nondiscrimination in elementary and secondary education programs

*Legal Reference continued: (see next page)*



**UNIFORM COMPLAINT PROCEDURES (continued)***Legal Reference: (continued)*UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6577 Title I basic programs

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

*Management Resources:*U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONSQuestions and Answers on Title IX and Sexual Violence, April 2014Dear Colleague Letter: Bullying of Students with Disabilities, August 2013Dear Colleague Letter: Sexual Violence, April 2011Dear Colleague Letter: Harassment and Bullying, October 2010Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001WEB SITESCSBA: <http://www.csba.org>California Department of Education: <http://www.cde.ca.gov>U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>**Policy**

adopted: September 4, 2007

revised: November 5, 2013

revised: February 17, 2015

revised: October 20, 2015

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**

Lincoln, California

**UNIFORM COMPLAINT PROCEDURES**

Except as the Governing Board may otherwise specifically provide in other district policies, these general uniform complaint procedures (UCP) shall be used to investigate and resolve the complaints specified in BP 1312.3.

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

**Compliance Officers**

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 – Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

Assistant Superintendent of Personnel Services  
Western Placer Unified School District  
600 Sixth Street, Suite 400  
Lincoln, CA 95648  
916-645-6350

The compliance officer who receives a complaint may assign another compliance officer to investigate the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is designated to investigate the complaint.

In no instance shall a compliance officer be designated to investigate a complaint if he/she is mentioned in the complaint or has a conflict of interest that would prohibit him/her from fairly investigating the complaint. Any complaint filed against or implicating a compliance officer may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

*(cf. 9124 - Attorney)*

**Notifications**

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

**UNIFORM COMPLAINT PROCEDURES (continued)**

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures (UCP) **and information regarding unlawful pupil fees and LCAP requirements (Education Code 234.1, 49013, 52075 (e), 5 CCR 4622)** to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622) **If a public school or LEA finds merit in a pupil fees and/or LCAP complaint, the public school or LEA shall provide a remedy to all affected pupils, parents, and guardians that, in the case of pupil fees, includes reasonable efforts by the public school or LEA to ensure full reimbursement to all affected pupils, parents, and guardians. Pupil fees are subject to procedures established through regulations adopted by the State Board. (EC 49013 (d), 52075 (d))**

**Pupil fees complaints may be filed with the site Principal of a school (Education Code 49013 (a)) and shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630 (c)(2)) The LEA will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid a pupil fee within one year prior to the filing of the complaint. (5 CCR 4600 (u))**

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 3260 - Fees and Charges)*

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process, including if applicable, the complainant's right to take a complaint directly to the California Department of

**UNIFORM COMPLAINT PROCEDURES** (continued)

Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination, **harassment, intimidation, or bullying.**

4. Include statements that:

- a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
- c. A complaint alleging retaliation, unlawful discrimination, **harassment, intimidation, or bullying** must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination **harassment, intimidation, or bullying.** The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
- d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- e. The Board is required to adopt and annually update a local control and accountability plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

*(cf. 0460 - Local Control and Accountability Plan)*

- f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision
- g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision
- h. Copies of the district's uniform complaint procedures are available free of charge.

**UNIFORM COMPLAINT PROCEDURES (continued)****District Responsibilities**

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation, unlawful discrimination **harassment, intimidation, or bullying** confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

**Filing of Complaint**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. (Education Code 49013, 52075)
3. A complaint alleging unlawful discrimination, including discriminatory **harassment, intimidation, or bullying**, may be filed only by a person who alleges that he/she personally suffered unlawful discrimination **harassment, intimidation, or bullying** by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination **harassment, intimidation, or bullying** occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination **harassment, intimidation, or bullying**.

**UNIFORM COMPLAINT PROCEDURES** (continued)

The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination **harassment, intimidation,** or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant or alleged victim of unlawful discrimination or bullying requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

**Mediation**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of asexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation, unlawful discrimination, **harassment, intimidation,** or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at anytime.

The use of mediation process does not resolve the problem within the parameters of the law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

## UNIFORM COMPLAINT PROCEDURES (continued)

### Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within five business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation, shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To resolve a complaint alleging retaliation, **intimidation**, unlawful discrimination, or bullying **including allegations against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis or a person's association with a person or group which one or more of these actual or perceived characteristics in any program or activity conducted by the LEA which is funded directly by, or that receives or benefits from any state financial assistance (GC 11135, Education Code 200, 220, 234.1, 5 CCR 4610, PC 422.55)**, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents, **access to records**, or other evidence **and/or information** related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation **or may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)** **Complainants are protected from retaliation and the identity of a complainant alleging discrimination, harassment, intimidation, or bullying will remain confidential as appropriate. (Education Code 234.1, 5 CCR 4621)**

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

**UNIFORM COMPLAINT PROCEDURES (continued)****Report of Findings**

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

**Final Written Decision**

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In other all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved



**UNIFORM COMPLAINT PROCEDURES** (continued)

- c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
- 2. The conclusion(s) of law
  - 3. Disposition of the complaint
  - 4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination, **harassment, intimidation, or bullying** has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
- 5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the notice may, as required by law, include:

**UNIFORM COMPLAINT PROCEDURES** (continued)

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
  - b. Individual remedies offered or provided to the subject of the complaint
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, and bullying, based on state law, the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

**Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies, training for faculty, staff, and students, updates to school policies, or school climate surveys.

For complaints involving retaliation, unlawful discrimination, **harassment, intimidation, or bullying**, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling

**UNIFORM COMPLAINT PROCEDURES** (continued)

2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, including discriminatory harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

## **UNIFORM COMPLAINT PROCEDURES (continued)**

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

### **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing to the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

Regulation  
approved: March 2008  
revised: November 5, 2013  
revised: February 17, 2015  
revised: October 20, 2015

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California

## STUDENT RECORDS

The Board of Trustees recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and the student's family from invasion of privacy.

*(cf. 3580 - District Records)*

*(cf. 4040 - Employee Use of Technology)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

*(cf. 5125.3 - Challenging Student Records)*

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall ~~act-~~ **be designated** as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

### *Student Records from Social Media*

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131.2 - Bullying)*

*(cf. 5145.6 - Parental Notifications)*

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

### *Contract for Digital Storage, Management, and Retrieval of Student Records*

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

*(cf. 3312 - Contracts)*

## **STUDENT RECORDS (continued)**

### *Legal Reference:*

#### EDUCATION CODE

##### **17604 Contracts**

48201 Student records for transfer students who have been suspended/expelled

##### **48853.5 Foster youth; placement, immunizations**

##### **48902 Notification of law enforcement of specified violations**

48904-48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48918 Rules governing expulsion procedures

##### **48980 Parental notifications**

48985 Notices in parent/guardian's primary language

49060-49079 Pupil Student records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents

69432.9 Cal Grant program; notification of grade point average

#### BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

#### CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

#### FAMILY CODE

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavit

#### GOVERNMENT CODE

6252-6260 Inspection of public records

#### HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

#### PENAL CODE

245 Assault with deadly weapon

#### WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

#### CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

16020-16027 Destruction of records of school districts

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of Pupil Rights Amendment

#### UNITED STATES CODE, TITLE 26

152 Definition of dependent child

#### UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

#### CODE OF FEDERAL REGULATIONS, TITLE 16

Part 312 Children's Online Privacy Protection Rule

## STUDENT RECORDS (continued)

### *Legal Reference: (continued)*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.500 ~~Definition of "personally identifiable"~~

300.501 Opportunity to examine records for parents of student with disability

300.573 ~~Destruction of information~~

#### COURT DECISIONS

Falvo v. Owasco Independent School District, 220 F.3d. 1200 (10th Cir. 2000)

### *Management Resources:*

#### FEDERAL REGISTER

Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

#### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007

#### WEB SITES

California Department of Education: <http://www.cde.ca.gov>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Family Policy Compliance, <http://www.ed.gov/policy/gen/guid/fpco>

Policy

adopted: September 4, 2007

revised: October 20, 2015

WESTERN PLACER UNIFIED SCHOOL DISTRICT

Lincoln, California

**STUDENT RECORDS****Definitions**

***Student*** means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

***Attendance*** includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

***Student records*** are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, or required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. ~~A student record may be recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche, or by other means.~~ Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

***Student records*** do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute
3. Records of the law enforcement unit of the district, subject to the provisions of 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher



**STUDENT RECORDS** (continued)

*Mandatory permanent student records* are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

*Mandatory interim student records* are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

*Permitted student records* are those records having clear importance only to the current educational process of the student. (5 CCR 430)

*Access* means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

*Disclosure* means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means. (34 CFR 99.3)

*Personally identifiable information* includes but is not limited to: the student's name, the name of the student's parent/guardian or other family member, the address of the student or student's family, a personal identifier such as the student's social security number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable. (34 CFR 99.3)

1.     **The student's name**
2.     **The name of the student's parent/guardian or other family members**
3.     **The address of the student or student's family**
4.     **A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)**
5.     **Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name**
6.     **Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty**

## STUDENT RECORDS (continued)

### 7. **Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates**

*Adult student* is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

*Parent/guardian* means a natural parent, an adopted parent, or legal guardian. (Education Code 49061)

*School officials and employees* are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

*Custodian of records* is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

*Contractor or consultant* is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

*A legitimate educational interest* is **an interest** ~~one~~ held by **school official,s-or employee,s contractor, or consultant** whose duties, and responsibilities, **or contractual obligations** to the district, whether routine or as a result of special circumstances, require ~~that they~~ **him/her** to have access to student records.

*County placing agency* means the county social service department or county probation department. (Education Code 49061)

### **Changes to Student Records**

Only a parent/guardian having legal custody of the student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

(cf. 5125.3 - Challenging Student Records)

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

**A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district**

**STUDENT RECORDS** (continued)

**shall use the student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents**

**Retention and Destruction of Student Records**

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following *mandatory permanent student records* shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date  
(*cf. 5111 - Admission*)
3. Sex of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence

(*cf. 5111.1 - District Residency*)

(*cf. 5111.12 - Residency Based on Parent/Guardian Employment*)

(*cf. 5111.13 - Residency for Homeless Children*)

5. Entrance and departure date of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

(*cf. 5121 - Grades/Evaluation of Student Achievement*)

7. Verification of or exemption from required immunizations

(*cf. 5141.31 - Immunizations*)

8. Date of high school graduation or equivalent

**STUDENT RECORDS** (continued)

*Mandatory interim student records*, unless forwarded to another district, shall be maintained subject to destruction during the third school year **after the school year in which they originated**, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

2. A log identifying persons or agencies who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

*(cf. 5141.32 - Health Screening for School Entry)*

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.4 - Identification of Individuals for Special Education)*

5. Language training records

*(cf. 6174 - Education for English Language Learners)*

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or denial of student participation in specific programs

10. Results of standardized tests administered within the past three years

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

**STUDENT RECORDS** (continued)

11. Written findings resulting from an evaluation conducted to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

*Permitted student records* may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor/teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

**Persons Granted ~~Absolute Access to Student Records Without Prior Written Consent~~**

~~Persons, agencies, or organizations specifically granted access rights pursuant to law shall have access without prior written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within educational institutions, agencies, or organizations obtaining access, as long as those persons have a legitimate educational interest in the information. (Education Code 49076)~~

~~The following persons or agencies shall have absolute access to any and all student records in accordance with law:~~

**In accordance with law, absolute access to any student records shall be granted to:**

1. Parents/guardians of students younger than age 18 years, **including the parent who is not the student's custodial parent** (Education Code 49069; Family Code 3025))

~~Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. (Family Code 3025)~~

**STUDENT RECORDS** (continued)

2. An adult student, ~~age 18 or older~~ or a student under the age of 18 **years** who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.5)
3. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077)
4. **Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law** (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

***Access for Limited Purpose/Legitimate Educational Interest***

~~In addition,~~ The following persons or agencies shall have access to those particular records that are relevant to the *legitimate educational interest* of the requester: (Education Code 49076)

1. Parents/guardians of a dependent student age 18 or older **as defined under 26 USC 152** (Education Code 49076; 34 CFR 99.31)
2. Students **who are** age 16 or older or who have completed the 10th grade (Education code 49076; 34 CFR 99.31)
3. School officials and district employees, **consistent with the definition provided in the section "Definitions: above** (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (**SARB**) **who are authorized representatives of the district** and any volunteer aide age 18 or older who has been investigated, selected, and trained by such a board to provide follow-up services to a referred student

(cf. 5113.1 - Truancy)

5. Officials and employees of other public schools or school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education code 49076; 34 CFR 99.31)

**STUDENT RECORDS (continued)**

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

6. The Student Aid Commission, for the purpose of providing the grade point average (GPA) of all district students in grade 12 to the Cal Grant postsecondary financial aid program, except when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA (Education Code 69432.9)

No later than October 15 each year, the Superintendent or designee shall notify each student in grade 12, and his/her parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission unless he/she opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

7. Federal, state, and local officials, as needed for program audits, evaluation, or compliance with ~~law~~ activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.31, 99.35)
8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)
9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the

**STUDENT RECORDS (continued)**

**requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)**

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition **(Education Code 49076)**
11. A ~~prosecuting~~ **agency district attorney's office** for consideration against a parent/guardian for failure to comply with compulsory education laws **(Education Code 49076)**
12. Any probation officer or district attorney, **or counsel of record for a minor student** for the purposes of conducting a criminal investigation or an investigation in regards to declaring **the minor student** ~~a person~~ a ward of the court or involving a violation of a condition of probation, **subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)**

**When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)**

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 **(Education Code 49076)**

**In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)**

14. ~~Any county placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law pursuant to Welfare and Institutions Code 16010 and to assist with the school transfer or enrollment of a student~~
14. Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts, and any individualized education program (IEP) developed and maintained by the district with respect to such students. **(Education Code 49069.3)**

*(cf. 6159 - Individualized Education Program)*  
*(cf. 6173.1 - Education for Foster Youth)*



**STUDENT RECORDS (continued)**

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

*(cf. 6173 - Education for Homeless Children)*

16. An individual who completes items 1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)
17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))
18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

~~When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to any public school district or California private school. The information shall be released only to designated peace officers, federal criminal investigators, and federal law enforcement officers whose names have been~~

**STUDENT RECORDS (continued)**

~~submitted in writing by their law enforcement agency in accordance with the procedures specified in Education Code 49076.5. (Education Code 49076.5)~~

**When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.**

**Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)**

**In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49075)**

**Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)**

*(cf. 5021 - Noncustodial Parents)*

***Discretionary Access***

**At his/her discretion, ~~the~~ Superintendent or designee may release information from student records to the following: (Education Code 49076)**

1. **Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of a student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)**

**When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)**

**Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.**

**STUDENT RECORDS (continued)**

2. Accrediting associations (**Education Code 49076; 34 CFR 99.31**)
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, **provided that; (Education Code 49076; 34 CFR 99.31)**
  - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
  - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
  - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, **subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)**
5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (**Health and Safety Code 120440**)
6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties (**Education Code 49076**)

*(cf. 3600 - Consultants)*

7. Agencies or organizations in connection with a student's application for or receipt of financial aid, **provided that** However, information permitting the personal identification of a student or his/her parents/guardians for these purposes ~~may be~~ is disclosed only as may be necessary to determine the eligibility of the student for financial aid, to determine the amount of financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid. (**Education Code 49076; 34 CFR 99.31, 99.36**)

**STUDENT RECORDS** (continued)

8. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register, **subject to the provisions of 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.31, 99.37)**

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

**When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.**

~~The Superintendent or designee may release a student's immunization record information to local health departments operating countywide or regional immunization information and reminder systems and the State Department of Health Services. The following information may be released: (Health and Safety Code 120440)~~

1. ~~Name of the student and the student's parent/guardian~~
2. ~~Student's gender~~
3. ~~Student's date and place of birth~~
4. ~~Types and dates of immunizations received~~
5. ~~Manufacturer and lot number of the immunization received~~
6. ~~Adverse reaction to the immunization~~
7. ~~Other non-medical information necessary to establish the student's unique identity and record~~

***De-identification of Records***

**When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)**

**STUDENT RECORDS (continued)*****Process for Providing Access to Student Records with Prior Written Consent***

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

**The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)**

~~Persons, agencies, or organizations not afforded access rights pursuant to law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order. (Education Code 49075)~~

~~Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made. (Education Code 49061)~~

**When prior written consent from a parent/guardian is required by law, the parent/guardian shall provide a written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)**

**Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)**

**Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)**

**The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)**

*(cf. 5021 - Noncustodial Parents)*

**Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student. (Education Code 49076)**

**STUDENT RECORDS (continued)****Procedures for Access**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

**The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)**

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. **Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.**

Authorized persons, organizations, or agencies from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records. (5 CCR 435)

When required by law, the parent/guardian shall provide a signed and dated written consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The consent shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

Within five days following the date of request, an authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069; 5 CCR 431)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. (5 CCR 433)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Prior to disclosing a record pursuant to a court order, the Superintendent or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three

**STUDENT RECORDS (continued)**

days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order. (5 CCR 435)

When the district discloses personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the

Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that was disclosed, and give him/her an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

If the district is planning to release a student's immunization information to the county health department or state Department of Health Services, the Superintendent or designee shall inform the student's parents/guardians of the following: (Health and Safety Code 120440)

1. The type of information that will be shared
2. The name and address of the agency with which the district will share the information
3. That any shared information shall be treated as confidential and shall be used to share only with each other and, upon request, with health care providers, child care facilities, family child care homes, service providers for the Women, Infants and Children (WIC) food program, county welfare departments, foster care agencies, and health care plans
4. That the information may be used only to provide immunization service; to provide or facilitate third-party payer payments for immunizations; to compile and disseminate statistical information on immunization status on groups of people, without identifying the student
5. That the parent/guardian has the right to examine any immunization-related information shared in this manner and to correct any errors
6. That the parent/guardian may refuse to allow this information to be shared

**Duplication of Student Records**

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of furnishing the copies. No charge shall be made for providing up to two

**STUDENT RECORDS (continued)**

transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

The Superintendent or designee shall set a fee and update the amount periodically if actual costs change.

*(cf. 3260 - Fees and Charges)*

**Access Log**

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the school custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The log does not need to record access by: (Education Code 49064)

1. Parents/guardians or adult students
2. Students 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information

*(cf. 5125.1 - Release of Directory Information)*

4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials or employees who have a legitimate educational interest

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials. (Education Code 49064; 5 CCR 432)

**Transfer of Student Records**

**If When** a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the parent/guardian of his/her rights regarding student



**STUDENT RECORDS** (continued)

records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

(cf. 4158/4258/4358 - *Employee Security*)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's *mandatory permanent* record as requested by the other district or private school. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire *mandatory interim* record shall be forwarded. If the transfer is out of state or to a private school, the *mandatory interim* record may be forwarded. *Permitted* student records may be forwarded to any other district or private school. (5 CCR 438)

Upon receiving a request from an admitting school for a student's records, the district shall also forward any expulsion order and the causes for the expulsion. (Education Code 48918)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

(cf. 5125.2 - *Withholding Grades, Diploma or Transcripts*)

**Notification of Parents/Guardians**

Upon students' initial enrollment, and at the beginning of each year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. **If 15 percent or more of the students enrolled in the**

**STUDENT RECORDS** (continued)

**district speak a single primary language other than English, then the district shall provide these notices to that language. Otherwise, the district shall provide these** Insofar as practicable, the district shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (Education Code 49063; 34 CFR 99.7)

*(cf. 5145.6 - Parental Notifications)*

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining "school officials and employees" and for determining "legitimate educational interest"
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records, and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

*(cf. ~~5125.3 - Challenging Student Records~~)*

8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

*(cf. 5020 - Parent Rights and Responsibilities)*

**STUDENT RECORDS (continued)**

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with 20 USC 1232g
13. A statement that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll **or is already enrolled as long as the disclosure is for purposes related to the student's enrollment**

***Student Records from Social Media***

**For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)**

1. **Gather or maintain only information that pertains directly to school safety or student safety**
2. **Provide a student with access to any information that the district obtained from his/her social media activity and an opportunity to correct or delete such information**
3. **Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first**
4. **Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or his/her parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.**
5. **If the district contracts with a third party to gather information on a student from social media, ensure that the contract:**
  - a. **Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or his/her parent/guardian**

**STUDENT RECORDS** (continued)

- b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first**

Regulation  
approved: November 17, 2009  
revised: August 19, 2014  
revised: October 20, 2015

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California

**HEALTH CARE AND EMERGENCIES****Emergency Contact Information**

In order to facilitate contact in case of an emergency or accident, parents/guardians shall furnish the principal or designee with the information specified below:

1. Home address and telephone number
2. Parent/guardian's business address and telephone number
3. Parent/guardian's cell phone number and e-mail address, if applicable
4. Name, address, and telephone number of a relative or friend to whom the student may be released and who is authorized by the parent/guardian to care for the student in cases of emergency or when the parent/guardian cannot be reached
5. Local physician to call in case of emergency

*(cf. 5021 - Noncustodial Parents)*

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

*(cf. 5142 - Safety)*

**In addition, parents/guardians shall be encouraged to notify the school whenever their emergency contact information changes.**

***Notification/Consent by ~~Caregiver~~ for Medical Treatment***

**Whenever a student requires emergency or urgent medical treatment while at school or a school-sponsored activity, the principal or designee shall contact the parent/guardian or other person identified on the emergency contact form in order to obtain consent for the medical treatment.**

**If the student's parent/guardian or other contact person cannot be reached to provide consent, the principal may seek reasonable medical treatment for the student as needed, unless the parent/guardian has previously filed with the district a written objection to any medical treatment other than first aid.**

~~Any person 18 years of age and older~~ who files with the district a completed caregiver's authorization affidavit **pursuant to Family Code 6550-6552** ~~for a minor district student~~ shall have the right to consent to or refuse school-related medical care on behalf of the student. The caregiver's authorization shall be invalid if the district receives notice from the caregiver that the minor student is no longer living with the caregiver. (Family Code 6550)

*(cf. 5111.1 - District Residency)*

**HEALTH CARE AND EMERGENCIES (continued)**

The caregiver's consent to medical care shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health, or safety. (Family Code 6550)

***Automated External Defibrillators***

When an automated external defibrillator (AED) is placed in a district school, the Superintendent or designee shall ensure that there is a written plan in place which describes the procedures to be followed in the event of an emergency that may involve the use of an AED, including, but not limited to, requirements for immediate notification of the 911 emergency telephone number and trained office personnel at the start of the procedures. (Health and Safety Code 1797.196)

The Superintendent or designee shall annually provide school employees a brochure that describes the proper use of an AED and is approved in content and style by the American Heart Association or American Red Cross. Similar information shall be posted next to every AED. In addition, school employees shall be notified annually of the location of all AED units on campus. (Health and Safety Code 1797.196)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

The principal shall designate the trained employees who shall be available to respond to an emergency that may involve the use of an AED during the hours of classroom instruction or when a school-sponsored activity is occurring on school grounds. (Health and Safety Code 1797.196)

The Superintendent or designee shall ensure that all AEDs are maintained and regularly tested in accordance with applicable laws and the operation and maintenance guidelines set forth by the manufacturer, American Heart Association, and American Red Cross. (Health and Safety Code 1797.196)

Each AED shall be checked for readiness after each use and at least every 30 days if the AED has not been used in the preceding 30 days. The Superintendent or designee shall maintain records of these checks. (Health and Safety Code 1797.196)

*(cf. 3580 - District Records)*

Regulation  
approved: September 4, 2007  
revised: October 20, 2015

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS****Definitions**

*Authorized health care provider* means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

*Other designated school personnel* may include any individual employed by the district who has consented to administer the medication or otherwise assist the student, and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601)

*Medication* may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

*Emergency medical assistance for a student suffering an epileptic seizure* means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures. (Education Code 49414.7)

*Epinephrine auto-injector* means a disposable drug delivery system with a spring-activated needle that is designed for emergency administration of epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

*Anaphylaxis* means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

(cf. 5141.23 - *Asthma Management*)

(cf. 5141.27 - *Food Allergies/Special Dietary Needs*)

**Notifications to Parents/Guardians**

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 48980)

(cf. 5145.6 - *Parental Notifications*)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects, and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

**Parent/Guardian Responsibilities**

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Each year, providing required parent/guardian and authorized health care provider written statements as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. In addition, the parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49414.7, 49423, 49423.1; 5 CCR 600)
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician. (Education Code 49480)
3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency antiseizure medication administered to him/her within four hours before a school day. (Education Code 49414.7)
4. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider.

**Parent/Guardian Statement**

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student



# **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS** (continued)

2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer or otherwise assist the student in the administration of medication
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian may terminate consent for such administration at any time or for otherwise assisting the student in the administration of medication at any time.

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall also: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if a student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS** (continued)

### **Health Care Provider Statement**

When district employees are to administer medication to a student or when a student is to be allowed to carry and self-administer prescription diabetes medication, auto-injectable epinephrine, or prescription inhaled asthma medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)
2. The name of the medication (Education Code 49414.7, 49423, 49423.1; 5 CCR 602)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49414.7, 49423, 49423.1; 5 CCR 602)
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49423, 49423.1; 5 CCR 602)

*(cf. 5141.23 - Asthma Management)*

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

5. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
6. Possible side effects of the medication
7. Name, address, telephone number, and signature of the student's authorized health care provider

When authorizing a district employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following: (Education Code 49414.7)

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary
2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class, the length of time for direct observation, and a requirement to contact the school nurse and the student's parent/guardian to continue the observation plan
4. **A statement that, following a seizure, a school administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan**

**Designated Employee/District Responsibilities**

The school nurse or other designated school personnel shall:

1. Administer or assist in administering the medication in accordance with the authorized health provider's written statement
2. Accept delivery of medication from the student's parent/guardian, including counting and recording the medication upon receipt
3. Maintain a list of students needing medication during the school day, including the type of medication, times and dosage, as well as a list of students who are authorized to self-administer medication
4. Maintain a medication log documenting the administration of medication including the student's name; name of medication the student is required to take; dose of medication; method by which the student is required to take the medication; time the medication is to be taken during the regular school day; date(s) on which the student is required to take the medication; authorized health care provider's name and contact information; and a space for daily recording of medication administration

The daily record shall contain the date, time, amount of medication administered, and signature of the individual administering the medication.

5. Maintain a medication record including the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained

*(cf. 5125 - Student Records)*

7. Coordinate the administration of medication during field trips and after-school activities

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS** (continued)

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6153 - School-Sponsored Trips)*

8. Report any refusal of a student to take his/her medication to the parent/guardian and the site administrator.
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with the authorized health care provider and pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of the medication on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.
12. Ensure that unused, discontinued and outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, is disposed of in accordance with state laws and local ordinances
13. Provide immediate medical assistance, if needed, and report to the site administrator and parent/guardian instances when the medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Upon receiving such notification, the site administrator may notify the student's authorized health care provider and shall document the error in the medication log.

### **Additional Requirements for Management of Epileptic Seizures**

In addition to other applicable provisions in preceding sections, the Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following: (Education Code 49414.7)

1. **Services or Accommodations:** Whenever a parent/guardian requests that a nonmedical district employee be trained to provide emergency medical assistance to his/her child, notification to the parent/guardian that the child may qualify for services or accommodations pursuant to 20 USC 1400-1482, the Individuals with Disabilities Education Act (IDEA), or 29 USC 794, Section 504 of the federal Rehabilitation Act of 1973 (Section 504).

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

## ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

*(cf. 6164.6 - Identification and Education Under Section 504)*

The Superintendent or designee shall assist the parent/guardian to explore that option and shall encourage him/her to adopt the option if the student is determined to be eligible for such service or accommodation.

If the student's parent/guardian refuses to have him/her assessed for services or accommodations under IDEA or Section 504, the Superintendent or designee may develop an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the student's health care needs in school.

2. ~~The creation of an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the child's health care needs in school, if a parent/guardian refuses to have his/her child assessed for services or accommodations under the Section 504 plan or an IEP.~~ **Request for Volunteers: The Superintendent or designee shall distribute an electronic notice to school staff no more than twice per school year per student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the request for a volunteer school employee, the training that such volunteer school employee will receive, the voluntary nature of the program, and the timelines for the volunteer school employee to rescind his/her offer. No other means of soliciting volunteer school employees shall be conducted.**

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

If no employee volunteers to administer emergency antiseizure medication to a student, the Superintendent or designee shall again notify the student's parent/guardian of the option to have the student assessed for services and accommodations under IDEA or Section 504.

3. ~~The distribution of an electronic notice to school staff, no more than twice per school year, for each student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the volunteer request, the training that the volunteer will receive, the voluntary nature of the program, and the timelines for the volunteer to rescind his/her offer.~~

~~—— If no employee volunteers to administer emergency antiseizure medication to a student, the Superintendent or designee shall renotify the student's parent/guardian of the option to be assessed for services and accommodations under Section 504 and the federal Individuals with Disabilities Education Act. **Training: Any employee who volunteers**~~

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

(continued)

to administer an emergency antiseizure medication shall receive from a licensed health care professional the training specified in 5 CCR 623 before administering such medication. The training shall include, but is not limited to:

- a. Recognition and treatment of different types of seizures
- b. Administration of an emergency antiseizure medication
- c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room
- d. Techniques and procedures to ensure student privacy

*(cf. 4131 - Staff Development)*

*(cf. 4234 - Staff Development)*

*(cf. 4331 - Staff Development)*

*(cf. 5022 - Student and Family Privacy Rights)*

When a trained employee has not administered an emergency antiseizure medication to a student within two years after completing the training and a student who may need the administration of an emergency antiseizure medication is enrolled in the school, the employee shall be retrained in order to retain the ability to administer an emergency antiseizure medication.

4. ~~An assurance that any employee who volunteers to administer an emergency antiseizure medication receives training from a licensed health care professional before administering such medication. When a trained employee has not administered an emergency antiseizure medication to a student within two years after completing the training, he/she shall attend a new training program to retain the ability to administer an emergency antiseizure medication.~~ **Notification of Administration:** The Superintendent or designee shall establish a process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication to a student at a school site.
5. ~~An assurance that any training provided for district employees who volunteer to administer emergency antiseizure medications to students includes, but is not limited to:~~
  - a. ~~Recognition and treatment of different types of seizures~~
  - b. ~~Administration of an emergency antiseizure medication~~

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

(continued)

~~e. Basic emergency follow-up procedures, including, but not limited to, a requirement for the principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room~~

~~d. Techniques and procedures to ensure student privacy~~

~~(cf. 5022—Student and Family Privacy Rights)~~

5. Supervision of Volunteers: Volunteer school employees shall be supervised by a licensed health care professional in accordance with 5 CCR 627.

~~6. A process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication to a student at a school site.~~

~~7. Supervision of volunteer school employees by a licensed health care professional, in accordance with 5 CCR 627.~~

***Emergency Epinephrine Auto-Injectors***

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414, and shall be based on the standards developed by the Superintendent of Public Instruction. Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon.

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414)

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

A school may accept gifts, grants, and donations from any source for the support of the school in carrying of the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

*(cf. 3290 - Gifts, Grants and Bequests)*

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

*(cf. 3580 - District Records)*

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revised: October 20, 2015

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California



**HEALTH EXAMINATIONS**

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations. (Education Code 48980)

*(cf. 5145.6 - Parental Notifications)*

A parent/guardian may annually file a written statement with the principal withholding consent to the physical examination of his/her child. The child shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected. (Education Code 49451)

*(cf. 5112.2 - Exclusions from Attendance)*

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.26 - Tuberculosis Testing)*

**~~Vision and Hearing Tests~~**

~~Students shall have their vision and hearing tested by qualified personnel authorized by the district. (Education Code 49452, 49454)~~

~~All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher. (Education Code 49455)~~

~~For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record. (Education Code 49455)~~

~~Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from an authorized health care provider specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision. (Education Code 49455)~~

~~Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. If made in writing, such reports shall not include a referral to any private practitioner, and the report of a visual defect shall be made on a form prescribed by the Superintendent of Public Instruction. (Education Code 49456)~~

~~The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health. (Education Code 49456)~~

**HEALTH EXAMINATIONS (continued)*****Vision Tests***

Each student's vision shall be appraised, by the school nurse or other personnel authorized under Education Code 49452, during the kindergarten year or upon first enrollment or entry in a district elementary school and subsequently in grades 2, 5, and 8. However, a student who is tested upon first enrollment or entry in the district in grade 4 or 7 shall not be required to be appraised in the next immediate year. (Education Code 49455)

The vision appraisal shall include tests for visual acuity, including near vision. Male students shall also be tested once for color vision in grade 1 or later and the results of the appraisal shall be entered in the student's health record. (Education Code 49455)

*(cf. 5125 - Student Records)*

Appraisal of a student's vision may be waived under either of the following conditions: (Education Code 49455)

1. The student's parent/guardian requests a waiver and presents a certificate from a physician/surgeon, physician assistant, or optometrist showing the results of an examination of the student's vision, including visual acuity and, in male students, color vision.
2. The student's parents/guardians file with the principal a written statement that they adhere to the faith or teachings of any well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The report of a visual defect, if made in writing, shall be made on a form prescribed by the Superintendent of Public Instruction. The report shall not include a referral to any private practitioner. However, the student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health. (Education Code 49456)

In addition to the vision appraisals described above, the school nurse and/or classroom teacher shall continually and regularly observe students' eyes, appearance, behavior, visual performance, and perception that may indicate vision difficulties. (Education Code 49455)

**HEALTH EXAMINATIONS (continued)**

***Hearing Tests***

The Superintendent or designee shall provide for the administration of hearing tests to district students by personnel authorized to conduct such testing pursuant to Education Code 49452 and 49454 and in accordance with the procedures specified in 17 CCR 2951.

Each student shall be given a hearing screening test at the following times: (17 CCR 2951)

1. Kindergarten or grade 1
2. Grade 2
3. Grade 5
4. Grade 8
5. Grade 10 or 11
6. Upon first entry into the California public school system

Each student enrolled in a special education program, other than those enrolled because of a hearing problem, shall be given a hearing test when enrolled in the program and every third year thereafter. Hearing tests may be given more frequently as needed, based on the individualized education program team's evaluation of the student. (17 CCR 2951)

*(cf. 6159 - Individualized Education Program)*

A follow-up hearing threshold test shall be administered to any student who fails to respond to any of the required frequencies in the screening test or is otherwise determined to need further evaluation. (17 CCR 2951)

The Superintendent or designee shall provide written notification of test results to the parents/guardians of any student who fails the hearing tests. When the test results fall within the levels specified in 17 CCR 2951 or there is evidence of pathology, such as an infection of the outer ear, chronic drainage, or a chronic earache, the notification shall include a recommendation that a further medical and audiological evaluation be obtained. (17 CCR 2951)

The dates and results of all screening tests and copies of threshold tests shall be included in the student's health records. (17 CCR 2951)

**HEALTH EXAMINATIONS (continued)**

**The principal or designee shall prepare an annual report of the school hearing testing program, using forms provided by the Department of Health Services, with copies to the Superintendent and the County Superintendent of Schools. (17 CCR 2951)**

**Scoliosis Screening**

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law. (Education Code 49452.5)

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening. (Education Code 49452.5)

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources. (Education Code 49452.5)

**Type 2 Diabetes Information**

Because Type 2 diabetes in children is a preventable and treatable disease, parents/guardians are encouraged to have their child screened by an authorized health care practitioner for risk factors of the disease, including excess weight, and to request tests of their child's blood glucose to determine if he/she has **type 2** diabetes or pre-diabetes.

*(cf. 5030 - Student Wellness)*

The Superintendent or designee shall provide parents/guardians of incoming students in grade 7 with an information sheet developed by the CDE regarding Type 2 diabetes, which includes: **(Education Code 49452.7)**

1. A description of the disease and its risk factors and warning signs
2. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes be screened for the disease
3. A description of the different types of diabetes screening tests available
4. A description of treatments and prevention methods

The information sheet may be provided with the parental notifications required pursuant to Education Code 48980. (Education Code 49452.7)

**HEALTH EXAMINATIONS** (continued)

The Superintendent or designee may provide information to parents/guardians regarding public or private sources from which they may receive diabetes screening and education services for free or at reduced costs.

Regulation  
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**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California

## CHILD ABUSE PREVENTION AND REPORTING

### Child Abuse Prevention

~~The Board of Trustees recognizes the district's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.~~

**The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.**

**The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.**

*(cf. 1020 - Youth Services)*

*(cf. 5141.6 - School Health Services)*

*(cf. 6164.2 - Guidance/Counseling Services)*

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 6143 - Courses of Study)*

**The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall excused from taking such instruction. (Education Code 51900.6)**

The Superintendent or designee shall, **to the extent feasible**, seek to incorporate community resources into the district's child abuse prevention programs. ~~To the extent feasible, the Superintendent or designee shall~~ **and may** use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

### Child Abuse Reporting

~~The Board recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent or designee shall establish procedures for the~~

**CHILD ABUSE PREVENTION AND REPORTING (continued)**

identification and reporting of such **known and suspected child abuse and neglect** incidents in accordance with law.

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

*(cf. 5145.7 - Sexual Harassment)*

**Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)**

*(cf. 0450 - Comprehensive Safety Plan)*

**District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.**

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

~~Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.~~

~~The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.~~

~~In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)~~

*Legal Reference: (see next page)*

## CHILD ABUSE PREVENTION AND REPORTING (continued)

### Legal Reference:

#### EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

44690-44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and prevention

#### PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.4 Child Abuse and Neglect Reporting Act

#### WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

#### CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

#### UNITED STATES CODE, TITLE 42

11434A McKinney-Vento Homeless Assistance Act; definitions

#### COURT DECISIONS

Camreta v. Greene (2011) 1313 S. CT. 2020

### Management Resources:

#### CDE LEGAL ADVISORIES

0514.93 Guidelines for parents to report suspected child abuse

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

#### WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

[http://www.ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf) ~~Crime and Violence Prevention Center:~~

<http://safestate.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway: <https://www.childwelfare.gov/can>

National Clearinghouse on Child Abuse and Neglect Information:

<http://necanet.hhs.gov>

Policy

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WESTERN PLACER UNIFIED SCHOOL DISTRICT

Lincoln, California



## CHILD ABUSE PREVENTION AND REPORTING

### Definitions

*Child abuse or neglect* includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

*Child abuse or neglect* does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

**CHILD ABUSE PREVENTION AND REPORTING (continued)**

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145.2 - Athletic Competition)*

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

*Mandated reporters* include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, or counselors of a child abuse prevention program. (Penal Code 11165.7)

*Reasonable suspicion* means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, *reasonable suspicion* does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

**Reportable Offenses**

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05)

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14. (Penal Code 152.3, 288)

## **CHILD ABUSE PREVENTION AND REPORTING (continued)**

### **Responsibility for Reporting**

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

### **Reporting Procedures**

#### **1. Initial Telephone Report**

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11166)

**Family & Children Services  
1000 Sunset Blvd, Ste. 140  
Rocklin, CA 95765  
(916) 872-6549/(866)-293-1940**

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

#### **2. Written Report**

## **CHILD ABUSE PREVENTION AND REPORTING (continued)**

Within 36 hours of receiving the information concerning the incident, the mandated reporter shall then prepare, and either send, fax, or electronically submit to the appropriate agency, a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- e. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

### **3. Internal Reporting**

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

Employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal or designee as soon as possible after the initial

## **CHILD ABUSE PREVENTION AND REPORTING (continued)**

telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

He/she may provide or mail a copy of the written report to the principal or Superintendent or designee without his/her signature or name.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

### **Training**

~~Training of mandated reporters shall include child abuse identification and reporting. (Penal Code 11165.7)~~

~~Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.~~

**Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)**

~~(cf. 4119.21/4219.21/4319.21—Professional Standards)~~

~~(cf. 4131 - Staff Development)~~

~~(cf. 4231 - Staff Development)~~

~~(cf. 4331 - Staff Development)~~

~~(cf. 5145.7—Sexual Harassment)~~

**The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code 44691)**

## **CHILD ABUSE PREVENTION AND REPORTING (continued)**

**The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)**

**The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)**

### **Victim Interviews**

Whenever a representative of the Department of Social Services or another government agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

### **Release of Child to Peace Officer**

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the

## **CHILD ABUSE PREVENTION AND REPORTING (continued)**

parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

*(cf. 5145.11 - Questioning and Apprehension)*

### **Parent/Guardian Complaints**

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of this administrative regulation which contains procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

*(cf. 1312.1 - Complaints Concerning District Employees)*

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Notifications**

The Superintendent or designee shall provide all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, informs them of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal

Code 11167. The district shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign the statement indicating that they have knowledge of the reporting obligations

**CHILD ABUSE PREVENTION AND REPORTING (continued)**

under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report **unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.** (Penal Code 11166)

Regulation  
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**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California



**SUSPENSION AND EXPULSION/DUE PROCESS**

The Board of Trustees desires to provide district students access to educational opportunities in an orderly school environment. The board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

*(cf. 5131 – Conduct)*

*(cf. 5131.1 – Bus Conduct)*

*(cf. 5131.2 – Bullying)*

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

*(cf. 5112.5 - Open/Closed Campus)*

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

**Appropriate Use of Suspension Authority**

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

*(cf. 1020 - Youth Services)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

*(cf. 6164.2 - Guidance/Counseling Services)*

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

*(cf. 6164.5 - Student Success Teams)*

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

**On-Campus Suspension**

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

**Authority to Expel**

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

**Student Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))*

***Maintenance and Monitoring of Outcome Data***

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

**grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.**

**The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.**

*(cf. 0460 - Local Control and Accountability Plan)*

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

*(cf. 0460 - Local Control and Accountability Plan)*

*Legal Reference:*

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48667 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

*Legal Reference continued: (see next page)*

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

*Legal Reference: (continued)*

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(k) Placement in alternative educational setting

7151 Gun free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

*Legal Reference continued: (see next page)*

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4<sup>th</sup> 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4<sup>th</sup> 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4<sup>th</sup> 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

### ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

### *Management Resources:*

#### CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

#### WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: Office for Civil Rights

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy  
adopted: September 4, 2007  
revised: August 19, 2014  
revised: May 19, 2015  
revised: October 20, 2015

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California

**SUSPENSION AND EXPULSION/DUE PROCESS****Definitions**

*Suspension from school* means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

*Expulsion* means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

*Day* means a calendar day unless otherwise specifically provided. (Education Code 48925)

*School day* means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

*Student* includes a student's parent/guardian or legal counsel. (Education Code 48925)

*Principal's designee* means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

*School property*, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(s))

**Notice of Regulations**

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. (Education Code 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

### **Grounds for Suspension and Expulsion: Grades K-12**

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

*(cf. 5131 - Conduct)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

*(cf. 5131.6 - Alcohol and Other Drugs)*

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage, or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

*(cf. 5131.62 - Tobacco)*



**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

*(cf. 5131.4 – Student Disturbances)*

11. Knowingly received stolen school property or private property. (Education Code 48900(l))
12. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing as defined in Penal Code 245.6. (Education Code 48900(q))

*Hazing* mean a method of initiation or preinitiation into a student organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school- sanctioned events. (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

*Bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #20-22 below), that has any of the effects described above on a reasonable student.

*Electronic act* means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

*Reasonable student* means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

18. **Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))**
19. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A *terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

**Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))**

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)***(cf. 5131.4 - Student Disturbances)*

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

*Sexual harassment* means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

*(cf. 5145.7 - Sexual Harassment)*

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

*Hate violence* means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, ethnicity, religion, nationality, disability, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's associated with a person or group with one of more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

*(cf. 5145.9 - Hate-Motivated Behavior)*

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

*(cf. 5145.3 - Nondiscrimination/Harassment)*

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

1. While on school grounds

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

2. While going to or coming from school

*(cf. 5131.1 – Bus Conduct)*

3. During the lunch period, whether on or off the school campus

*(cf. 5112.5 – Open/Closed Campus)*

4. During, going to, or coming from a school-sponsored activity

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5113.1 – Truancy)*

Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

### **Suspension from Class by a Teacher**

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

A student ~~removed~~ **suspended** from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student ~~removed~~ **suspended** from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

**Suspension by Superintendent, Principal or Principal's Designee**

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

In addition, the Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possession of an explosive as defined in 18 USC 921

**The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)**

**For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)**

**When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)**

*(cf. 5125 - Student Records)*

**Length of Suspension**

The Superintendent, principal or principal's designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. The district may count suspension that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. However, this restriction on the number of

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

(cf. 6184 – Continuation Education)

**~~Suspensions shall be initiated according to the following procedures:~~ *Due Process Procedures for Suspension***

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the principal, designee, or the Superintendent with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the principal, designee, or the Superintendent determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person.

Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

- a. ~~Any~~ **The** extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

- b. ~~Extension of the suspension may be made only if~~ The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

- c. If the student involved is a ~~homeless child or~~ **foster** youth, the Superintendent or designee shall notify the district liaison for ~~homeless students~~ **foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting.** (Education Code 48853.5, 48911, 48918.1)

*(cf. 6173.1 - Education for Foster Youth)*

- d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

*(cf. 6173 - Education for Homeless Children)*



**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

**Suspension by the Board**

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion: **Grades K-12**" and "**Additional Grounds for Suspension and Expulsion: Grades 4-12**" above and within the limits specified in "Suspension by Superintendent, Principal or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

**Supervised On-Campus Suspension Classroom**

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

**Authority to Expel**

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

**~~Mandatory Superintendent or Principal's Authority to Recommendation for Expulsion~~**

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

**Mandatory Recommendation and Mandatory Expulsion**

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

**Student's Right to Expulsion Hearing**

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

### **Stipulated Expulsion**

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

### **Rights of Complaining Witness**

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

**Written Notice of the Expulsion Hearing**

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

*Legal counsel* means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

*Nonattorney advisor* means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

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.

**Additional Notice of Expulsion Hearing for Foster Youth**

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

**Conduct of Expulsion Hearing**

1. **Closed Session:** Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

2. **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. (Education Code 48918(g))
3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant 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. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
- a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
  - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
    - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
    - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
    - (3) The person conducting the hearing may:



**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

- (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
- (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
- (c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. **Decision Within 40 School Days:** The Board's decision on whether to expel a student shall be made within 40 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918 (a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

**Final Action by the Board**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

*(cf. 9321.1 - Closed Session Actions and Reports)*

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, and other rehabilitative programs

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

**Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. 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 expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

**Decision ~~Not to Enforce~~ to *Suspend* Expulsion Order**

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

In cases of mandatory expulsion, the enforcement of an expulsion order shall not be suspended.

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 4891

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.

**Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

If student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

County Board of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

### **Notifications to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students or nonstudents regarding the ~~or~~ possession, sale, or furnishment of firearms, explosives, or dangerous weapons in violation of Education Code 48900(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

### **~~Post-Expulsion Placements~~ During Expulsion**

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 – Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6-13 and #18-21 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

**Readmission After Expulsion**

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding re-admission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer,

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

detention in a juvenile facility, enrollment in a juvenile school, or other such contact with the juvenile justice system. (Education Code 48645.5)

**Maintenance of Records**

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5125 - Student Records)*

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**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California

## ATHLETIC COMPETITION

### Nondiscrimination and Equivalent Opportunities in the Athletic Program

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, or any other basis specified in law. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent or designee may provide single-sex teams where selection for the teams is based on competitive skills. (5 CCR 4921 4621; 34 CFR 106.41)

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with his/her gender identity and for which he/she is otherwise eligible to participate, irrespective of the gender listed on the student's records.

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

When determining whether equivalent opportunities are available to both sexes in athletic programs, the Superintendent or designee shall consider, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes

The athletic program shall be considered to effectively accommodate the interests and abilities of both sexes if it meets one of the following criteria: (Education Code 230)

- a. The interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments.



**ATHLETIC COMPETITION (continued)**

- b. When the members of one sex have been and are underrepresented among interscholastic athletes, the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex.
  - c. When the members of one sex are currently underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #b above, the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.
- 2. The provision and maintenance of equipment and supplies
- 3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
- 4. Travel and per diem allowances
- 5. Opportunities to receive coaching and academic tutoring
- 6. Assignment and compensation of coaches and tutors
- 7. Provision of locker rooms, practice and competitive facilities
- 8. Provision of medical and training facilities and services
- 9. Provision of housing and dining facilities and services
- 10. Publicity
- 11. Provision of necessary funds

**Beginning with the 2015-16 school year and every year thereafter, each school that offers competitive athletics shall post the following information on its school web site, or on the district web site if the school does not have a web site, at the end of the school year: (Education Code 221.9)**

- 1. **The total enrollment of the school, classified by gender**
- 2. **The number of students enrolled at the school who participate in competitive athletics, classified by gender**
- 3. **The number of boys' and girls' teams, classified by sport and by competition level**

## **ATHLETIC COMPETITION (continued)**

*(cf. 1113 - District and School Web Sites)*

**The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the web site. (Education Code 221.9)**

*(cf. 3580 - District Records)*

### **Health and Safety**

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student's initiating practice or competition. (Education Code 49475)

*(cf. 5145.6 - Parental Notifications)*

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. **If the health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)**

The Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury suffered by the student and any actions taken to treat the student.

The Superintendent or designee shall provide training to coaches, athletic trainers, and/or school nurses regarding concussion symptoms, prevention, and appropriate response.

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

**A middle school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, *full-contact practice* means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)**

**ATHLETIC COMPETITION** (continued)**Parent Notifications**

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall send a notice to the student's parents/guardians which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

*(cf. 1312.3 - Uniform Complaint Procedures)*

2. Includes a copy of the Athletes' Bill of Rights pursuant to Education Code 271
3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite its commitment to provide for every participant's health and welfare

*(cf. 3530 - Risk Management/Insurance)*

4. Provides information about insurance protection pursuant to Education Code 32221.5

*(cf. 5143 - Insurance)*

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the school to and from competitions

*(cf. 3541.1 - Transportation for School-Related Trips)*

6. States the Board of Trustees's expectation that students adhere strictly to all safety rules, regulations and instructions, as well as rules and guidelines related to conduct and sportsmanship

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

7. Includes a copy of the local California Interscholastic Federation league rules
8. Includes information about the CIF bylaw and district policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency

*(cf. 5131.63 - Steroids)*

Regulation

approved: October 21, 2008

revised: April 1, 2014

revised: October 20, 2015

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**

Lincoln, California

**INDEPENDENT STUDY**

The Board of Trustees authorizes independent study as an optional alternative instructional strategy for students, including adult education students, whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan ~~and enabling students to reach curriculum objectives and fulfill graduation requirements~~ **to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning.** As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

*(cf. 0420.4 - Charter Schools)*

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

*(cf. 6200 - Adult Education)*

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, a home-based format, and an online course.

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

A student's participation in independent study shall be voluntary. Students participating in independent study shall have the right, at any time, to enter or return to the regular classroom mode of instruction. (Education Code 51747; 5 CCR 11700)

Parents/guardians of students who are interested in independent study shall contact the Superintendent or designee. The Superintendent or designee shall approve independent study for an individual student only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom setting.

~~The Superintendent or designee shall may approve independent study for an individual student only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom.~~

The minimum period of time for any independent study option shall be five school days.

## INDEPENDENT STUDY (continued)

### *Written Agreements*

The Superintendent or designee shall ensure that a written **master agreement and, as appropriate, a learning agreement for students participating in course-based independent study agreement**, ~~as prescribed by law~~, exists for each participating student as **prescribed by law**. (Education Code 51747, **51749.5**)

The ~~written master~~ agreement shall specify the length of time in which each independent study assignment must be completed. Because excessive leniency in the duration of independent study assignments may result in a student falling behind his/her peers and increase the risk of dropping out of school, independent study assignments shall be no more than one week for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

When a participating student misses three assignments, an evaluation shall be conducted to determine whether it is in the student's best interest to remain in independent study. However, a student's written agreement may specify a lower or higher number of missed assignments that will trigger an evaluation when the Superintendent or designee determines it appropriate based on the nature of the assignments, the total number of assignments, and/or other unique circumstances.

### *Student-Teacher Conferences*

Supervising teachers should establish an appropriate schedule for student-teacher conferences in order to help identify students falling behind in their work or in danger of failing or dropping out of school. ~~Except in unusual circumstances, it is expected that the supervising teacher will meet, either in person or by electronic means, with each participating student at least once a week to discuss the student's progress.~~ **Teachers are expected to monitor student progress and work closely with each student to determine the amount and type of contract needed for the student to be successful in the program.**

*(cf. 5147—Dropout Prevention)*

Missing appointments with the supervising teacher without valid reasons also may trigger an evaluation to determine whether the student should remain in independent study.

### **Home-Based Independent Study**

The Superintendent or designee shall encourage parents/guardians desiring to teach their children at home to have their children participate in independent study. Such participation allows continued contact and cooperation between the school system and the home-based

## **INDEPENDENT STUDY (continued)**

student and ensures that the student will be offered a standards-based education substantially equivalent in quality and quantity to the district's classroom instruction.

### **Program Evaluation**

The Superintendent or designee shall annually report to the Board the number of students participating in independent study, the average daily attendance generated for apportionment purposes, ~~the quality of these students' work~~ **performance** as measured by standard indicators, and **in comparison to in classroom-based instruction, and** the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

~~(cf. 0500—Accountability)~~

~~(cf. 5121—Grades/Evaluation of Student Achievement)~~

~~(cf. 6162.5—Student Assessment)~~

*Legal Reference: (see next page)*

**INDEPENDENT STUDY (continued)***Legal Reference:***EDUCATION CODE**

17289 Exemption for facilities

41976.2 Independent study programs; adult education funding

42238 Revenue limits

**42238.05 Local control funding formula; average daily attendance**

44865 Qualifications for home teachers and teachers in special classes and schools; consent to assignment

**46200-46208 Instructional day and year**

46300-46300.6 Methods of computing ADA

47612.5 Independent study in charter schools

48204 Residency based on parent employment

48206.3 Home or hospital instruction; students with temporary disabilities

48220 Classes of children exempted

48340 Improvement of pupil attendance

48915 Expulsion; particular circumstances

48916.1 Educational program requirements for expelled students

48917 Suspension of expulsion order

**49011 Student fees**

51225.3 Requirements for high school graduation

51745-51749.3 Independent study programs

~~52206 Gifted and talented education; use of independent study to augment program~~

52522 Adult education alternative instructional delivery

52523 Adult education as supplement to high school curriculum; criteria

56026 Individuals with exceptional needs

**58500-58512 Alternative schools and programs of choice****FAMILY CODE**

6550 Authorization affidavits

**CODE OF REGULATIONS, TITLE 5**

11700-11703 Independent study

19819 State audit compliance

**UNITED STATES CODE, TITLE 20****6301 Highly qualified teachers****COURT DECISIONS**Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4<sup>th</sup> 1365**EDUCATION AUDIT APPEALS PANEL DECISIONS**Lucerne Valley Unified School District, Case No. 03-02 (2005)*Management Resources:***CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**Independent Study Operations Manual, 2000 editionElements of Exemplary Independent StudyApproaches to Satisfying No Child Left Behind Act of 2001 Teacher Requirements for Independent Study in Secondary Schools, January 28, 2010**WEB SITES**California Consortium for Independent Study: <http://www.ccis.org>California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>Education Audit Appeals Panel: <http://www.eaap.ca.gov>

Policy

adopted: September 4, 2007

revised: September 4, 2012

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**

Lincoln, California

**INDEPENDENT STUDY****Educational Opportunities**

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction  
*(cf. 6143 - Courses of Study)*
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum
4. Continuing and special study during travel  
*(cf. 5112.3 – Student Leave of Absence)*
5. Volunteer community service activities that support and strengthen student achievement  
*(cf. 0420.4 – Charter Schools)*  
*(cf. 6142.4 - Service Learning/Community Service)*  
*(cf. 6181 – Alternative Schools/Programs of Choice)*

In addition, when requested by the parent/guardian due to emergencies, vacation or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in his/her regular classes.

*(cf. 5113 - Absences and Excuses)*

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

*(cf. 6146.1 - High School Graduation Requirements)*

**Equivalency**

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction, thus enabling students participating in independent study to complete the district's adopted course of study within the customary time frame. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges.(5 CCR 1170, 11701.5)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*



**INDEPENDENT STUDY (continued)**

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3)

**Eligibility for Independent Study**

Provided that experienced certificated staff are available to effectively supervise students in independent study, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently. A student whose academic performance is not at grade level may participate in independent study only if the school is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student's participation in independent study shall be voluntary. (Education Code 51747)

Students participating in independent study must be residents of the local county or an adjacent county. (Education Code 51747.3)

Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 51747.3)

*(cf. 5111.12 - Residency Based on Parent/Guardian Employment)*

A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless his/her individualized education program specifically provides for such participation. (Education Code 51745)

*(cf. 6159 - Individualized Education Program)*

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

*(cf. 6183 - Home and Hospital Instruction)*

No more than 10 percent of the students enrolled in a continuation high school or opportunity school or program, not including pregnant and parenting students who are primary caregivers for one or more of their children, shall be eligible for apportionment credit for independent study. (Education Code 51745)

*(cf. 5146 - Married/Pregnant/Parenting Students)*

*(cf. 6184 - Continuation Education)*

**INDEPENDENT STUDY (continued)**

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or by the Board of Trustees. (Education Code 46300.1, 46300.4)

*(cf. 6200 - Adult Education)*

**Written Master Agreements**

A written agreement shall be developed and implemented for each student participating in independent study for five or more consecutive school days. (Education Code 46300, 51747)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The written independent study agreement for each participating student shall include, but not be limited to, all of the following: (Education Code 51747)

1. The manner, frequency, time and place for submitting the student's assignments and for reporting his/her progress
2. The objectives and methods of study for the student's work, and the methods used to evaluate that work
3. The specific resources, including materials and personnel, that will be made available to the student
4. The Board's independent study policy describing the maximum length of time allowed between an assignment and its completion and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one semester, or one-half year if the school is on a year-round calendar
6. A statement of the number of course credits or, for an elementary student, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement that independent study is an optional educational alternative in which no student may be required to participate

## **INDEPENDENT STUDY (continued)**

8. In the case of a student who is referred or assigned to any school, class or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction
9. **Signatures of the student, the parent/guardian or caregiver of the student if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student**

**The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.**

**The signed, dated agreement may be maintained on file electronically. (Education Code 51747)**

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

~~The agreement also may include a schedule for achieving objectives and completing the agreement and a schedule of conferences between the student and supervising teacher.~~

~~The curriculum and methods of study specified in the written agreement shall be consistent with Board policy, administrative regulations and procedures for curriculum and instruction. (5 CCR 11702)~~

~~(cf. 6143 - Courses of Study)~~

~~Before beginning the independent study, each written agreement shall be signed and dated by the student, the parent/guardian or caregiver of the student if the student is under age 18, the certificated employee designated as responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. (Education Code 51747)~~

~~The agreement shall state that the parent/guardian's signature confirms his/her permission for the student's independent study as specified in the agreement.~~

## **Monitoring Student Progress**

Students participating in independent study shall have the right, continuously, to enter or return to the regular classroom mode of instruction, including upon termination of the agreement.

**INDEPENDENT STUDY (continued)**

Independent study students who are late, miss scheduled conferences or do not submit assigned work on time shall not be reported as tardy or truant. However, the independent study administrator shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has missed the number of assignments specified in Board policy and the written independent study agreement as precipitating an evaluation, the Superintendent or designee shall conduct an evaluation which may result in termination of the independent study agreement and the student's return to a regular classroom or alternative instructional program.

**A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)**

**Independent study students who are late, miss scheduled conferences, or do not submit assigned work on time shall not be reported as tardy or truant.**

**Administration of Independent Study**

Each student's independent study shall be coordinated, evaluated and carried out under the general supervision of a certificated employee. (Education Code 51747.5)

The responsibilities of the independent study administrator ~~shall be to~~ **included, but are not limited to:**

1. ~~Ensure that the district's independent study option is operated in accordance with law, Board policy and administrative regulation and is substantially equal in quality and quantity to the classroom instruction.~~ **Recommending certificated staff to be assigned as independent study teachers and supervising staff assigned to independent study functions who are not regularly supervised by another administrator**
2. Approve or deny the participation of students requesting independent study

**INDEPENDENT STUDY (continued)**

3. Facilitate the completion of written independent study agreements
4. Approve all credits earned through independent study and forward the information to the appropriate staff so that the information becomes part of the student's record
- ~~5. Authorize the selection of staff certificated to be assigned to supervise independent study~~
- ~~6. Supervise any staff assigned to independent study functions who are not regularly supervised by another administrator~~
5. Complete or coordinate the preparation of all necessary records and reports required by law, Board policy, or administration regulation.
- ~~8. Monitor student participation in independent study so that the district stays within prescribed limits and income to the district is maximized~~
- ~~9. Develop and manage the budget for independent study~~
- ~~11. Obtain and maintain current information and skills required for the operation of an independent study strategy that meets established standards for the district's educational programs~~
6. Assure a smooth transition into and out of the independent study mode of instruction
- ~~13. Prepare and submit reports as required by the Board or Superintendent~~

**Assignment and Responsibilities of Independent Student Teachers**

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a certificated employee who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

~~(cf. 4112.2 Certification)~~

~~(cf. 4112.24 Teacher Qualifications Under the No Child Left Behind)~~

~~The principal may recommend and the independent study administrator shall approve the assignment of teachers to directly supervise independent study and/or work with students on specific subject matter. The teacher may be the student's regular classroom teacher, particularly for elementary students. The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.~~

~~(cf. 4131 Staff Development)~~

**INDEPENDENT STUDY (continued)**

~~The ratio of students to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district. The teacher supervising independent study shall:~~

**The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs at the applicable grade span in the district, unless a new higher or lower grade span ratio for all other educational programs offered within the grade span is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative grade span ratio. (Education Code 51745.6)**

**The responsibilities of the supervising teacher shall include, but are not limited to:**

1. Complete designated portions of the written independent study agreement and add additional information to the written agreement when appropriate
2. Supervise and approve coursework and assignments
3. ~~Design all lesson plans and assignments~~
3. Maintain records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records" below
5. Provide direct instruction and counsel as necessary for individual student success
6. Regularly meet with the student to discuss the student's progress
7. **Judge Determining** the time value of assigned work or work products completed and submitted by the student
8. Assess all student work and determine and assign grades or other approved measures of achievement
9. ~~Select and save representative samples of the student's completed and evaluated assignments for each subject signed or initialed and dated in accordance with item #3 in the section on "Records" below~~
10. ~~Maintain a daily or hourly attendance register in accordance with item #4 in the section on "Records" below~~

**INDEPENDENT STUDY (continued)**

~~11. Maintain any other required records and files on a current basis~~

**Records**

~~For audit purposes, The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not limited to: the following records:~~ (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A separate listing of the students by grade level, program and school, who have participated in independent study, identifying units of the curriculum attempted and units of the curriculum completed by students in grades K-8 and identifying course credits attempted by and awarded to students in grades 9-12 and in adult education, ~~as specified in their written agreements~~
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's ~~signed or initialed and dated~~ notations indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher
4. ~~A daily or hourly attendance register,~~ As appropriate to the program in which the students are participating, **a daily or hourly attendance register that is** separate from classroom attendance records, and maintained on a current basis as time values of student work products are personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

*(cf. 3580 – District Records)*

~~The above records shall be maintained for three years, excluding the current fiscal year.~~

The Superintendent or designee also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

~~Each school shall maintain records for the students at that school.~~

~~A written record of the findings of any evaluation conducted after the student has missed the number of assignments specified in Board policy shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)~~

*(cf. 5125 – Student Record)*

Regulation

approved: September 4, 2007

revised: Sept 4, 2012; Oct 20, 2015

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**

Lincoln, California

**STATE ACADEMIC ACHIEVEMENT TESTS**

The Superintendent or designee shall administer the California Assessment of Student Performance and Progress (CAASPP) to all district students at applicable grade levels, except those students exempted by law.

The district shall permit any locally funded charter school to administer the CAASPP to its students in coordination with the testing of district students. In addition, the Superintendent or designee shall arrange for the testing of students in any alternative education program or program conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or nonpublic, nonsectarian schools. No test shall be administered in a home or hospital except by a test examiner. (5 CCR 851)

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 0420.41 - Charter School Oversight)*

*(cf. 6158 - Independent Study)*

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

*(cf. 6183 - Home and Hospital Instruction)*

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School)*

On or before September 30 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the California Department of Education (CDE). The Superintendent or designee shall also designate a coordinator for each test site. The duties of the district and site test coordinators shall include those specified in 5 CRR 857-858. (5 CCR 857-858)

The Superintendent or designee also shall appoint test examiner(s) to administer the state assessments. A test examiner shall be an employee or contractor of the district or, for an alternate assessment for students with disabilities, shall be a certificated or licensed employee of the school, district, or county office of education. (5 CCR 850)

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian shall not be eligible to be that student's translator or scribe. (5 CCR 850)

Test coordinators, examiners, proctors, translators, and scribes shall sign a test security agreement or affidavit. (5 CCR 859)



**STATE ACADEMIC ACHIEVEMENT TESTS** (continued)

The district shall administer the following assessments in the California Assessment of Student Performance and Progress (CAASPP): (Education Code 60640)

1. The Smarter Balanced Assessment Consortium ~~summative~~ assessments for English language arts and mathematics, ~~aligned with Common Core State Standards~~, in grades 3-8 and 11

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

~~All students at the applicable grade levels shall be administered these tests, except that:~~

- a. **Recently arrived English learners, defined pursuant to Education Code 60640** as English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law
- b. **Students with disabilities who are unable to participate in these assessments, even with the resources described in the section "Testing Variations" below**, may be provided an alternate test in accordance with their individualized education program (IEP), as provided in item #3 below

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

2. California Standards Tests in science at grades 5, 8, and 10

*(cf. 6142.93 - Science Instruction)*

3. For students with disabilities who are unable to take the tests specified in items #1-2 above even with appropriate accommodations, the
  - a. California Alternate Assessment in English language arts and mathematics
  - b. For the science assessment, either the California Alternate Performance Assessment or California Modified Assessment, in accordance with the student's IEP
4. The Standards-Based Test in Spanish (STS) to Spanish-speaking English learners in grades 2-11. This test shall be administered to English learners in addition to the state achievement tests administered in English.

*(cf. 6174 - Education for English Language Learners)*

**STATE ACADEMIC ACHIEVEMENT TESTS (continued)**

The STS also may be used to assess students in a dual language immersion program who are not limited English proficient or who are redesignated fluent English proficient.

5. For students in grade 11 on a voluntary basis, an augmented achievement test approved for use in the Early Assessment Program as a measure of students' readiness for college-level work in English and/or mathematics pursuant to Education Code 99300-99301

**Testing Period**

~~The state achievement tests shall be administered within the testing period established by the State Board of Education (SBE) pursuant to Education Code 60640. Students who are absent during testing shall be provided an opportunity to take the tests during the period of time established by the SBE for make-up testing.~~

**Exemptions**

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. However, the district employees shall not solicit or encourage any written exemption on behalf of any student or group of students. (5 CCR 852)

**If a parent/guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent/guardian and included in the student's records. (5 CCR 852)**

**Testing Variations**

Assessments shall be administered in accordance with the manuals or other instructions provided by the test contractor and California Department of Education (CDE), except that students may be provided a tool, support, or accommodation that is specifically allowed pursuant to 5 CCR 853.5.

**Designated supports or accommodations provided to students with disabilities shall be those specified in their IEP or Section 504 plan. (5 CCR 850, 853.5)**

**If a resource has not been specifically identified in 5 CCR 853.5 or 853.7 but is regularly used by a student in the classroom for instruction and/or assessment, the district or school site test coordinator may submit a written request to the CDE for approval to use that individualized aid. He/she shall submit the request at least 10 business days prior to the student's first day of CAASPP testing. (5 CCR 853.5)**

## STATE ACADEMIC ACHIEVEMENT TESTS (continued)

### Staff Responsibilities

~~Each year the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the California Department of Education. In addition, the Superintendent or designee shall designate a coordinator for each test site. The duties of the district and school site test coordinators shall include those specified in 5 CCR 857-858.~~

~~The Superintendent or designee also shall appoint test examiner(s) to administer the state assessments. A test examiner shall be an employee or contractor of the district or, for the CAPA, shall be a certificated or licensed employee of the school, district, or county office of education. (5 CCR 850)~~

~~(cf. 4112.2 - Certification)~~

~~(cf. 4113 - Assignment)~~

~~As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian shall not be eligible to be that student's translator or scribe. (5 CCR 850)~~

~~Test coordinators, examiners, proctors, translators, and scribes shall sign a test security agreement or affidavit. (5 CCR 850, 857-859)~~

### Reports of Test Results

For any state assessments that produce valid individual student results, the Superintendent or designee shall **forward or transmit the student's test results to his/her parents/guardians within 20 working days from receipt of the results from the test contractor or, if the district receives the results from the contractor after the last day of instruction for the school year, then within the first 20 working days of the next school year.** ~~provide a written~~ **The report of the student's results to his/her parents/guardians which shall** include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641; 5 CCR 863)

~~(cf. 5125 - Student Records)~~

~~(cf. 5145.6 - Parental Notifications)~~

**STATE ACADEMIC ACHIEVEMENT TESTS (continued)**

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

~~Districtwide, school-level, and grade-level results shall be reported to the Board of Trustees at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 60641)~~

~~(cf. 9321.1—Closed Session Actions and Reports)~~

~~Individual test results shall not be released without the written consent of the adult student or the minor student's parents/guardians to any person other than a parent/guardian; a teacher, counselor or administrator directly involved with the student; or a postsecondary educational institution for the purposes of credit, placement, or admission. (Education Code 60607, 60641)~~

Regulation  
approved: October 21, 2008  
revised: December 7, 2010  
revised: January 20, 2015  
revised: October 20, 2015

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California

**EDUCATION FOR HOMELESS CHILDREN****Definitions**

*Homeless* means students who lack a fixed, regular, and adequate nighttime residence and includes: (42 USC 11434a)

1. ~~Children and youths~~ **Students** who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement

(cf. 6173.1 - Education for Foster Youth)

2. ~~Children and youths~~ **Students** who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
3. ~~Children and youths~~ **Students** who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above
5. **Unaccompanied youth who are not in the physical custody of a parent or guardian**

*School of origin* means the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 USC 11432)

*Best interest* means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. (42 USC 11432)

*Unaccompanied youth* means a youth not in the physical custody of a parent or guardian. (42 USC 11434(a))

**District Liaison**

The Superintendent designates the following staff person as the district liaison for homeless students: (42 USC 11432)

District Liaison  
600 Sixth Street, Suite 400  
Lincoln, CA 95648  
916-645-6350

**EDUCATION FOR HOMELESS CHILDREN** (continued)

The district's liaison for homeless students shall ensure that: (42 USC 11432)

1. Homeless students are identified by school personnel and through coordinated activities with other entities and agencies

*(cf. 1400 - Relations between Other Governmental Agencies and the Schools)*

*(cf. 3553 - Free and Reduced-Price Meals)*

*(cf. 5141.6 - Student Health and Social Services)*

2. Homeless students enroll in, and have a full and equal opportunity to succeed in, district schools
3. Homeless families and students receive educational services for which they are eligible
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children
5. Notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens
6. Enrollment disputes are mediated in accordance with law, Board policy, and administrative regulation
7. Parents/guardians are fully informed of all transportation services

*(cf. 3250 - Transportation Fees)*

*(cf. 3541 - Transportation Routes and Services)*

8. **When notified pursuant to Education Code 48918.1, assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in his/her expulsion**

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

9. **When notified pursuant to Education Code 48915.5, participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability**

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

10. **Assist a homeless student to obtain records necessary for his/her enrollment into or transfer out of district schools, including immunization, medical, and academic records**

**EDUCATION FOR HOMELESS CHILDREN (continued)****Enrollment**

**The district shall make** placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432)

The student may continue attending his/her school of origin for the duration of the homelessness and until the end of any academic year in which he/she moves into permanent housing. (42 USC 11432)

In the case of an unaccompanied youth, the district's homeless liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of his/her appeal rights. (42 USC 11432)

When making a placement decision, the Superintendent or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

**However, placement decisions shall not be based on whether a homeless student lives with his/her homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)**

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision. (42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment. (42 USC 11432)

*(cf. 5111.13 - Residency for Homeless Children)*

*(cf. 5125 - Student Records)*

*(cf. 5141.31 - Immunizations)*

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the district's liaison for homeless students. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 USC 11432)

**EDUCATION FOR HOMELESS CHILDREN (continued)*****Resolving Enrollment Dispute Resolution Process***

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute. (42 USC 11432)

~~The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the district liaison. (42 USC 11432)~~

~~The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. The explanation may include contact information for the district liaison, a description of the district's decision, notice of the right to enroll in the school of choice pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education.~~

**The parent/guardian shall be provided with a written explanation of the placement decision, which shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand. The written explanation shall include:**

- 1. The district liaison's contact information**
- 2. A description of the district's placement decision**
- 3. Notice of the student's right to enroll in the school of choice pending resolution of the dispute, including the right to fully participate in all school activities**
- 4. Notice of the parent/guardian's right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education**

~~The district liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)~~

**The district liaison shall work to resolve an enrollment dispute as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)**

**In working with a student's parents/guardians to resolve an enrollment dispute, the district liaison shall:**



**EDUCATION FOR HOMELESS CHILDREN (continued)**

~~The liaison shall provide the parent/guardian a copy of the district's decision, dispute form, and a copy of the outcome of the dispute.~~

1. **Inform them that they may provide written and/or oral documentation to support their position**
2. **Inform them that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved**
3. **Provide them a simple form that they may use and turn in to the school to initiate the dispute resolution process**
4. **Provide them a copy of the dispute form they submit for their records**
5. **Provide them the outcome of the dispute for their records**

If a parent/guardian disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian wishes to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

***Transfer of Coursework and Credits***

**When a homeless student transfers into a district school, the district shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the student to retake the course. (Education Code 51225.2)**

**If the homeless student did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, the district finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a homeless student in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)**

**EDUCATION FOR HOMELESS CHILDREN (continued)**

**In no event shall the district prevent a homeless student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)**

*(cf. 6143 - Courses of Study)*

***Exemption from District Graduation Requirements***

**To obtain a high school diploma, a homeless student shall pass the high school exit examination in English language arts and mathematics, complete all courses required by Education Code 51225.3, and fulfill any additional graduation requirement prescribed by the Governing Board.**

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6162.52 - High School Exit Examination)*

**However, when a homeless student who has completed his/her second year of high school transfers into the district from another school district or transfers between high schools within the district, he/she shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the homeless student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for him/her, and the district liaison for homeless students of the availability of the exemption and whether the student qualifies for it. (Education Code 51225.1)**

**To determine whether a homeless student is in his/her third or fourth year of high school, the district shall use either the number of credits he/she has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1)**

**The Superintendent or designee shall notify any homeless student who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)**

**The district shall not require or request a homeless student to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a homeless student, the person holding the right to make**

**EDUCATION FOR HOMELESS CHILDREN (continued)**

educational decisions for the student, or by the district liaison on behalf of the student. (Education Code 51225.1)

If the Superintendent or designee determines that a homeless student is reasonably able to complete district graduation requirements within his/her fifth year of high school, he/she shall: (Education Code 51225.1)

1. Inform the student and, if under 18 years of age, the person holding the right to make educational decisions for him/her, of the option available to the student to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution
2. Provide information to the homeless student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the homeless student or, the person holding the right to make educational decisions for him/her if he/she is under 18 years of age, permit the student to stay in school for a fifth year to complete the district's graduation requirements

***Eligibility for Extracurricular Activities***

A homeless student who enrolls in any district school shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

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**WESTERN PLACER UNIFIED SCHOOL DISTRICT**  
Lincoln, California