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

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

DISTRICT ADMINISTRATION

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

	STUDENT ENROLLMENT		
School	**2012/13 CEBEDS**	**5/1/2014**	**6/6/2014**
Sheridan Elementary (K-5)	84	84	83
First Street Elementary (K-5)	465	486	485
Carlin C. Coppin Elementary (K-5)	412	409	398
Creekside Oaks Elementary (K-5)	559	639	634
Twelve Bridges Elementary (K-5)	717	681	678
Foskett Ranch Elementary (K-5)	552	541	537
Lincoln Crossing Elementary (K-5)	684	688	688
Glen Edwards Middle School (6-8)	686	709	711
Twelve Bridges Middle School (6-8)	853	813	810
Lincoln High School (9-12)	1,516	1,485	1,488
Phoenix High School (10-12)	65	70	57
TOTAL	**6593**	**6,605**	**6,569**

First 5/Fee Based Programs

Sheridan	15 P.M.
Twelve B.E.	15 A.M.
First Street	18 A.M./14 P.M.

Pre-K/Special Ed

Carlin CC	0
Foskett	17
FSS PPPIP	59

Parent Education 161

State Preschool

First & L Street	22 A.M. /20 P.M.
Carlin Coppin	22 A.M.
Sheridan	19 A.M.

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
August 19, 2014, 7:00 P.M.
LINCOLN HIGH SCHOOL – PERFORMING ARTS THEATER
790 J Street, Lincoln, CA 95648

AGENDA

2013-2014 Goals & Objectives (G & 0) 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.

5:40 P.M. START

1. **CALL TO ORDER** – Lincoln High School Performing Arts Theater

5:45 P.M.

2. **CLOSED SESSION** – Lincoln High School - Library

2.1 CONFERENCE WITH LABOR NEGOTIATOR
Bargaining groups: WPTA & CSEA Negotiations
Agency Negotiators: Scott Leaman, Superintendent, Ryan Davis, Assistant Superintendent of Personnel Services, Audrey Kilpatrick, Assistant Superintendent of Business and Operations, Kerry Callahan, Assistant Superintendent of Educational Services

2.2 PERSONNEL
Public Employee Employment/Discipline/Dismissal/Release

2.3 INTERDISTRICT ATTENDANCE APPEAL

a. Interdistrict Request Appeal 14/15 - 51
b. Interdistrict Request Appeal 14/15 - 52
c. Interdistrict Request Appeal 14/15 - 53
d. Interdistrict Request Appeal 14/15 – 54
e. Interdistrict Request Appeal 14/15 – 55
f. Interdistrict Request Appeal 14/15 – 56
g. Interdistrict Request Appeal 14/15 – 57
h. Interdistrict Request Appeal 14/15 – 58
i. Interdistrict Request Appeal 14/15 – 59
j. Interdistrict Request Appeal 14/15 – 60

7:00 P.M.

3. **ADJOURN TO OPEN SESSION/PLEDGE OF ALLEGIANCE**–Lincoln High Theater
The Board of Trustees will disclose any action taken in Closed Session regarding the following items:

3.1 CONFERENCE WITH LABOR NEGOTIATOR
Bargaining groups: WPTA & CSEA Negotiations
Agency Negotiators: Scott Leaman, Superintendent, Ryan Davis, Assistant Superintendent of Personnel Services, Audrey Kilpatrick, Assistant

Superintendent of Business and Operations, Kerry Callahan, Assistant Superintendent of Educational Services

3.2 PERSONNEL

Public Employee Employment/Discipline/Dismissal/Release

3.3 INTERDISTRICT ATTENDANCE APPEAL

a. Interdistrict Request Appeal 14/15 - 51
b. Interdistrict Request Appeal 14/15 - 52
c. Interdistrict Request Appeal 14/15 - 53
d. Interdistrict Request Appeal 14/15 – 54
e. Interdistrict Request Appeal 14/15 – 55
f. Interdistrict Request Appeal 14/15 – 56
g. Interdistrict Request Appeal 14/15 – 57
h. Interdistrict Request Appeal 14/15 – 58
i. Interdistrict Request Appeal 14/15 – 59
j. Interdistrict Request Appeal 14/15 – 60

4. 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.

4.1 Classified Personnel Report
4.2 Certificated Personnel Report
4.3 Agreement to Furnish Food Services between KidZKount: Placer Community Action Council, Inc., and WPUSD.
Roll call vote:

5. 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, but within the board's subject matter jurisdiction. 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 "Request to Address Board of Trustees" are located at the entrance to the Performing Arts Theater. Request forms are to be submitted to the Board Clerk prior to the start of the meeting.

6. REPORTS & COMMUNICATION

6.1 Lincoln High School Student Advisory – *Vacant*
6.2 Western Placer Teacher's Association – Tara McCroskey
6.3 Western Placer Classified Employee Association – Mike Kimbrough
6.4 Superintendent - Scott Leaman

7. ♦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 Performing Arts Theater. Request forms are to be submitted to the Board Clerk before each item is discussed.

7.1 Action **APPROVE RESOUTION NO. 14/15.4 AUTHORIZED SIGNATORIES FOR WPUSD - Kilpatrick** *(14-15 G & O Component I, II, III, IV, V)*

- The Resolution 14/15.4, with board approval, authorizes the listed employees to act as agents for the District in matters relating to the conduct of business. Their signatures will be required on various documents, contract, purchase orders, Federal and State Grants, accounts payable, payroll, and revolving fund warrants only those named in this resolution will be authorized signatories for the Western Placer Unified School District and that listed employees are approved as authorized signatories for the Western Placer Unified School District.

Roll call vote:

7.2 Information **FACILITIES DEPARTMENT UPDATE SUMMER PROJECTS 2014 - Steer** *(14-15 G & O Component I, II, III, IV, V)*

- This item is a Board of Trustees informational update on current Facilities projects and work that was completed the Summer of 2014

7.3 Action **RESOLUTION NO. 14/15.6 TO APPROVE THE WPUSD COMMUNITY FACILITIES DISTRICT NO. 1 TAX REPORT FISCAL YEAR 2014-15, AND LEVYING AND APPORTIONING THE SPECIAL TAX AS PROVIDED THEREIN - Steer** *(14-15 G & O Component I, II, III, IV, V)*

- Staff requests the Board of Trustees take action to approve the FY 2014-15 special tax levy for developed and undeveloped parcels within the Western Placer Unified School District's Community Facilities District No. 1. There are 4,253 parcels being levied for a total of $3,355,192.92. A complete printout of parcels levied is available at the District Office and will be available at the Board of Trustees meeting.

Roll call vote:

7.4 Action **RESOLUTION NO. 14/15.7 TO APPROVE THE WPUSD COMMUNITY FACILITIES DISTRICT NO. 2 TAX REPORT FISCAL YEAR 2014-15, AND LEVYING AND APPORTIONING THE SPECIAL TAX AS PROVIDED THEREIN - Steer** *(14-15 G & O Component I, II, III, IV, V)*

- Staff requests the Board of Trustees take action to approve the FY 2014-15 special tax levy for developed and undeveloped parcels within the Western Placer Unified School District's Community Facilities District No. 2. There are 2,716 parcels being levied for a total of $2,145,617.32. A complete print out of parcels levied is available at the District Office and will be available at the Board of Trustees meeting.

Roll call vote:

7.5 Action **APPROVE AGREEMENT BETWEEN WESTERN PLACER UNIFIED SCHOOL DISTRICT AND LOZANO SMITH ATTORNEYS AT LAW FOR BOND DISCLOSURE COUNSEL SERVICES - Steer** *(14-15 G & O Component I, II, III, IV, V)*

- In October 2012, we approved and signed an Agreement for Legal Services with Lozano Smith Attorneys at Law.

Utilizing that original agreement, Staff is presenting for approval an agreement for Bond Disclosure Counsel Services related to 2014 Measure A School Bond.

7.6 Information **EDUCATIONAL SERVICES UPDATE - Callahan** *(14-15 G & O Component I, II, III, IV, V)*

- Information regarding the Administrator Orientations (July 31, 2014 and August 1, 2014) will be shared. Additionally, an overview of the 2014-15 priorities for Educational Services will be provided.

7.7 Discussion/ Action **CONSIDER MODIFICATION TO THE RATE FOR DAY TO DAY SUBSTITUTE TEACHING - Davis** *(14-15 G & O Component I, II, III, IV, V)*

- During the last few school years and especially in the 2013-14 school year the District struggled to find day to day substitute teachers to cover all the needs of the District. The majority of our substitute teacher pool is shared with numerous other surrounding Districts and at this time District Administration feels it is necessary to increase the day to day substitute teacher rate from $90 per day up to $115 per day. A half day assignment would increase from $54 per half day up to $69 per half day. At this time we are not modifying the long term substitute rate which will remain at $150 per day for consecutive days beyond 20 days in a particular assignment.

7.8 Discussion/ Action **ADOPT DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS - Davis** *(14-15 G & O Component I, II, III, IV, V)*

- Each year the District must declare that there are an insufficient number of certificated persons who meet the District's employment criteria for the positions listed on the attached form. The declaration shall remain in force until June 30, 2015.

7.9 Action **ADOPTION OF NEW AND REVISED POLICIES, REGULATIONS AND EXHIBITS – Leaman** *(13-14 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 5116 School Attendance Boundaries
  - BP 5113.1 Chronic Absence and Truancy
  - AR 5125 Student Records
  - BP/AR 5144 Discipline
  - BP/AR 5144.1 Suspension and Expulsion/Due Process
  - BP 5145.6 Parental Notifications
  - AR 5148.3 Preschool/Early Childhood Education
  - BP 6161.1 Selection and Evaluation of Instructional Materials
  - BP 6161.11 Supplementary Instructional Materials

8. BOARD OF TRUSTEES

8.1 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.

- Twelve Bridges High School
- Lincoln Crossing Elementary South/Facilities Update

8.2 BOARD MEMBER REPORTS/COMMENTS

9. ESTABLISHMENT OF NEXT MEETING(S)

The President will establish the following meeting(s):

- September 2, 2014 7:00 P.M., Regular Meeting of the Board of Trustee – Lincoln High School
- September 16, 2014 7:00 P.M., Regular Meeting of the Board of Trustee – Lincoln High School

10. ADJOURNMENT

BOARD BYLAW 9320: 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

Posted: 081414

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DISCLOSURE

OF ACTION

TAKEN IN

CLOSED SESSION,

IF ANY

Western Placer Unified School District
CLOSED SESSION AGENDA

Place: **Lincoln High School - Library**
Date: **Tuesday, August 19, 2014**
Time: **5:45 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.

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
Ryan Davis, 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:
Ryan Davis
Assistant Superintendent
of Personnel Services

ENCLOSURES:
No

DEPARTMENT:
Personnel

FINANCIAL INPUT/SOURCE:
N/A

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
No

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.

wp/rk/factform

WESTERN PLACER UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEE MEETING FACT SHEET

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

SUBJECT:
PUBLIC EMPLOYEE EMPLOYMENT/DISCIPLINE/ DISMISSAL/RELEASE

AGENDA ITEM AREA:
Closed Session

REQUESTED BY:
Ryan Davis
Assistant Superintendent of Personnel Services

ENCLOSURES:
No

DEPARTMENT:
Personnel

FINANCIAL INPUT/SOURCE:
N/A

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
Yes

BACKGROUND:

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

RECOMMENDATION:

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

wp/rk/factform

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

SUBJECT:
Interdistrict Appeal

AGENDA ITEM AREA:
Disclosure of Action Taken in Closed Session

REQUESTED BY:
Scott Leaman,
Superintendent

ENCLOSURES:
No

DEPARTMENT:
Administration

FINANCIAL INPUT/SOURCE:
N/A

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
No

BACKGROUND:

The Board of Trustees will discuss disclose any action taken in closed session regarding the following transfer appeals:

- Interdistrict Request Appeal 14/15 - 51
- Interdistrict Request Appeal 14/15 - 52
- Interdistrict Request Appeal 14/15 - 53
- Interdistrict Request Appeal 14/15 - 54
- Interdistrict Request Appeal 14/15 - 55
- Interdistrict Request Appeal 14/15 - 56
- Interdistrict Request Appeal 14/15 - 57
- Interdistrict Request Appeal 14/15 - 58
- Interdistrict Request Appeal 14/15 - 59
- Interdistrict Request Appeal 14/15 - 60

ADMINISTRATION RECOMMENDATION:

Disclose any action taken.

wp/rk/factform

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

SUBJECT:
Classified Personnel Report

AGENDA ITEM AREA:
Consent Agenda

REQUESTED BY:
Ryan Davis
Assistant Superintendent, Personnel Services

ENCLOSURES:
Yes

DEPARTMENT:
Personnel

FINANCIAL INPUT/SOURCE:
General Fund/Categorical

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:

BACKGROUND:

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

RECOMMENDATION:

Administration recommends ratification of the classified personnel report.

4.1

WESTERN PLACER UNIFIED SCHOOL DISTRICT
PERSONNEL REPORT

August 19, 2014

CLASSIFIED/MANAGEMENT

New Hires

1. Name: April Thornburg — Effective: 8/20/14
   Position: Intervention Service Provider — Site: Creekside Oaks Elementary
   Salary: CSEA, Range 20, Step C
   Hours: 2 positions at .66 Minutes/Day
   Days: 10 Months/Year

2. Name: Keyonna Williams — Effective: 8/15/14
   Position: Licensed Vocational Nurse (LVN) — Site: Itinerant
   Salary: CSEA, Range 32, Step A
   Hours: 6 Hours/Day
   Days: 11 Months/Year

TRANSFER

1. Name: Elena Bessette — Effective: 8/15/14
   Position: Library Technician — Site: Creekside Oaks Elementary
   Salary: CSEA, Range 19, Step A — Replacement
   Hours: 6 Hours/Day
   Days: 10 Months/Year

RESIGNATIONS

1. Name: Kathleen Johnson
   Position: Preschool Instructional Aide
   Site: Sheridan School
   Hours: 3 Hours/Day
   Effective: 8/1/14

2. Name: Sarah Liebman
   Position: Intervention Service Provider
   Site: Glen Edwards Middle School
   Hours: 6 Hours/Day
   Effective: 8/4/14

3. Name: Heather Stokes
   Position: Intervention Service Provider
   Site: Creekside Oaks Elementary School
   Hours: 3 Hours/Day
   Effective: 8/12/14

4. Name: Heather Stokes
   Position: Intervention Service Provider
   Site: Creekside Oaks Elementary School
   Hours: 3.16 Hours/Day
   Effective: 8/12/14

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

SUBJECT:
Certificated Personnel Report

AGENDA ITEM AREA:
Consent Agenda

REQUESTED BY:
Ryan Davis
Assistant Superintendent of Personnel Services

ENCLOSURES:
Yes

DEPARTMENT:
Personnel

FINANCIAL INPUT/SOURCE:
Categorical/General

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:

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

August 19, 2014

CERTIFICATED/MANAGEMENT

NEW HIRES:

1. **Name:** Karla Marquez
   Position: RSP Teacher/Intern
   FTE: 0.5
   Effective Date: August 14, 2014
   Site: Lincoln High School

2. **Name:** Jennifer Smith
   Position: SDC Teacher
   FTE: 1.0
   Effective Date: August 14, 2014
   Site: Twelve Bridges Middle School

PARTIAL RESIGNATION:

1. **Name:** Mayela Cerda-Martinez
   Position: School Psychologist
   FTE: From: 1.0 To: 0.7
   Effective Date: July 1, 2014
   Site: District Office

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:

Agreement to Furnish Food Services between KidZKount: Placer Community Action Council, Inc., and WPUSD

AGENDA ITEM AREA:

Consent

REQUESTED BY:

Audrey Kilpatrick
Assistant Superintendent , Business & Operations

ENCLOSURES:

Yes

DEPARTMENT:

Business Services

FINANCIAL INPUT/SOURCE:

Food Service

MEETING DATE:

August 19, 2014

ROLL CALL REQUIRED:

No

BACKGROUND:

In order to meet the nutritional needs of students enrolled in the KidZKount Program, the district has contracted with KidZKount: Placer Community Action Council, Inc., to provide lunch meals to students enrolled in the Carlin C. Coppin Head Start program during the 2014-15 school year. The meals will be provided on a cost reimbursement basis.

RECOMMENDATION:

Staff recommends the Board of Trustees ratify the agreement for food service between KidZKount: Placer Community Action Council, Inc., and Western Placer Unified School District.

AGREEMENT TO FURNISH FOOD SERVICE

Between a Child Care Food Program Sponsor
And a Food Service Management Company

School Year 2014-2015

This agreement is entered into between:

Agency: **KidZKount: Placer Community Action Council, Inc.**
1166 High Street
Auburn, CA 95603
*hereinafter referred to as the **KidZKount**, and*

Vendor: **Western Placer Unified School District**
600 6th Street, Suite 400
Lincoln, CA 95648
*hereinafter referred to as the **District***

WHEREAS, it is not within the capacity of **KidZKount** to prepare specified meals under the Child and Adult Care Food Program (CACFP) for enrolled participating children, and

WHEREAS, the facilities and capabilities of the **District** are adequate to prepare and deliver specified meals to **KidZKount's** facilities, and

WHEREAS, the **District** is willing to provide such services to the **KidZKount** on a cost reimbursement basis:

THEREFORE, both parties hereto agree as follows:

THE DISTRICT AGREES TO:

1. Prepare and deliver the meals, inclusive of milk, to the following sites:

   C.C Coppin Head Start
   150 East 12th Street
   Lincoln, CA 95648

   This will be done by 10:30 a.m. each day in accordance with the number of meals requested and the costs per each meal listed below:

Breakfast:	N/A	Lunch:	$2.75
Supplemental Snack:	N/A	1% Milk:	Included, No extra cost

2. Provide **KidZKount**, for approval by **KidZKount's** Nutrition Services Unit, with a proposed menu for each month at least ten (10) days prior to the month to which the menu applies. Any changes to the menu made after **KidZKount's** approval must be agreed upon by **KidZKount** and documented on the menu records.
3. Assure that each meal provided to **KidZKount** under this contract meets the minimum requirements as to the nutritional content as specified by the Child and Adult Care Food Program Meal Pattern, Schedule B (attached), which is excerpted from the regulations 7 CFR Part 226.20.

Schedule B requirements are component-based, but meals are prepared under the guidelines of the allowable nutrient-based system. **KidZKount** also acknowledges that **Vendor** may furnish meals that additionally meet component-based requirements; however, this is not a requirement under the nutrient-based system, supported by the nutritional analyses.

4. Maintain full and accurate records which document:
    a. The menus listing all meals provided to **KidZKount** during the term of this contract.
    b. A listing of all nutritional components of each meal, and
    c. An itemization of the quantities of each component used to prepare said meal.

    The **District** also agrees to provide meal preparation documentation by using yield factors for each food item as listed in the USDA Food Buying Guide or the CNFDD Simplified Buying Guide when calculating and recording the quantity of food prepared for each meal.
5. Maintain such cost records as invoices, receipts, and/or other documentation that exhibit the purchase, or otherwise availability to the **District**, of the meal components and quantities itemized in the meal preparation records.
6. Maintain on a daily basis an accurate count of the number of meal orders, as needed.
7. Allow **KidZKount** to increase or decrease the number of meal orders, as needed.
8. Present to **KidZKount** an invoice accompanied by reports no later than the tenth (10^{th}) day of each month which itemizes the previous month's delivery. The **District** agrees to forfeit payment for meals which are not ready within one hour of the agreed upon delivery time, or are spoiled or unwholesome at the time of delivery or do not otherwise meet the meal requirements contained in this Agreement.
9. Provide **KidZKount** with a copy of current health certifications for the food service facility in which it prepares meals for use in the CACFP. The vendor shall ensure that all health and sanitation requirements of the California Retail Food Facilities Law, Chapter 4 of the California Health and Safety Code are met at all times.
10. Operate in accordance with current CACFP regulations.
11. Retain all required records for a period of three years after the end of the fiscal year to which they pertain (or longer, if an audit is in progress); and upon request to make all accounts and records pertaining to the Agreement available to the Certified Public Accountant hired by **KidZKount**, representatives of the California State Department of Education, the US Department of Agriculture, and the US General Accounting Office for audit or administrative review at a reasonable time and place.
12. Not subcontract for the total meal, with or without milk, or for the assembly of the meal.

KIDZKOUNT AGREES TO:

1. Request by telephone, no later than 9:00 a.m. the day of, an accurate number of meals to be delivered to **KidZKount.**
2. Ensure that a **KidZKount** representative is available at each delivery site, at the specified time on each specified delivery day to receive, inspect, and sign for the requested number of meals. **KidZKount** assures the **District** that this individual will be trained and knowledgeable in the record keeping and meal requirements of the CACFP, and in health and sanitation practices.
3. Provide personnel to serve meals, clean the serving and eating areas, and assemble meal transporters and auxiliary items for pickup by the **District** no later than 3:30 p.m. daily.

4. Notify the vendor within ten days of receipt of the next month's proposed menu of any changes, additions or deletions which will be required in the menu request.
5. Provide the **District** with a copy of 7 CFR Part 226, the Child and Adult Care Food Program Meal Pattern, Schedule B; the USDA Food Buying Guide or the CNFDD Simplified Buying Guide (as applicable); and all other technical assistance materials pertaining to the food service requirements of the CACFP. **KidZKount** will within 24 hours of receipt from the State Agency, advise the **District** of any changes in the food service requirements of CACFP.
6. Pay the **District** by the 20th day of each month the full amount as presented on the monthly itemized invoice. **KidZKount** agrees to notify the **District** within 48 hours of receipt of any discrepancy in the invoice.

MISCELLANEOUS AGREEMENTS:

District will complete the required daily Transport Record indicating number of meals, menu item, service size per person of item, and the total volume sent per item. KidZKount will provide the Transport Record form if needed. In addition, for food safety purposes, **District** will also indicate time the food was packed and the temperature of the food at packing time. Receiving **KidZKount** staff member will sign for food received. Staff member will also be responsible for taking the temperature of the food received, as applicable, for the duration of time before the food is served.

District will furnish insulated transport containers that maximize temperature-holding capacity. In general, these containers will be picked up the following day as new lunches are delivered. If any food trays are also furnished, **KidZKount** will wash them out and understands that the **District** will take responsibility for sterilizing them before the next use.

KidZKount agrees to accept all responsibility for cleanliness, prevention of contamination, and hold of food products immediately upon receipt of such food products from the **District**. **KidZKount** further agrees to ensure and hold harmless the **District** from all liability claims resulting from actions occurring after receipt of food products from the **District**.

TERMS OF THE AGREEMENT:

This agreement will take effect commencing the first day of August in the year signed below, and shall be for a period of one year. It may be terminated by notification given by either party hereto to the other party at least 30 days prior to the date of termination. The agreement is contingent upon the agency being annually re-funded by the Department of Health and Human Services each February 1.

///signatures on the next page

IT WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE DATES INDICATED BELOW.

Denyse Cardoza
Agency Official Signature

Vendor Official Signature

Denyse Cardoza
Executive Director

~~Jeff Dardis~~ Audrey Kilpatrick
~~Food Service Director~~ Asst. Supt. of Business & Operations

1166 High Street
Auburn, CA 95603
(530) 886-4130

~~810 J Street~~ 600 6th Street, Suite 400
Lincoln, CA 95648
~~(530) 645-6373~~ (916) 645-6989

Date: July 15, 2014

Date: 8/12/14

EIN: 94-164-7240

EIN: 94-159-9904

AUDITED BY:

Date: 7/15/14

Nancy Myers, Finance Director

4.3.4

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:
Approve Resolution #14/15.4
Authorized Signatories for WPUSD

AGENDA ITEM AREA:
Closed Session

REQUESTED BY:
Audrey Kilpatrick
Assistant Superintendent – Business & Operations

ENCLOSURES:
Yes

DEPARTMENT:
Business Services

FINANCIAL INPUT/SOURCE:
General Fund

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
Yes

BACKGROUND:

The Resolution 14/15.4, with board approval, authorizes the listed employees to act as agents for the District in matters relating to the conduct of business. Their signatures will be required on various documents, contracts, purchase orders, Federal and State Grants, accounts payable, payroll, and revolving fund warrants only those named in this resolution will be authorized signatories for the Western Placer unified School District and that listed employees are approved as authorized signatories for the Western Placer Unified School District.

RECOMMENDATION:

Staff recommends the Board of Trustees adopt Resolution No. 14/15.4 to approve listed employees as authorized agents of the district and authorized signatories for the Western Placer Unified School District.

wp/rk/factform

WESTERN PLACER UNIFIED WESTERN PLACER UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 14-15.4

Resolution Authorizing Signatories

Whereas, the persons who are listed below are employed by Western Placer Unified School District, and

NAME	TITLE	SIGNATURE
Scott Leaman	Superintendent	
Audrey Kilpatrick	Assistant Superintendent, Business Services	
Kerry Callahan	Assistant Superintendent, Educational Services	
Ryan Davis	Assistant Superintendent, Personnel	
Carrie Carlson	Director - Business	

Whereas, the above listed employees will be acting as agents for the District in matters relating to the conduct of business, and

Whereas, signatures will be required on various documents, contracts, purchase orders, Federal and State Grants, accounts payable, payroll, and revolving fund warrants,

Whereas, from this date forward, only those named in this resolution will be authorized signatories for the Western Placer Unified School District,

Be it therefore resolved that above listed employees are approved as authorized signatories for the Western Placer Unified School District,

PASSED AND ADOPTED by the Board of Trustees of the Western Placer Unified School District this 19 day of August, 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

WESTERN PLACER UNIFIED SCHOOL DISTRICT

By _____

Kris Wyatt, President, Board of Trustees

ATTEST:

_____

Scott Leaman, Board of Trustees Secretary

7.1.1

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:
Facilities Departmental Update
Summer Projects 2014

AGENDA ITEM AREA:
Information

REQUESTED BY:
Heather Steer, Director of Facilities

ENCLOSURES:
No

DEPARTMENT:
Facilities

FINANCIAL INPUT/SOURCE:
Restricted Facilities Funds 21,25,35,40 and Deferred Maintenance

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
No

BACKGROUND:

This item is a Board of Trustees informational update on current Facilities projects and work that was completed the Summer of 2014.

RECOMMENDATION:

Staff requests that the Board of Trustees consider information given during staff report and provide any comments or inquires as needed.

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:
Resolution No. 14/15.6 to Approve the WPUSD Community Facilities District No. 1 Tax Report Fiscal Year 2014-15, and Levying and Apportioning the Special Tax as Provided Therein

AGENDA ITEM AREA:
Action

REQUESTED BY:
Heather Steer, Director of Facilities

ENCLOSURES:
Yes

DEPARTMENT:
Facilities

FINANCIAL INPUT/SOURCE:
Fund 49, Tax Revenue

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
Yes

BACKGROUND:

Staff requests the Board of Trustees take action to approve the FY 2014-15 special tax levy for developed and undeveloped parcels within the Western Placer Unified School District's Community Facilities District No. 1. There are 4,253 parcels being levied for a total of $3,355,192.92. A complete printout of parcels levied is available at the District Office and will be available at the Board of Trustees meeting.

RECOMMENDATION:

Staff recommends Board of Trustees approve the resolution to allow the Western Placer Unified Community Facilities District No. 1 Tax Report Fiscal Year 2014-15, and levying and apportioning the special tax as provided therein.

2014/15 DIRECT CHARGE TRANSMITTAL

District Name Western Placer USD C

District Address 600 Sixth St 4th Floor Lincoln

Direct Charge Name

Tax Code No. 6456 Resolution No. 13/14.27

Parcel Count ~~4,254~~ 4,253 RP Total Amount ~~3,344,037.56~~ $3,385,192.92 RP

Type of Direct Charge and Proposition 218 Compliance: (Check type and check method of compliance)

( ) Assessment for Special Benefit:
- ( ) Approved by weighted majority of ballots returned
- ( ) Exempt by Proposition 218

(X) Special Tax: Approved by electorate vote

( ) Fee/Charge:
- ( ) Approved by majority vote of property owners
- ( ) Approved by electorate vote
- ( ) Exempt by Proposition 218

( ) 1915 Act Bond: Exempt by Proposition 218

Authorized Signature [signature] Date ~~8/7/2014~~ 8/11/2014 RP

Contact Person Russ Powell

Contact Email Address rpowell@epssac.com

Contact Telephone No. (916) 649-8010 Contact Fax No. (916) 649-2070

Telephone Number to Appear on Tax Bill (916) 649-8010

Provide a brief explanation of significant (10%+) increases or decreases from last year:

Parcel count % change _____ Total dollar amount % change _____

Explanation _____

7.3.1

WESTERN PLACER UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 14/15.6
RESOLUTION OF THE BOARD OF TRUSTEES OF THE WESTERN PLACER UNIFIED SCHOOL DISTRICT APPROVING THE COMMUNITY FACILITIES DISTRICT NO. 1 TAX REPORT FOR FISCAL YEAR 2014-2015 AND LEVYING AND APPORTIONING THE SPECIAL TAX AS PROVIDED THEREIN

WESTERN PLACER UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 1

The following **RESOLUTION** was duly passed and adopted by the Board of Trustees of the above entitled district at a regular meeting held on the 19th day of August 2014, by roll call vote

AYES:
NOES:
ABSENT:

WHEREAS, the Western Placer Unified School District ("the District") requests the County of Placer to collect on the County tax rolls certain charges which have been imposed pursuant to Resolution No. 91/92.23 (the "Resolution") duly adopted on December 9, 1991, by the District; and

WHEREAS, the County has required as a condition of the collection of said charges that the District warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of the District that:

1. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.

2. The District warrants and represents that the taxes, assessments, fees and/or charges imposed by the District and being requested to be collected by Placer County comply with all requirements of state law, including but not limi8ted to Articles XIIIC and XIIID of the California Constitution (Proposition 218)

3. The District releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any taxes, assessments, fees and/or charges on behalf of District.

4. The District agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, cost and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of District's of said taxes, assessments, fees and/or charges requested to be collected by County for District, or in any manner arising out of District's establishment and imposition of said taxes, assessments, fees and/or charges. District agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of District's taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from any other monies collected by County of behalf of District, including property taxes.

5. The District agrees that its officers, agents and employees will cooperate with the County in answering questions referred to District by County from any person concerning the District's taxes, assessments, fees and/or charges, and that District will not refer such persons to County officers and employees for response.

6. The District agrees to pay such reasonable and ordinary charges as the County may prescribe to recoup its costs in placing on the tax rolls and collecting the taxes, assessments, fees and charges, as provided by Government Code sections 29304 and 51800.

THE FOREGOING RESOLUTION was duly passed by the governing Board of the Western Placer Unified School District on the 19th day of August 2014.

_____

President of the Board, Governing Board
Western Placer Unified School District

ATTEST:

_____

Clerk, Governing Board
Western Placer Unified School District

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:
Resolution No. 14/15.7 to Approve the WPUSD Community Facilities District No. 2 Tax Report Fiscal Year 2014-15, and Levying and Apportioning the Special Tax as Provided Therein

AGENDA ITEM AREA:
Action

REQUESTED BY:
Heather Steer, Director of Facilities

ENCLOSURES:
Yes

DEPARTMENT:
Facilities

FINANCIAL INPUT/SOURCE:
Fund 49, Tax Revenue

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
Yes

BACKGROUND:

Staff requests the Board of Trustees take action to approve the FY 2014-15 special tax levy for developed and undeveloped parcels within the Western Placer Unified School District's Community Facilities District No. 2. There are 2,716 parcels being levied for a total of $2,145,617.32. A complete print out of parcels levied is available at the District Office and will be available at the Board of Trustees meeting.

RECOMMENDATION:

Staff recommends Board of Trustees approve the resolution to allow the Western Placer Unified Community Facilities District No. 2 Tax Report Fiscal Year 2014-15, and levying and apportioning the special tax as provided therein.

2014/15 DIRECT CHARGE TRANSMITTAL

District Name Western Placer USD

District Address 600 Sixth St 4th Flour Lincoln

Direct Charge Name Western Placer USD CFD No. 2

Tax Code No. 64520 Resolution No. 13/14.27

Parcel Count 2,716 Total Amount 2,145,677.32

Type of Direct Charge and Proposition 218 Compliance: (Check type and check method of compliance)

( ) Assessment for Special Benefit:
- ( ) Approved by weighted majority of ballots returned
- ( ) Exempt by Proposition 218

(X) Special Tax: Approved by electorate vote

( ) Fee/Charge:
- ( ) Approved by majority vote of property owners
- ( ) Approved by electorate vote
- ( ) Exempt by Proposition 218

( ) 1915 Act Bond: Exempt by Proposition 218

Authorized Signature [signature] Date 8/9/2014

Contact Person Russ Powell

Contact Email Address rpowell@epssac.com

Contact Telephone No. (916) 649-8010 Contact Fax No. (916) 649-8070

Telephone Number to Appear on Tax Bill (916) 649-8010

Provide a brief explanation of significant (10%+) increases or decreases from last year:

Parcel count % change _____ Total dollar amount % change _____

Explanation _____

_____

7.4.1

WESTERN PLACER UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 14/15.7
RESOLUTION OF THE BOARD OF TRUSTEES OF THE WESTERN PLACER UNIFIED SCHOOL DISTRICT APPROVING THE COMMUNITY FACILITIES DISTRICT NO. 2 TAX REPORT FOR FISCAL YEAR 2014-2015 AND LEVYING AND APPORTIONING THE SPECIAL TAX AS PROVIDED THEREIN

WESTERN PLACER UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2

The following **RESOLUTION** was duly passed and adopted by the Board of Trustees of the above entitled district at a regular meeting held on the 19th day of August 2014, by roll call vote

AYES:
NOES:
ABSENT:

WHEREAS, the Western Placer Unified School District ("the District") requests the County of Placer to collect on the County tax rolls certain charges which have been imposed pursuant to Resolution No. 91/92.23 (the "Resolution") duly adopted on December 9, 1991, by the District; and

WHEREAS, the County has required as a condition of the collection of said charges that the District warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of the District that:

1. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.

2. The District warrants and represents that the taxes, assessments, fees and/or charges imposed by the District and being requested to be collected by Placer County comply with all requirements of state law, including but not limi8ted to Articles XIIIC and XIIID of the California Constitution (Proposition 218)

3. The District releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any taxes, assessments, fees and/or charges on behalf of District.

4. The District agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, cost and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of District's of said taxes, assessments, fees and/or charges requested to be collected by County for District, or in any manner arising out of District's establishment and imposition of said taxes, assessments, fees and/or charges. District agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of District's taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from any other monies collected by County of behalf of District, including property taxes.

5. The District agrees that its officers, agents and employees will cooperate with the County in answering questions referred to District by County from any person concerning the District's taxes, assessments, fees and/or charges, and that District will not refer such persons to County officers and employees for response.

6. The District agrees to pay such reasonable and ordinary charges as the County may prescribe to recoup its costs in placing on the tax rolls and collecting the taxes, assessments, fees and charges, as provided by Government Code sections 29304 and 51800.

THE FOREGOING RESOLUTION was duly passed by the governing Board of the Western Placer Unified School District on the 19th day of August 2014.

_____

President of the Board, Governing Board
Western Placer Unified School District

ATTEST:

_____

Clerk, Governing Board
Western Placer Unified School District

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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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:
Approve Agreement Between Western Placer Unified School District and Lozano Smith Attorneys at Law For Bond Disclosure Counsel Services

AGENDA ITEM AREA:
Action

REQUESTED BY:
Heather Steer, Director of Facilities

ENCLOSURES:
Yes

DEPARTMENT:
Facilities

FINANCIAL INPUT/SOURCE:
Restricted Facilities Funds

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
No

BACKGROUND:

In October 2012, we approved and signed an Agreement for Legal Services with Lozano Smith Attorneys at Law.

Utilizing that original agreement, Staff is presenting for approval an agreement for Bond Disclosure Counsel Services related to 2014 Measure A School Bond.

RECOMMENDATION:

Staff recommends approval of Agreement for Bond Disclosure Counsel Services and that Board approve designee to sign and enter Agreement.

AGREEMENT FOR BOND AND DISCLOSURE COUNSEL SERVICES
BY AND BETWEEN
WESTERN PLACER UNIFIED SCHOOL DISTRICT
AND
LOZANO SMITH, LLP

PREAMBLE

THIS AGREEMENT is entered into effective as of May __, 2014, by and between the WESTERN PLACER UNIFIED SCHOOL DISTRICT, (the "District") and the attorney firm of LOZANO SMITH, LLP ("Lozano Smith").

RECITALS

WHEREAS, the District intends to issue and sell General Obligation Bonds to finance capital improvements of the District (the "Bonds"); and

WHEREAS, the District requires the services of bond and disclosure counsel for such purposes; and

WHEREAS, Lozano Smith, through certain of its partners and other attorneys, is qualified to serve as bond and disclosure counsel for the District, having the expertise, experience in similar financings, service delivery capabilities and other indicators, including being listed as nationally recognized bond counsel in the Bond Buyer's Municipal Marketplace (the "Red book") and membership in the National Association of Bond Lawyers; and

WHEREAS, Lozano Smith's attorneys have previously served as bond counsel and disclosure counsel for a number of public school districts; and

WHEREAS, Lozano Smith has previously provided other legal counsel services to the District and is familiar with its needs; and

WHEREAS, payment for bond and disclosure counsel services under this Agreement is contingent upon the issuance of the bonds and no payment shall be made unless and until the bonds are sold.

///

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Section 1. Duties as Bond Counsel. Lozano Smith, as Bond Counsel, shall do, carry out, and perform all of the following legal services as are necessary for the issuance of the Bonds:

(a) Prepare for the District resolutions and other documents as are necessary for the issuance and sale of the Bonds. This includes consulting with the District regarding the financing and preparing and/or reviewing other documents as are necessary for the issuance and sale of the Bonds.

(b) Consult with the District and its staff, Placer County, Placer County Counsel, and the District's financial advisor and/or underwriter concerning the Bonds and the timing, terms and structure of the offering thereof.

(c) Prepare proceedings and closing documents, including customary opinions of Bond Counsel, for the issuance of, and tax status of interest on, the Bonds, including all resolutions necessary for the issuance of the Bonds setting forth terms and conditions of all Bonds and their form, date, denominations and maturity, and preparation of the proceedings for the sale of the Bonds.

(d) If requested, attend meetings of the Governing Board of the District regarding the issuance and sale of the Bonds.

(e) Prepare the Bond certificates; prepare final closing papers, including a tax certificate of the District; organize and conduct the Bond closing and render customary final and supplemental legal opinions at the time of delivery of and receipt for payment of the Bonds.

Section 2. Duties as Disclosure Counsel. Lozano Smith, as Disclosure Counsel, shall do, carry out, and perform all of the following legal services as are necessary for the issuance of the Bonds:

(a) Assist the District with the preparation and review of the Preliminary and the Final Official Statement and attend any meetings in connection with such preparation or review, if so requested;

(b) If the Bonds are sold by a negotiated sale, prepare and review the bond purchase contract between the District and the under-writer of the Bonds; or, if the Bonds are sold by a competitive sale, prepare and review a Notice Sale and related documents, including winning bid information;

(c) Prepare and review the continuing disclosure agreement and certificates of the District in connection with the issuance of the Bonds;

(d) Subject to satisfactory completion of our review, we will provide to the District written advice (the "10b-5 opinion") that, in the course of our participation, no information has come to our attention which leads us to believe that the Official Statement, as of its date (except for the financial statements, other statistical data, feasibility reports and statements of trends and forecasts, and information concerning any credit enhancer (e.g., bond insurer), and DTC contained in the Official Statement and its appendices, as to which we will express no opinion or advice), contains any untrue statement of material fact or omits to state any material fact necessary to make the statements in the Official Statement, in light of the circumstances under which they were made, not misleading.

Section 3. Duties as District Counsel. Lozano Smith, as District Counsel, shall do, carry out, and perform all of the legal review of documents and proceedings as is necessary for the delivery at the closing for the Bonds of a customary opinion of District Counsel passing upon due adoption of the bond resolution, valid formation and status of the District, enforceability of certain District documents, certain litigation matters and such other matters as are customarily passed upon by District Counsel in order to effectuate the closing for the Bonds.

Section 4. Excluded Services.

(a) Unless otherwise agreed upon in writing, Lozano Smith will not be responsible for: (i) preparing or reviewing any advice concerning the registration requirements, if any, of federal and state securities laws ("Blue Sky Laws") for sale of the Bonds in various jurisdictions; (ii) representing the District in any litigation proceedings challenging the validity of the bond election or Bonds or any proceedings taken in connection therewith, without separate agreement between the District and Lozano Smith; (iii) monitoring or assuring compliance with the rebate requirements applicable under federal tax law to the Bonds, other than to render advice as to the legal interpretation of such requirements as set forth in the Resolution or Indenture relating to the Bonds; or (iv) advising or providing services to the District with respect to legal requirements applicable to the acquisition of real property and/or construction of the improvements to be financed from the proceeds of the Bonds and matters related to the California Environmental Quality Act, school site suitability requirements and findings, and the like, which advice and services shall be provided under the current hourly contract with the District if so requested by the District.

(b)(1) Lozano Smith shall not be responsible for any of the following services under this Agreement (collectively, the "Pre-Election Services"):

(A) preparation of any District resolutions or other documents as may be necessary to submit to the electorate a bond proposition pursuant to the California Education Code, Government Code, Elections Code and other relevant law relating to the issuance and sale of the Bonds;

(B) consulting with the District and its other advisors regarding the bond proposition, the projects list, the wording of the abbreviated and full versions of the measure;

(C) reviewing or preparing the tax rate statement; and

(D) reviewing or drafting of any other documents as may be necessary to submit the bond proposition to the electorate.

(b)(2) Lozano Smith agrees to provide Pre-Election Services to the District, and be paid for such Pre-Election Services at its hourly rates, as set forth in the Agreement for Lozano Smith Legal Services, dated October 12, 2012, between the District and Lozano Smith.

Section 5. Compensation. For Bond Counsel, Disclosure Counsel, and District Counsel services hereunder, the District will pay Lozano Smith as follows:

(a) For Bond Counsel services in connection issuance of the first series of the Bonds and each additional issuance of the Bonds, a flat fee of $40,000, plus costs not to exceed $1,500, but excluding travel expenses for trips outside of California (which shall be undertaken only at the specific request of the District).

(b) For Disclosure Counsel services with respect to the issuance of any issue of Bonds (including the first issue), a flat fee of $20,000 for such services, inclusive of costs.

(c) For District Counsel services with respect to any issue of Bonds, a flat fee of $1,500 for such services, inclusive of costs.

(d) The Parties acknowledge that these fees assume the transactions will be handled without an extraordinary number of Board meetings (i.e., more than three) or document distributions (i.e., more than four), and that if this assumption is not realized for any issue of Bonds, then Lozano Smith will be entitled to additional compensation with respect to that issue of Bonds, in an amount to be determined by agreement of the Parties.

(e) **Payment of said fees and costs to Lozano Smith shall be due only upon the closing of each issue of Bonds and the delivery of the proceeds thereof to the District and may be paid from proceeds of the Bonds or other identified funds of the District.**

Section 6. Responsibilities of the District. The District shall cooperate with Lozano Smith and shall furnish them with certified copies of all proceedings taken by the District, or other documents deemed necessary by Lozano Smith to render an opinion upon the validity of such proceedings. All costs and expenses incurred incidental to the actual issuance and delivery of Bonds, including the cost and expense of preparing certified copies of proceedings required by

Lozano Smith in connection with the issuance of the Bonds, the cost of preparing the Bonds for execution and delivery, all printing costs and publication costs, and any other expenses incurred in connection with the issuance of Bonds, shall be paid from Bond proceeds or other identified funds of the District.

Section 7. Communications. In addition to regular telephone, mail and other common business communication methods, the District authorizes Lozano Smith to use facsimile transmissions, cellular telephone calls and unencrypted email, and other computer transmissions in communicating with the District and other members of financing team for the Bonds. Unless otherwise instructed by the District, any such communications may include confidential information.

Section 8. Discharge or withdrawal of services. The District may discharge Lozano Smith at any time by written notice. Unless otherwise agreed, and except as required by law, Lozano Smith will provide no further services hereunder after receipt of such notice. Lozano Smith may withdraw its services hereunder with the District's consent or as allowed or required by law, upon ten (10) days written notice. Upon discharge or withdrawal, Lozano Smith shall transition all outstanding legal work and services to others as the District shall direct.

* * * * * * * * * * * * * * * * * *

IN WITNESS WHEREOF, the District and Lozano Smith have executed this Agreement as of the date first above written.

DISTRICT:

WESTERN PLACER UNIFIED
SCHOOL DISTRICT

By: _____
Scott Leaman,
Superintendent

ATTORNEYS:

LOZANO SMITH, LLP

By: _____
Gregory A. Wedner,
Managing Shareholder

7.5.5

Lozano Smith
ATTORNEYS AT LAW

AGREEMENT FOR LOZANO SMITH LEGAL SERVICES

THIS AGREEMENT is effective October 12, 2012, between the Western Placer Unified School District ("Client") and the law firm of Lozano Smith, a professional corporation ("Attorney").

Client and Attorney agree as follows:

Client hires Attorney as its legal counsel with respect to matters the Client refers to Attorney. Attorney shall provide legal services to represent Client in such matters, keep Client informed of significant developments and respond to Client's inquiries regarding those matters. Client understands that Attorney cannot guarantee any particular results, including the costs and expenses of representation. Client has been advised of the right to seek independent legal advice regarding this Agreement.

Client agrees to pay Attorney for services rendered based on the attached rate schedule. Agreements for legal fees on other-than-an-hourly basis may be made by mutual agreement for special projects (including as set forth in future addenda to this Agreement). Written responses to audit letter inquiries will be charged to Client on an hourly basis, with the minimum charge for such responses equaling .5 hours.

Attorney shall send Client a statement for fees and costs incurred every calendar month. Statements shall set forth the amount, rate and description of services provided. Client shall pay Attorney's statements within thirty (30) calendar days after receipt. An interest charge of one percent (1%) per month shall be assessed on balances that are more than thirty (30) calendar days past due, not to exceed 10% per annum.

In addition to regular telephone, mail and other common business communication methods, Client authorizes Attorney to use facsimile transmissions, cellular telephone calls, unencrypted email, and other computer transmissions in communicating with Client. Unless otherwise instructed by Client, any such communications may include confidential information.

Client may discharge Attorney at any time by written notice. Unless otherwise agreed, and except as required by law, Attorney will provide no further services after receipt of such notice. Attorney may withdraw its services with Client's consent or as allowed or required by law, upon ten (10) calendar days written notice. Upon discharge or withdrawal, Attorney shall transition all outstanding legal work and services to others as Client shall direct.

SO AGREED:

WESTERN PLACER UNIFIED SCHOOL DISTRICT

10/22/12

~~Heather Siebe~~ Scott Leaman Date
~~Facilities Coordinator~~ Superintendent

LOZANO SMITH

October 12, 2012

Gregory A. Wedner Date
Managing Shareholder

7.5.6

Lozano Smith
ATTORNEYS AT LAW

PROFESSIONAL RATE SCHEDULE
FOR WESTERN PLACER UNIFIED SCHOOL DISTRICT
(Effective July 1, 2012)

1. HOURLY PROFESSIONAL RATES

Client agrees to pay Attorney by the following standard hourly rate*:

Shareholder / Senior Counsel / Of Counsel	$ 215 - $ 275 per hour
Associate	$ 165 - $ 215 per hour
Law Clerk	$ 125 per hour
Paralegal	$ 100 per hour
Educational Consultant**	$ 125 per hour

* Rates for Specific Attorneys Available Upon Request
** Non-Attorney (Current or Former School District Administrator or Board Member)

Lozano Smith will provide a monthly, itemized statement for services rendered. Time billed is broken into 1/10 (.10) hour increments, allowing for maximum efficiency in the use of attorney time. Invoices will clearly indicate the department or individuals for whom services were rendered.

Travel time shall be prorated if the assigned attorney travels for two or more clients on the same trip.

2. COSTS AND EXPENSES

In-office copying/electronic communication printing	$ 0.25 per page
Facsimile	$ 0.25 per page
Postage	Actual Usage
Mileage	IRS Standard Rate

Other costs, such as messenger, meals, and lodging shall be charged on an actual and necessary basis.

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:
Educational Services Update

AGENDA ITEM AREA:
Information

REQUESTED BY:
Kerry Callahan KC

ENCLOSURES:
One Handout

DEPARTMENT:
Educational Services

FINANCIAL INPUT/SOURCE:
None

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
None

BACKGROUND:

Information regarding the Administrator Orientations (July 31, 2014 and August 1, 2014) and District Day (August 15, 2014) will be shared. Additionally, an overview of the 2014-2015 priorities for Educational Services will be provided.

RECOMMENDATION:

Information only.

WESTERN PLACER
UNIFIED SCHOOL DISTRICT

~EDUCATIONAL SERVICES~

Areas of Emphasis

2014-2015

1. **Program Development**
    a. PLCs
    b. School Culture & Climate
        i. PBIS
        ii. Love & Logic
    c. RtI w/ focus on EL and Spec Ed
    d. LCAP – Develop Vision and Strategic Plan
    e. Career Pathways (CPT Ag Grant)
    f. AVID

2. **Common Core Implementation**
    a. Math Adoption
    b. Pacing Guides, Report Cards, Assessments
    c. Best First Instruction (Instructional Shifts)
        i. ELD/Literacy Standards
        ii. Mathematical Practices
        iii. DOK – Questioning/Inquiry
        iv. RtI – Tier I/Universal Access

3. **Technology**
    a. Infrastructure
        i. Upgrades
    b. Information Systems
        i. Website
        ii. AERIES
        iii. OARS
    c. Instructional Tools/Programs

4. **Professional Development**
    a. Common Core
    b. GATE (as needed for certification)
    c. Technology
    d. RtI
    e. PBIS
    f. Love & Logic

WPUSD District Inservice Day ~ August 15, 2014 ~ TBMS

SCHEDULE:

7:30 - 8:00	Coffee/Treats - All - TBMS Multipurpose Room
8:15 - 9:00	Welcome - Scott Leaman/All - TBMS Gymnasium
9:00 - 9:15	Blood Borne Pathogens - Ryan Davis/All - TBMS Gymnasium
9:15 - 9:30	Break/Transition - All
9:30 - 10:45	Session I - See Breakouts
10:45 - 12:00	Lunch/Transition (on your own)
12:00 - 1:00	Session II - See Breakouts
1:00 - 1:15	Break/Transition
1:15 - 3: 30	Session III - See Breakouts

CLASSIFIED STAFF:

Group*	Session #1 (9:30 - 10:45)	Room	Session #2 (12:00 - 1:00)	Room	Session #3 (1:15 - 3:30)	Room
IA's/Para's ISP's Health/Campus Supervisors Returning LVNs **PreSchool	Behavior Management Training	TBMS Art Room	Love & Logic Training (**6 hour preschool employees only)	TBMS Art Room	Love & Logic Training (**6 hour preschool employees only)	TBMS Art Room
Library Techs	Textbook Inventory	Site Libraries	Textbook Inventory	Site Libraries	Textbook Inventory	Site Libraries
Site Office	Business/Attendance/ SARB Training	TBMS Staff Lounge	AERIES Training	TBMS Staff Lounge	Back to Work	Site/Dist Offices
District Office/ Technology	See Supervisors	TBD	See Supervisors	TBD	See Supervisors	TBD
Food Service	Meeting with Jeff	TBMS Music Room	Meeting with Jeff	TBD	Meeting with Jeff	TBD
Maintenance	Meeting with Curtis	GEMS	Meeting with Curtis	GEMS	Meeting with Curtis	GEMS
Transportation	Meeting with Mark	Bus Yd	Meeting with Mark	Bus Yd	Meeting with Mark	Bus Yd

*CARE schedule not included - employees working for CARE will attend a variety of sessions as pre-communicated by Lauren Quinn.

E.9.L

WPUSD District Inservice Day ~ August 15, 2014 ~ TBMS

CERTIFICATED STAFF

Group*	Session #1 (9:30 - 10:45)	Room	Session #2 (12:00 - 1:00)	Room	Session #3 (1:15 - 3:30)	Room
TK	PLCs	TBMS Gym	My Math Training	TBMS Room 307	My Math Training	TBMS Room 307
K	PLCs	TBMS Gym	Envisions Math Training	TBMS Room 502	Envisions Math Training	TBMS Room 502
1	PLCs	TBMS Gym	Envisions Math Training	TBMS Room 501	Envisions Math Training	TBMS Room 501
2	PLCs	TBMS Gym	Envisions Math Training	TBMS Room 504	Envisions Math Training	TBMS Room 504
3	PLCs	TBMS Gym	Envisions Math Training	TBMS Room 505	Envisions Math Training	TBMS Room 505
4	PLCs	TBMS Gym	Envisions Math Training	TBMS Room 306	Envisions Math Training	TBMS Room 306
5	PLCs	TBMS Gym	Envisions Math Training	TBMS Room 308	Envisions Math Training	TBMS Room 308
6-8 Math	PLCs	TBMS Gym	Digits Math Training	TBMS Room 503	Digits Math Training	TBMS Room 503
LHS	PLCs	TBMS Gym	Schoology	LHS Theater	Schoology	LHS Library & Room 28
PHS	PLCs	TBMS Gym	Schoology	LHS Theater	Schoology	LHS Library & Room 28
TBMS (non-Math)	PLCs	TBMS Gym	Schoology	LHS Theater	Schoology	LHS Room 1
GEMS (non-Math)	PLCs	TBMS Gym	Schoology	LHS Theater	Schoology	LHS Library Comp Lab
ILS/ASD	PLCs	TBMS Gym	Unique Curriculum Training	TBMS Room 301	Unique Curriculum Training	TBMS Room 301
Nurses/ New LVNs	Nursing Office	ECAT	Nursing Office	ECAT	Nursing Office	ECAT
Psych/MH/ PBIS Coordinator	Testing & Tier II	DO Zebra Rm	Testing & Tier II	DO Zebra Rm	Testing Tier II	DO Zebra RM

*Unless otherwise specified, Special Education teachers will participate in PLCs and in appropriate grade level math trainings or 9-12 Schoology training.

7.6.3

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:
Consider Modification to the
Rate for Day to Day Substitute Teaching

AGENDA ITEM AREA:
Discussion/ Action

REQUESTED BY:
Ryan Davis
Assistant Superintendent of
Personnel Services

ENCLOSURES:
No

DEPARTMENT:
Personnel

FINANCIAL INPUT/SOURCE:
General Fund

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
No

BACKGROUND:

During the last few school years and especially in the 2013-2014 school year the District struggled to find day to day substitute teachers to cover all the needs of the District. The majority of our substitute teacher pool is shared with numerous other surrounding Districts and at this time District Administration feels it is necessary to increase the day to day substitute teacher rate from $90 per day up to $115 per day. A half day assignment would increase from $54 per half day up to $69 per half day. At this time we are not modifying the long term substitute rate which will remain at $150 per day for consecutive days beyond 20 days in a particular assignment. The hope is that this will not only attract more applicants to apply for our substitute list, but also hopefully incentivize them to choose WPUSD when they have options of assignments in multiple districts. The estimated cost increase to the General Fund is anticipated to be approximately $22,000 per fiscal year.

RECOMMENDATION:

Administration recommends the Board approve the increase in the daily substitute teacher rate from $90 per day up to $115 per day and the half day rate from $54 per half day up to $69 per half day.

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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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:
Adopt Declaration of Need for
Fully Qualified Educators

AGENDA ITEM AREA:
Discussion/ Action

REQUESTED BY:
Ryan Davis
Assistant Superintendent of
Personnel Services

ENCLOSURES:
Yes

DEPARTMENT:
Personnel

FINANCIAL INPUT/SOURCE:
N/A

MEETING DATE:
August 19, 2014

ROLL CALL REQUIRED:
No

BACKGROUND:

Each year the District must declare that there are an insufficient number of certificated persons who meet the District's employment criteria for the positions listed on the attached form. The declaration shall remain in force until June 30, 2015.

RECOMMENDATION:

Administration recommends adoption of the Declaration of Need for Fully Qualified educators.

State of California
Commission on Teacher Credentialing
Certification, Assignment and Waivers Division
Box 944270
Sacramento, CA 94244-2700

Telephone:
(888) 921-2682
E-mail: credentials@ctc.ca.gov
Website: www.ctc.ca.gov

DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

☒ Original Declaration of Need for year: 2014-2015
☐ Revised Declaration of Need for year: _____

FOR SERVICE IN A SCHOOL DISTRICT

Name of District: Western Placer Unified School District District CDS Code: 66951

Name of County: Placer County CDS Code: 31

By submitting this annual declaration, the district is certifying the following:

- A diligent search, as defined below, to recruit a fully prepared teacher for the assignment(s) was made
- If a suitable fully prepared teacher is not available to the school district, the district will make a reasonable effort to recruit based on the priority stated below

The governing board of the school district specified above adopted a declaration at a regularly scheduled public meeting held on 08 / 19 / 14 certifying that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) listed on the attached form. The attached form was part of the agenda, and the declaration did NOT appear as part of a consent calendar.

▶ ***Enclose a copy of the board agenda item***

With my signature below, I verify that the item was acted upon favorably by the board. The declaration shall remain in force until June 30, 2015.

Submitted by (Superintendent, Board Secretary, or Designee):

Ryan Davis		Assist. Supt. of Personnel
Name	*Signature*	*Title*
916-645-6348	916-645-5293	08/13/2014
Fax Number	*Telephone Number*	*Date*

600 Sixth Street, Suite 400 Lincoln, CA 95648
Mailing Address

rdavis@wpusd.k12.ca.us
E-Mail Address

FOR SERVICE IN A COUNTY OFFICE OF EDUCATION, STATE AGENCY OR NONPUBLIC SCHOOL OR AGENCY

Name of County N/A County CDS Code _____

Name of State Agency _____

Name of NPS/NPA _____ County of Location _____

The Superintendent of the County Office of Education or the Director of the State Agency or the Director of the NPS/NPA specified above adopted a declaration on ____/____/____, at least 72 hours following his or her public announcement that such a declaration would be made, certifying that there is an insufficient number of certificated persons who meet the county's, agency's or school's specified employment criteria for the position(s) listed on the attached form.

The declaration shall remain in force until June 30, _____.

▶ ***Enclose a copy of the public announcement***

7.8.1

Submitted by Superintendent, Director, or Designee:

N/A		
Name	*Signature*	*Title*
Fax Number	*Telephone Number*	*Date*
Mailing Address		
E-Mail Address		

▶ *This declaration must be on file with the Commission on Teacher Credentialing before any emergency permits will be issued for service with the employing agency*

AREAS OF ANTICIPATED NEED FOR FULLY QUALIFIED EDUCATORS

Based on the previous year's actual needs and projections of enrollment, please indicate the number of emergency permits the employing agency estimates it will need in each of the identified areas during the valid period of this Declaration of Need for Fully Qualified Educators. This declaration shall be valid only for the type(s) and subjects(s) identified below.

This declaration must be revised by the employing agency when the total number of emergency permits applied for exceeds the estimate by ten percent. Board approval is required for a revision.

Type of Emergency Permit	**Estimated Number Needed**
☒ CLAD/English Learner Authorization (applicant already holds teaching credential)	1
☐ Bilingual Authorization (applicant already holds teaching credential)	0
List target language(s) for bilingual authorization: _____	
☒ Resource Specialist	1
☒ Teacher Librarian Services	1
☐ Visiting Faculty Permit	

LIMITED ASSIGNMENT PERMITS

Limited Assignment Permits may only be issued to applicants holding a valid California teaching credential based on a baccalaureate degree and a professional preparation program including student teaching.

Based on the previous year's actual needs and projections of enrollment, please indicate the number of Limited Assignment Permits the employing agency estimates it will need in the following areas:

TYPE OF LIMITED ASSIGNMENT PERMIT	ESTIMATED NUMBER NEEDED
Multiple Subject	1
Single Subject	3
Special Education	1
TOTAL	5

EFFORTS TO RECRUIT CERTIFIED PERSONNEL

The employing agency declares that it has implemented in policy and practices a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring incentives included in the Teaching as a Priority Block Grant (refer to www.cde.ca.gov for details), participating in state and regional recruitment centers and participating in job fairs in California.

If a suitable fully prepared teacher is not available to the school district, the district made reasonable efforts to recruit an individual for the assignment, in the following order:

- A candidate who qualifies and agrees to participate in an approved internship program in the region of the school district
- An individual who is scheduled to complete initial preparation requirements within six months

EFFORTS TO CERTIFY, ASSIGN, AND DEVELOP FULLY QUALIFIED PERSONNEL

Has your agency established a District Intern program? ☐ Yes ☒ No

If no, explain. District is targeting fully credentialed teachers in all subject areas.

Does your agency participate in a Commission-approved college or university internship program? ☒ Yes ☐ No

If yes, how many interns do you expect to have this year? 1

If yes, list each college or university with which you participate in an internship program.

National University, Brandman (Chapman) University, Sacramento &
Chico State Universities, and Fortune School of Education.

If no, explain why you do not participate in an internship program.

7.8.3

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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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:
August 19, 2014

ROLL CALL REQUIRED:
No

BACKGROUND:

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

- BP 5116 School Attendance Boundaries
- BP 5113.1 Chronic Absence and Truancy
- AR 5125 Student Records
- BP/AR 5144 Discipline
- BP/AR 5144.1 Suspension and Expulsion/Due Process
- BP 5145.6 Parental Notifications
- AR 5148.3 Preschool/Early Childhood Education
- BP 6161.1 Selection and Evaluation of Instructional Materials
- BP 6161.11 Supplementary Instructional Materials

RECOMMENDATION:

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

wp/rk/factform

POLICY GUIDESHEET
August 19, 2014

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 5116 – School Attendance Boundaries
(BP revised)

Policy updated to reflect students of military families. This clarifies students of military families forced to move, will be placed first on the waiting list upon returning to their previously attended school. Military orders shall be submitted upon return.

BP 5113.1 - Chronic Absence and Truancy
(BP revised)

Policy updated to provide information about available tools for tracking attendance, add school health services as a strategy for preventing attendance problems, expand list of agencies and individuals with whom the district might collaborate to identify and address problems, reflect legislative intent to use alternatives to suspension or expulsion with truants, and update representatives on the school attendance review board to reflect current law.

AR 5125 - Student Records
(AR revised)

MANDATED regulation updated to reflect **NEW LAW (AB 733)** which, in many respects, conforms state law to federal law with regard to persons authorized to access student records. Regulation also reflects **NEW LAW (AB 1799)** which requires a student's records to be transferred, within 10 school days of receiving a request, to another school in which the student is enrolled or intends to enroll.

BP/AR 5144 - Discipline
(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW (AB 1729)** which provides alternative methods of discipline that should be considered before suspension is imposed. Policy and regulation add preventative and positive conflict resolution strategies, such as conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching prosocial behavior or anger management; and participation in a restorative justice program.

BP/AR 5144.1 - Suspension and Expulsion/Due Process
(BP/AR revised)

MANDATED policy and **MANDATED** regulation updated to reflect **NEW LAW (AB 1729)** which prohibits suspension of a student, including in a supervised suspension classroom, for certain specified violations unless other means of correction have failed to bring about proper conduct. Regulation also updated to reflect **NEW LAW (AB 2537)** which broadens the authority of school administrators to determine when expulsion should be recommended for certain offenses, clarifies that a student's possession of an imitation firearm does not require expulsion, and clarifies that a student's over-the-counter or prescribed medication is not considered possession of controlled substances when determining grounds for suspension or expulsion. Regulation reflects **NEW LAW (AB 1909)** which requires the district to invite a foster youth's attorney and an appropriate county child welfare agency representative to any meeting to consider certain disciplinary measures, including expulsion, against a foster youth and **NEW LAW (SB 1088)** which prohibits the district from denying readmission of an expelled student solely because of his/her contact with the juvenile justice system.

BP 5145.6 - Parental Notifications
(BP revised)

Policy updated to reflect **NEW LAW (AB 2262)** which allows the annual parental notifications to be sent electronically upon request by the parent/guardian and requires that any notifications sent electronically be written both in English and in the family's primary language when required by law. Policy also reflects existing law prohibiting schools from undertaking specified activities if parents/guardians are not notified.

AR 5148.3 - Preschool/Early Childhood Education
(AR revised)

MANDATED regulation updated to reflect **NEW LAW (SB 1016)** which eliminates full-day preschool programs under the California State Preschool Program and encourages the provision of "wraparound child care services" which combine part-day preschool programs with general child care services to provide a full day of services for qualifying families. Regulation also reflects provisions of SB 1016 which change the age of preschool eligibility to align with kindergarten start dates, specify the order in which families must be disenrolled when state funding is reduced, amend requirements for family literacy services, and require the district to charge a fee to families enrolled in part-day preschool programs and/or supplemental wraparound services.

BP 6161.1 - Selection and Evaluation of Instructional Materials
(BP revised)

Policy updated to reflect **NEW LAW (AB 1246)** which allows the district to adopt instructional materials for grades K-8 that have not been approved by the State Board of Education (SBE), provided that the materials are aligned with state academic content standards or Common Core Standards and have been reviewed by a group consisting mostly of teachers assigned to the subject area or grade level for which the materials will be used. Policy also reflects to delete material related to the Instructional Materials Funding Realignment Program, repealed by AB 1246.

BP 6161.11 - Supplementary Instructional Materials
(BP revised)

Policy updated to reflect **NEW LAW (AB 1719)** as well as SB 140 (2011), which require the SBE to approve and publicize lists of supplementary materials aligned with the state's Common Core Standards in English language arts, mathematics, and English language development. Policy is also revised to reflect the definition of supplementary instructional materials in law and to address the selection process, criteria, and funding.

SCHOOL ATTENDANCE BOUNDARIES

The Board of Trustees shall establish school attendance boundaries in order to maximize the efficient use of district facilities and effective administration of district schools. The Superintendent or designee shall periodically review school attendance boundaries and, as necessary, make recommendations to the Board for boundary adjustments.

When reviewing school attendance boundaries, the Superintendent or designee shall consider the following factors:

1. School enrollment data, including declining enrollment patterns
2. Facility capacity and design, including potential commercial and residential developments
3. School feeder patterns, including maintaining, to the extent practicable, continuity of student attendance
4. Federal, state, or court mandates
5. Community input
6. Student safety
7. Transportation capacity
8. Community and neighborhood identity
9. Geographic features of the district, including traffic patterns
10. Educational programs, such as magnet schools and charter schools

(cf. 7160 - Charter School Facilities)

11. Consistency between municipal boundaries and high school boundaries
12. Other factors

(cf. 5116.1- Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)

Students residing in a community facilities district shall have priority, to the extent provided by law, for attendance at schools financed in whole or in part by the community facilities district. The degree of priority must reflect the proportion of each school's financing provided through the community facilities district. (Government Code 53312.7)

(cf. 7212 - Mello-Roos Districts)

SCHOOL ATTENDANCE BOUNDARIES (continued)

In order to alleviate overcrowding, the Superintendent or designee may place some students in a school outside of their attendance area. Parents/guardians of students who are attending schools outside of their attendance area shall be notified of the school their child will be attending as soon as possible. If available, transportation shall be provided for such students.

Any family that attended a school and were forced to move out of the District based upon the parent/guardians military orders will be placed first upon any enrollment waiting list upon their return. A copy of the military orders shall be submitted to the Superintendent or designee along with the request.

(cf. 3541 - Transportation Routes and Services)

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts
35160.5 District policies; rules and regulations
35291 Rules
35350 Transportation of students
35351 Assignment of students to particular schools
GOVERNMENT CODE
53311-53317.5 Establishment of community facilities district
CALIFORNIA CONSTITUTION
Article I, Section 31 Discrimination based on race, sex, color, ethnicity
COURT DECISIONS
Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275
Crawford v. Board of Education (1976) 17 Cal.3d 280
Jackson v. Pasadena City School District (1963) 59 Cal.2d 876

Management Resources:

WEB SITES
California Department of Education: http://www.cde.ca.gov

CHRONIC ABSENCE AND TRUANCY

The Governing Board believes that excessive student absenteeism and tardiness, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

(cf. 5113 - Absences and Excuses)

The Superintendent or designee shall establish a system to accurately track and monitor student attendance, including methods to identify students classified as chronic absentees and truants, as defined in law and administrative regulation.

To encourage school attendance, the Superintendent or designee shall develop strategies that focus on prevention and early intervention of attendance problems. Preventive strategies may include efforts to provide a safe and positive school environment, relevant and engaging learning experiences, and school activities that help develop students' feelings of connectedness with the schools. The Superintendent or designee also may provide incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. **The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.**

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5126 - Awards for Achievement)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall work with students and parents/guardians to identify factors contributing to chronic absence and truancy. Based on this needs assessment, he/she shall collaborate with community agencies, including, but not limited to, child welfare services, law enforcement, courts, and/or public health care agencies, to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

(cf. 1020 - Youth Services)
(cf. 3550 – Food Service/Child Nutrition Program)
(cf. 5030 – Student Wellness)
(cf. 5145.6 – School Health Services)
(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6158 – Independent Study)
(cf. 6164.2 – Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6173 - Education for Homeless Children)

***CHRONIC ABSENCE AND* TRUANCY** (continued)

(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6175 - Migrant Education Program)
(cf. 6179 - Supplemental Instruction)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

As required by law, habitually truant students may be referred to a school attendance review board, a truancy mediation program operated by the county's district attorney or probation officer, and/or juvenile court in accordance with law.

The Superintendent or designee shall regularly analyze data on student absence to identify patterns of absence districtwide and by school, grade level, and student population. Such data shall be used to identify common barriers to attendance, prioritize resources for intervention, and monitor progress over time. The Superintendent or designee shall periodically report this information to the Board for purposes of evaluating the effectiveness of strategies implemented to reduce chronic absence and truancy and making changes as needed. As appropriate, the Superintendent or designee also shall provide this information to key school staff and community agency partners to engage them in program evaluation and improvement.

School Attendance Review Board

The Board shall submit nominations to the County Superintendent of Schools for a district representative on the county SARB. (Education Code 48321)

The Board shall appoint members of the district's SARB, who may include, but are not be limited to, a parent/guardian as well as representatives of the district, county probation department, county welfare department, county office of education, law enforcement agencies, community-based youth service centers, school guidance personnel, child welfare and attendance personnel, and school or county health care personnel. (Education Code 48321)

The district's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.

Legal Reference: (see next page)

CHRONIC ABSENCE AND TRUANCY (continued)

Legal Reference:

EDUCATION CODE
1740 Employment of personnel to supervise attendance (county superintendent)
37223 Weekend classes
41601 Reports of average daily attendance
46000 Records (attendance)
46010-46014 Absences
46110-46119 Attendance in kindergarten and elementary schools
46140-46147 Attendance in junior high and high schools
48200-48208 Children ages 6-18 (compulsory full-time attendance)
48240-48246 Supervisors of attendance
48260-48273 Truants
48290-48296 Failure to comply; complaints against parents
48320-48324 School attendance review boards
48340-48341 Improvement of student attendance
48400-48403 Compulsory continuation education
49067 Unexcused absences as cause of failing grade
60901 Chronic absence
GOVERNMENT CODE
54950-54963 The Ralph M. Brown Act
PENAL CODE
270.1 Chronic truancy; parent/guardian misdemeanor
272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy
830.1 Peace officers
VEHICLE CODE
13202.7 Driving privileges; minors; suspension or delay for habitual truancy
WELFARE AND INSTITUTIONS CODE
601-601.4 Habitually truant minors
11253.5 Compulsory school attendance
CODE OF REGULATIONS, TITLE 5
306 Explanation of absence
420-421 Record of verification of absence due to illness and other causes

Management Resources:

CSBA PUBLICATIONS
Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
School Attendance Review Board Handbook, 2009
School Attendance Improvement Handbook, 2000
WEB SITES
CSBA: http://www.csba.org
Attendance Counts: http://www.attendancecounts.org
California Association of Supervisors of Child Welfare and Attendance: http://www.cascwa.org
California Department of Education: http://www.cde.ca.gov

STUDENT RECORDS

Definitions

Student records are any items of information 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. 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. 3515.3 - District Police/Security Department)
(cf. 3515 – Campus Security)

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)

STUDENT RECORDS (continued)

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)

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 one held by 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.

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

Changes to 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)

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)

STUDENT RECORDS (continued)

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 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)

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

7.9.11

STUDENT RECORDS (continued)

(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 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:

1. Parents/guardians of students younger than age 18 (Education Code 49069)

   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)

2. An adult student age 18 or older or a student under the age of 18 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)

7.9.12

STUDENT RECORDS (continued)

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

2. Students age 16 or older or who have completed the 10th grade (Education code 49076; 34 CFR 99.31)

3. School officials and district employees

4. Members of a school attendance review board 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)**

6. Federal, state, and local officials, as needed for program audits or compliance with law

7. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition

8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws

9. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation

10. 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

11. 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

7.9.13

STUDENT RECORDS (continued)

(cf. 6173.1 - Education for Foster Youth)

12. 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)

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

The Superintendent or designee may release information from student records to the following: (Education Code 49076)

1. Appropriate persons in an emergency if the health and safety of a student or other persons are at stake

2. Accrediting associations

3. Under the conditions specified in Education Code 49076, 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

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll

5. Agencies or organizations in connection with a student's application for or receipt of financial aid

   However, information permitting the personal identification of a student or his/her parents/guardians for these purposes may be 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.

7.9.14

STUDENT RECORDS (continued)

6. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register

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

Access to Student Records with Prior Written Consent

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)

(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)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records.

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 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

STUDENT RECORDS (continued)

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 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)

7.9.17

STUDENT RECORDS (continued)

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 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 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)

7.9.18

STUDENT RECORDS (continued)

(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. 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

7.9.19

STUDENT RECORDS (continued)

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)

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

DISCIPLINE

The Board of Trustees desires to **promote a safe, supportive, and positive school environment** to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5137 - Positive School Climate)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5136 - Gangs)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.5 - Student Success Teams)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

7.9.21

DISCIPLINE (continued)

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

Legal Reference:

CIVIL CODE
1714.1 Parental liability for child's misconduct
EDUCATION CODE
32280-32288 School safety plans
35146 Closed sessions
35291 Rules
35291.5-35291.7 School-adopted discipline rules
37223 Weekend classes
44807.5 Restriction from recess
48900-48926 Suspension and expulsion
48980-48985 Notification of parents or guardians
49000-49001 Prohibition of corporal punishment
49330-49335 Injurious objects
CODE OF REGULATIONS, TITLE 5
307 Participation in school activities until departure of bus
353 Detention after school

Management Resources:

CSBA PUBLICATIONS
Protecting Our Schools: Board of Trustees Strategies to Combat School Violence, 1999
CDE PROGRAM ADVISORIES
1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3
1223.88 Corporal Punishment, CIL: 88/9-5
WEB SITES
CDE: http://www.cde.ca.gov
USDOE: http://www.ed.gov

DISCIPLINE

Site-Level Rules

In developing site-level disciplinary rules, the school shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians

2. Teachers

3. School administrators

4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

5. For middle and high schools, students enrolled in the school

The final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school. Each school shall file a copy of its rules with the Superintendent or designee.

The rules shall be consistent with law, Board of Trustees policy and district regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary strategies provided in Board policy, regulation and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Discussion or conference with parents/guardians

(cf. 6164.2 - Guidance/Counseling Services)

2. Referral of the student for advice and counseling

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

3. Recess restriction

7.9.23

DISCIPLINE (continued)

4. Detention during and after school hours

5. Community service

6. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)
(cf. 6181 - Alternative Schools)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

7. Removal from the class in accordance with Board policy, administrative regulation and law

8. When applicable, referral for a comprehensive psychosocial or psycho educational assessment, including for purposes of creating an individualized education plan or 504

9. A positive behavior support approach with tiered interventions that occur during the school day on campus

10. Suspension and expulsion

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.7 - Weapons and Dangerous Instruments)

Recess Restriction

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior, subject to the following conditions:

7.9.24

DISCIPLINE (continued)

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.

2. The student shall remain under a certificated employee's supervision during the period of restriction.

3. Teachers shall inform the principal of any recess restrictions they impose.

Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

Students shall remain under the supervision of a certificated employee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

(cf. 6176 - Weekend/Saturday Classes)

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal or principal's designee may, at his/her discretion, require a student to perform community service on school grounds, or with written permission of the student's parent/guardian off school grounds, during nonschool hours. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension pursuant to this section. (Education Code 48900.6)

DISCIPLINE (continued)

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.

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)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144.1 – Discipline. (Education Code 48900.5)

(cf. 5144 - Discipline)

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.

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

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.

7.9.27

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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 and appeals as specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

7.9.28

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

Monitoring the Use of Suspension and Expulsion

At the end of each school year, the Superintendent or designee shall present a report to the Board regarding the use of suspension and/or expulsion in district schools. The report shall include, but is not limited to, outcome data which the district is required by law to collect and data related to the effect of suspension and/or expulsion on the district's minority student populations or groupings.

(cf. 9320 - Meetings and Notices)

Legal Reference continued: (see next page)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference:

EDUCATION CODE
212.5 Sexual harassment
233 Hate violence
1981 Enrollment of students in community school
17292.5 Program for expelled students
35146 Closed sessions (re suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48660-48667 Community day schools
48900-48927 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records
CIVIL CODE
47 Privileged communication
48.8 Defamation liability
~~*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

7.9.30

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference: (continued)

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
COURT DECISIONS
T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 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 PUBLICATIONS
Civil Rights Data Collection Summary, March 2012
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

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

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. (Education Code 48900(a))

   A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))

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))

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SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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)

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))

11. Disrupted school activities or otherwise willfully defied 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))

(cf. 5131.4 – Student Disturbances)

12. Knowingly received stolen school property or private property. (Education Code 48900(l))

13. 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))

14. 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))

15. 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))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))

17. Engaged in, or attempted to engage in, hazing as defined in Penal Code 245.6. (Education Code 48900(q))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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))

18. 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 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)

19. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

7.9.35

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

20. 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)

21. 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,** ~~color~~, religion, ~~ancestry~~, nationality, ~~origin,~~ 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)

22. 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)

7.9.36

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

~~22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))~~

~~Bullying means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)~~

~~Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)~~

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

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.

7.9.37

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Truancy)

Removal from Class by a Teacher and Parental Attendance

When removing 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)

A teacher may ~~suspend~~ **remove** any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

~~A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)~~

When removing 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. ~~The student shall be appropriately supervised during the class periods from which he/she has been removed.~~ **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)

A student removed 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 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)

7.9.38

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. 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 correcting a student's behavior are implemented prior to imposing suspension upon the student, including supervised suspension, 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)

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)

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** ~~item #14 under "Grounds for Suspension and Expulsion" above~~

5. Possession of an explosive as defined in 18 USC 921

7.9.39

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

~~*Explosive* means a *destructive device* and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device. A *destructive device* includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)~~

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)

~~Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)~~

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. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

(cf. 6184 – Continuation Education)

The Superintendent or designee may count suspensions 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. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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.

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))

   Any extension of the original period of suspension shall be 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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

meeting requested by the student or parent/guardian to challenge the original suspension. 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)

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" 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 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.

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SUSPENSION AND EXPULSION/DUE PROCESS (continued)

3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

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 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

7.9.43

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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,

7.9.44

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

extend the time period by an additional five school days. Reasons for the extension shall be 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))

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

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.

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SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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.

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 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

7.9.46

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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))

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))

7.9.47

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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.

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.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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:

(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 10 School Days:** The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

7. **Decision Within 40 School Days:** If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

7.9.49

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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." (Education Code 48918(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. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (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 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. (Education Code 48917)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

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.

7.9.50

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

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)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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 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 48917)

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 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.

7.9.52

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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 of Education. (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)

The student shall submit 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 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

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

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SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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)

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.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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, 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)

Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion

2. The specific grounds for each recommended expulsion

3. Whether the student was subsequently expelled

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

4. Whether the expulsion order was suspended

5. The type of referral made after the expulsion

6. The disposition of the student after the end of the expulsion period

In addition, the Superintendent or designee shall disaggregate student data collected based on race, color, nationality, religion, disability, and other categories protected from discrimination under the law.

PARENTAL NOTIFICATIONS

The Board of Trustees recognizes that notifications are essential to effective communication between the school and the home. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48981, 48982)

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

(cf. 6174 - Education for English Language Learners)

Legal Reference: (see next page)

7.9.57

PARENTAL NOTIFICATIONS (continued)

Legal Reference:

EDUCATION CODE
221.5 Prohibited sex discrimination
231.5 Sexual harassment policy
262.3 Appeals; information re: availability of civil remedies
310 Structured English Immersion Program
17288 Pupils: school buildings
17612 Notification of pesticide use
32255-32255.6 Right to refuse harmful or destructive use of animals
32390 Fingerprint program; contracts; funding; consent of parent/guardian
35178.4 Notice of accreditation status
35183 School dress codes; uniforms
35186 Complaints concerning deficiencies in instructional materials and facilities
35256 School accountability report card
35291 Rules
37616 Consultation
39831.5 School bus rider rules and information
44808.5 Permission to leave school grounds
46010.1 Notice re: excuse to obtain confidential medical services
46014 Regulations regarding absences for religious purposes
46600-46611 Interdistrict attendance agreements especially:
46601 Failure to approve interdistrict attendance
48000 Minimum age of admission
48070.5 Promotion or retention of students
48205 Absence for personal reasons
48206.3 Pupils with temporary disabilities; individual instruction; definitions
48207 Pupils with temporary disabilities in hospitals outside of school district
48208 Students with temporary disabilities in qualifying hospitals
48213 Exclusions from attendance
48216 Immunization
48260.5 Notice to parent re truancy
48263 Referral to SARB or probation department
48432.5 Involuntary transfers of pupils
48904 Liability of parent/guardian for willful pupil misconduct
48904.3 Withholding grades, diplomas, or transcripts
48906 Notification of release of pupil to peace officer
48911 Notification in case of suspension
48912 Closed sessions; consideration of suspension
48915.1 Expelled individuals: enrollment in another district
48916 Readmission procedures
48918 Rules governing expulsion procedures
48980 Required notification at beginning of term
48980.3 Notification of pesticide use
48981 Time and means of notification

Legal Reference continued: (see next page)

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PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)
48982 Signature; return to school; effect of signature
48983 Contents of notice
48984 Activities prohibited unless notice given
48985 Notices to parents in language other than English
48987 Child abuse information
49063 Notification of parents of their rights
49067 Regulations regarding pupil's achievement
49068 Transfer of permanent enrollment and scholarship record
49069 Absolute right to access
49070 Challenging content of records
49073 Release of directory information
49076 Access to student records
49077 Access to information concerning a student in compliance with court order
49091.14 Prospectus
49302 Parental consent
49332 Notifications of retention of object by school personnel; release
49403 Cooperation in control of communicable disease and immunization
49423 Administration of prescribed medication for pupil
49451 Physical examinations: parent's refusal to consent
49452.5 Screening for scoliosis
49456 Report to parent
49472 Medical and hospital services for pupils
49480 Continuing medication regimen for nonepisodic conditions
49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
51513 Personal beliefs
51938 Right of parent/guardian notice HIV/AIDS and sexual health instruction
52164.1 Census-taking methods; determination of primary language; assessment of language skills
52164.3 Notice of reassessment of language skills
52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil
52244 Advanced Placement Program
54444.2 Migrant education programs; parent involvement
56301 Child-find system; policies re: written notification rights
56321 Special education: proposed assessment plan
56329 Written notice of right to findings; independent assessment
56341 Individualized education program team
56341.5 Individualized education program team meetings
56343.5 IEP meetings
56346 Parental notice and consent to special education program
58501 Alternative schools: notice required prior to establishment
60641 Standardized Testing and Reporting Program
60850 High School Exit Examination
HEALTH AND SAFETY CODE
1596.857 Right to enter child care facility
120365 Immunizations

Legal Reference continued: (see next page)

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PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

HEALTH AND SAFETY CODE (continued)
120370 Immunizations
120375 Immunizations
120440 Sharing immunization information
124085 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian
124100 School districts and private schools; information to parents
PENAL CODE
627.5 Hearing request following denial or revocation of registration
WELFARE AND INSTITUTIONS CODE
18976.5 Parental notice; right of refusal to participate
CODE OF REGULATIONS, TITLE 5
863 Standardized Testing and Reporting Program
3052 Behavioral intervention
3831 General standards (Gifted and Talented Program)
4622 Notice requirements and recipients
4631 Responsibilities of the local agency
11303 Reclassification of English language learners
11309 Parental exception waivers
11523 Notice of proficiency examinations
18066 Policies and procedures absences for child care
UNITED STATES CODE, TITLE 20
1232g Family Educational and Privacy Rights Act
1415 Procedural safeguards
1681-1688 Title IX, discrimination based on sex or blindness
6311 State plans
6312 Local education agency plans
6316 Academic assessment and local education agency school improvement
6318 Parental involvement
7908 Armed forces recruiter access to students
UNITED STATES CODE, TITLE 42
2000d -2000d-7, Title VI, Civil Rights Act of 1964
CODE OF FEDERAL REGULATIONS, TITLE 34
99.7 Student records, annual notification
99.34 Student records, disclosure to other educational agencies
104.36 Procedural safeguards
106.9 Dissemination of policy, nondiscrimination on basis of sex
300.345 Parent participation
300.502 Independent educational evaluation
300.503 Prior written notice
300.505 Parental consent
300.507 Parent notice due process hearing
300.523 Manifestation determination review
CODE OF FEDERAL REGULATIONS, TITLE 40
763.93 Management plans

PRESCHOOL/EARLY CHILDHOOD EDUCATION

When approved by the California Department of Education under the California State Preschool Program (CSPP), the district may operate one or more part-day and/or full-day preschool programs in accordance with law and the terms of the state contract.

(cf. 5148 - Child Care and Development)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 5148.2 - Before/After School Programs)

Eligibility and Enrollment Priorities for Full-Day and Part-Day Programs

Children eligible for the district's ~~full-day or part-day CSPP~~ **preschool** program include those who will have their third or fourth birthday on or before ~~December 2~~ **October 1** of the **2013-14** fiscal year **or September 1 of each fiscal year thereafter.** ~~in which they are enrolled in the program.~~ (Education Code **8208,** 8235, 8236)

Enrollment Priorities

The Superintendent or designee shall refer to the county's centralized eligibility list to identify children in need of services.

~~Children shall be eligible for subsidized services if their family meets one or more of the criteria specified in Education Code 8263 and 8263.1. (Education Code 8235)~~

First priority for enrollment in ~~any CSPP~~ **a preschool** program shall go to neglected or abused children ~~age 3-4 years~~ who are recipients of child protective services or who are at risk of being neglected, abused, or exploited, upon written referral from a legal, medical, or social service agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236)

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

After all such children are enrolled, the district shall give priority to eligible children age 4 years prior to enrolling eligible children age 3 years. (Education Code 8236)

After enrolling all eligible children who meet the criteria for subsidized services as specified in the section entitled "Fees and Charges" below, up to 10 percent of the program's enrollment, calculated throughout the entire contract, may be filled with children whose family income is no more than 15 percent above the income eligibility threshold. (Education Code 8235)

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the remainder of the program year. (Education Code 8237)

When necessary due to a reduction in state reimbursements, families shall be disenrolled in the following order: (Education Code 8236, 8263.3)

1. **Children age 3 years whose families have the highest income in relation to family size shall be disenrolled first, followed by children age 4 years whose families have the highest income in relation to family size.**

   At each age level, if two or more families have the same income ranking, the child with disabilities shall be disenrolled last. If there are no families that have a child with disabilities, the child who has received services the longest shall be disenrolled first.

2. **Families of children age 3 or 4 years who are receiving child protective services or who have been documented to be at risk of being neglected, abused, or exploited, regardless of income, shall be disenrolled last.**

Minimum Hours/Days of Operation

The district's part-day preschool program shall operate a minimum of three hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235)

(cf. 6111 - School Calendar)
(cf. 6112 - School Day)

Wraparound Child Care Services

In accordance with its contract with the CDE, the district may offer full-day services to meet the needs of eligible families through a combination of part-day preschool and wraparound child care services that are offered for the remaining portion of the day or year following completion of the preschool services. Child care and development services offered through this program shall meet the requirements of general child care and development programs pursuant to Education Code 8240-8244. (Education Code 8239)

7.9.62

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

Wraparound services shall operate a minimum of 246 days per year unless otherwise specified in the contract. For this period of time, part-day preschool programs shall operate

175-180 days and general child care and development programs may operate a full day for the remainder of the year after the completion of the preschool program. (Education Code 8239)

Family Literacy Services

When any district preschool program receives funding for family literacy services pursuant to Education Code 8238.4, the Superintendent or designee shall coordinate the provision of: (Education Code 8238)

1. **Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development**

(cf. 6020 - Parent Involvement)

2. **Parenting education for parents/guardians of participating children to support their children's development of literacy skills, including, but not limited to, parent education in:**

   a. **Providing support for the educational growth and success of their children**

   b. **Improving parent-school communications and parental understanding of school structures and expectations**

   c. **Becoming active partners with teachers in the education of their children**

3. **Referrals to providers of adult education and instruction in English as a second language as necessary to improve parents/guardians' academic skills**

(cf. 6200 - Adult Education)

4. **Staff development for teachers in participating classrooms that includes, but is not limited to:**

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

a. **Development of a pedagogical knowledge, including, but not limited to, improved instructional strategies**

b. **Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms**

c. **Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities**

(cf. 4131 - Staff Development)

Fees and Charges

Fees for participation shall be assessed and collected in accordance with the fee schedule established by the Superintendent of Public Instruction. (Education Code 8239, 8263)

(cf. 3260 - Fees and Charges)

Children shall be eligible for subsidized services as follows:

1. **Children shall be eligible for subsidized preschool services if their family is a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being, or at risk of being, abused, neglected, or exploited. (Education Code 8235, 8263, 8263.1)**

2. **Children shall be eligible for subsidized wraparound services if their family meets at least one of the criteria specified in item #1 above and/or needs child care services because of either of the following circumstances: (Education Code 8239, 8263)**

   a. **The child is identified by a legal, medical, or social services agency or emergency shelter as a recipient of protective services or as being, or at risk of being, neglected, abused, or exploited.**

   b. **The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated.**

7.9.64

PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The district shall involve parents/guardians in the decision-making process to determine whether and how much to charge for field trip expenses and whether to require parents/guardians to provide diapers. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8263)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210 - Administrative Discretion Regarding Board Policy.

The Board of Trustees desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect the diversity of our society, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with the state and district content standards, and the district's curriculum in order to ensure that they effectively support the district's adopted courses of study.

(cf. 0440 - District Technology Plan)
(cf. 6000 - Concepts and Roles)
~~*(cf. 9000 - Role of the Board)*~~
(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
~~*(cf. 6161 - Equipment, Books and Materials)*~~
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6162.5 - Student Assessment)
(cf. 6163.1 - Library Media Centers)

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8. (Education Code 60200, 60210)

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and administrative regulation. (Education Code 60400)

The Board's priority in the selection of instructional materials is to ensure that all students are provided with standards-aligned instructional materials in the core curriculum areas of English/language arts, mathematics, science, and history-social science.

7.9.66

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Review Process

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. Toward that end, he/she may establish an instructional materials review committee to evaluate and recommend instructional materials.

(cf. 1220 - Citizen Advisory Committees)

The review process shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members. (Education Code 60002)

In addition, the instructional materials review committee may include administrators, other staff who have subject-matter expertise, and students as appropriate.

If the district chooses to use instructional materials for grades K-8 that have not been adopted by the SBE, the Superintendent or designee shall ensure that a majority of the participants in the district's review process are classroom teachers who are assigned to the subject area or grade level of the materials. (Education Code 60210)

Individuals who participate in selecting and evaluating instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

(cf. 9270 - Conflict of Interest)

~~The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members. (Education Code 60002)~~

~~All recommended instructional materials shall be available for public inspection at the district office.~~

The committee shall review instructional materials using criteria provided in law and administrative regulation, and shall provide the Board with documentation supporting its recommendations.

All recommended instructional materials shall be available for public inspection at the district office.

(cf. 5020 - Parent Rights and Responsibilities)

7.9.07

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

~~Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.~~

~~*(cf. 1312.2 - Complaints Concerning Instructional Materials)*~~
~~*(cf. 1312.4 - Williams Uniform Complaint Procedures)*~~

~~The Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history/social science. Students in grades K-8 shall be provided with instructional materials adopted by the State Board of Education.~~

~~The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.~~

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's **textbooks and other** instructional materials. **(Education Code 60119)**

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks and/or instructional materials that are aligned to the state content standards adopted pursuant to Education Code 60605 and consistent with the content and cycles of the state's curriculum frameworks: (Education Code 60119)

7.9.68

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

1. Mathematics

(cf. 6142.92 - Mathematics Instruction)

2. Science

(cf. 6142.93 - Science Instruction)

3. History/social science

(cf. 6142.94 - History-Social Science Instruction)

4. English language arts, including the English language development component of an adopted program

(cf. 6142.91 - English/Language Arts Instruction)
(cf. 6174 – education for English Language Learners)

5. Foreign language

(cf. 6142.2 – World/Foreign Language Instruction)

6. Health

(cf. 6142.8 – Comprehensive Health Education)

~~The Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks. The Board shall determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)~~

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

7.9.69

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

~~In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)~~

The Board shall also make a determination that all students within the district who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, 60119, and 60422. (Education Code 1240.3, 42605)

However, the district may purchase the newest adopted instructional materials for students in district schools ranked in deciles 1-3 of the base Academic Performance Index in any one of the past three school years without necessarily purchasing these materials for use in other district schools. (Education Code 1240.3)

~~The hearing shall take place on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)~~

~~The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the district, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)~~

(cf. 9322 - Agenda/Meeting Materials)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public, setting forth for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area, and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

7.9.70

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Complaints

Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE
220 Prohibition against discrimination
1240 County superintendent, general duties
1240.3 Definition of sufficiency for categorical flexibility
33050-33054 General waiver authority
33126 School accountability report card
35272 Education and athletic materials
42605 Tier 3 categorical flexibility
44805 Enforcement of course of studies; use of textbooks, rules and regulations
49415 Maximum textbook weight
51501 ***Nondiscriminatory****Subject matter* ~~*reflecting on race, color, etc.*~~
60000-60005 Instructional materials, legislative intent
60010 Definitions
60040-60048 Instructional requirements and materials
60060-60062 Requirements for publishers and manufacturers
60070-60076 Prohibited acts (re instructional materials)
60110-60115 Instructional materials on alcohol and drug education
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials
60226 Requirements for publishers and manufacturers
60240-60252 State Instructional Materials Fund
60350-60352 Core reading program instructional materials
60400-60411 High school textbooks
~~*60420-60424 Instructional Materials Funding Realignment Program*~~
60510-60511 Donation of sale of obsolete instructional materials
60605 State content standards
60605.8 Common Core Standards
60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards
CODE OF REGULATIONS, TITLE 5
9505-9535 Instructional materials, especially:
~~*9531-9532 Instructional Materials Funding Realignment Program*~~

Management Resources: (see next page)

7.9.71

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Management Resources:

CSBA PUBLICATIONS
Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009
~~*CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES*~~
~~*1002.90 Selection of Instructional Materials, CIL: 90/91-02*~~
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001
Standards for Evaluation of Instructional Materials with Respect to Social Content, ~~*1986 edition, revised*~~ *2000*
~~*STATE BOARD OF EDUCATION POLICY*~~
~~*01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001*~~
~~*CSBA PUBLICATIONS*~~
~~*Maximizing School Board Leadership: Student Learning and Achievement, 1996*~~
WEB SITES
CSBA: http://www.csba.org
Association of American Publishers: http://www.publishers.org
California Department of Education: http://www.cde.ca.gov
http://www.scoe.net/castandards
California Department of Education: http://www.cde.ca.gov

Policy
adopted: September 4, 2007
revised: March 6, 2012
revised: September 18, 2012
revised:

WESTERN PLACER UNIFIED SCHOOL DISTRICT
Lincoln, California

7.9.12

SUPPLEMENTARY INSTRUCTIONAL MATERIALS

The Board of Trustees encourages teachers to use supplementary instructional materials which are relevant to curriculum objectives and compatible with district goals and objectives. By using such materials, teachers can introduce content and instructional strategies that enrich the curriculum, enhance learning, help students make critical judgments, and stimulate their intellectual growth.

Teachers shall carefully preview all supplementary instructional materials in order to ensure that, in their professional judgment, the materials are:

1. Directly related to the course of study in which they are being used

2. Appropriate for students' ages and maturity levels

Appropriateness of Materials

Whenever a district employee proposes to use a supplementary resource which is not included in the approved learning resources of the district, he/she shall preview the material to determine whether, in his/her professional judgment, it is appropriate for the grade level taught and is consistent with district criteria for the selection of supplementary instructional materials.

The employee shall confer with the Superintendent or designee as necessary to determine the compliance of the material with district criteria. The primary considerations should be the educational value, appropriateness, and relevance of the materials as well as the ages and maturity of the students.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

Supplementary instructional materials must also be consistent with criteria developed for the selection and evaluation of other instructional materials. If the teacher believes that the materials may be in conflict with district criteria, the teacher shall confer with the principal or designee before using them.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Supplementary instructional materials **include, but are not limited to, instructional materials that are designed to serve one or more of the following purposes: (Education Code 60010)**

1. **To provide more complete coverage of one or more subjects included in a given course**

2. **To meet the various learning ability levels of students in a given age group or grade level**

7.9.13

SUPPLEMENTARY INSTRUCTIONAL MATERIALS (continued)

3. **To meet the diverse educational needs of students with a language disability in a given age group or grade level**

4. **To meet the diverse educational needs of students reflective of a condition of cultural pluralism**

5. **To use current, relevant technology that further engages interactive learning in the classroom and beyond**

When using supplementary materials, teachers shall provide appropriate introductory and follow-up activities. In addition, teachers shall ensure that supplementary materials do not supplant the use of basic texts or teaching activities.

Supplementary Materials Aligned with Common Core Standards

To prepare district students to achieve the Common Core Standards in English language arts and mathematics and the English language development standards, as applicable, the Board may select supplementary instructional materials from the lists of materials determined by the State Board of Education (SBE) to be aligned with those standards. (Education Code 60605.86-60605.88)

The Board may approve supplementary instructional materials that are not on the lists approved by the SBE but which are aligned with the Common Core Standards provided that the materials comply with the evaluation criteria established by the SBE and Education Code 60050, 60060-60062, and 60226. The Board shall select content review experts who possess the qualifications specified in law to review and recommend such supplementary materials. The majority of the content review experts shall be teachers who are credentialed and/or authorized in the subject area they are reviewing and the remainder shall include appropriate persons from postsecondary educational institutions, school and district curriculum administrators, and other persons who are knowledgeable in the subject area. (Education Code 60605.86-60605.88)

All materials must be used within legal copyright limits.

(cf. 6162.6 - Use of Copyrighted Materials)

Multimedia/Films

When a teacher desires to show a film that has not been approved by the district or county for use in the grade level taught, the teacher shall preview the film to determine whether in his/her professional judgment it is consistent with applicable district criteria located in the selection of instructional materials board policy and administrative regulation (BP/AR 6161.1). All films must be appropriate for the curriculum and the students' ages.

7.9.14

SUPPLEMENTARY INSTRUCTIONAL MATERIALS (continued)

If the teacher has any questions about how established district criteria apply to the film, he/she shall confer with the principal or designee before showing the film.

Required actions based on film ratings after meeting criteria in this policy and BP/AR 6161.1.:

- **"G"** raged films may be shown at any grade without prior approval.
- **"PG"** rated films may be shown at any grade with prior parent/guardian approval.
- **"PG-13"** rated films may be shown to students in sixth grade and above with prior parent/guardian approval.
- **"R"** rated films may only be shown with Board approval based on an instructor's subject area/class and curricular justification. After approval from the Board, the instructor may continue to show the film in the same subject area/class until approval is revoked. Prior parent/guardian approval will be required for each showing.
- **Non-rated**, educational films may be shown without prior approval.
- **Educationally edited** feature length films require prior parent/guardian approval based on the rating of the non-edited version.
- **Non-rated** feature length films and NC-17 films will not be shown.

Approvals must be attained for each occurrence using a positive mode of permission.

If the teacher has any questions about how established district criteria apply to the film, he/she shall confer with the principal or designee before showing the film.

Students not allowed to view a film will be given an alternate assignment/activity with similar content for the same credit. Students will be given adequate time to complete the alternate assignment.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6144 - Controversial Issues)

Legal Reference:
EDUCATION CODE
233.5 Duty re instruction in morals, manners and citizenship
18111 Exclusion of books by governing board
51510 Prohibited study or supplemental materials
51511 Religious matters properly included
51933 Sex education materials
60010 Definitions
COURT DECISIONS
McCarthy v. Fletcher, (1989) 207 Cal. App. 3d 130

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7.9.75