# WESTERN PLACER UNIFIED SCHOOL DISTRICT
## 600 SIXTH STREET, SUITE 400,
## LINCOLN, CALIFORNIA 95648
## Phone: 916.645.6350 Fax: 916.645.06356


## MEMBERS OF THE GOVERNING BOARD

Paul Carras - President
Brian Haley - Vice President
Ana Stevenson - Clerk
Terry Gage - Member
Paul Long - Member

## DISTRICT ADMINISTRATION

Scott Leaman, Superintendent
Bob Noyes, Assistant Superintendent of Personnel Services
Mary Boyle, Assistant Superintendent of Educational Services
Terri Ryland, Interim Chief Business Official
Cathy Allen, Assistant Superintendent of Facilities and Maintenance Services

## STUDENT ENROLLMENT

| School | 2008 CBEDS | 09/02/09 | 10/02/09 |
|---|---|---|---|
| Sheridan School (K-5) | 80 | 87 | 88 |
| First Street School (K-5) | 418 | 417 | 411 |
| Carlin C. Coppin Elementary (K-5) | 428 | 446 | 446 |
| Creekside Oaks Elementary (K-5) | 617 | 624 | 624 |
| Twelve Bridges Elementary (K-5) | 714 | 714 | 708 |
| Foskett Ranch Elementary (K-5) | 508 | 538 | 542 |
| Lincoln Crossing Elementary (K-5) | 582 | 609 | 608 |
| Glen Edwards Middle (6-8) | 638 | 640 | 632 |
| Twelve Bridges Middle School (6-8) | 838 | 837 | 837 |
| Lincoln High School (9-12) | 1,473 | 1,477 | 1,471 |
| Phoenix High School (10-12) | 87 | 81 | 80 |
| PCOE Home School | 0 | 0 | 0 |
| **TOTAL:** | **6,388** | **6,468** | **6,447** |

**Preschool/Head Start**

| | |
|---|---|
| *First & J Street* | 24 |
| *Carlin Coppin* | 24 -A.M. / 20 -P.M. |
| *Sheridan* | 20 |

**Pre-K/Special Ed**

| | |
|---|---|
| Foskett | 25 |
| FSS PPPIP | 30 |
| Carlin Coppin | 6 |

**Adult Education** 37

**First-5 Program**
First Street 20-A.M. / 20-P.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**
October 20, 2009, 7:00 P.M.
LINCOLN HIGH SCHOOL – PERFORMING ARTS THEATER
790 J Street, Lincoln, CA

# AGENDA

**2009-2010 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.**

**6:15 P.M. START**

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

**6:20 P.M.**

2. **CLOSED SESSION** – Lincoln High School - Office Conference Room

   **2.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
   a. Michael Thornbrough vs. Western Placer Unified School District, ET AL.

   b. Michael Thornbrough vs. Western Placer Unified School District

**7:00 P.M.**

3. **ADJOURN TO OPEN SESSION/PLEDGE OF ALLEGIANCE** – Lincoln High School Performing Arts Theater

4. **DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION, IF ANY**
   The Board of Trustees will disclose any action taken in Closed Session regarding the following items:

   **4.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
   a. Michael Thornbrough vs. Western Placer Unified School District, ET AL.

   b. Michael Thornbrough vs. Western Placer Unified School District

5. **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.

5.1 Approve Classified Personnel Report.
5.2 Approve Certificated Personnel Report.
5.3 California Retired Teachers Association Grants Awarded.
***Roll call vote:***

## 6. 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.

## 7. REPORTS & COMMUNICATION

7.1 Lincoln High School, Student Advisory – Jerusha Loya
7.2 Western Placer Teacher's Association – Mike Agrippino
7.3 Western Placer Classified Employee Association – Chris Hawley
7.4 Superintendent - Scott Leaman

## 8. ♦ACTION ♦DISCUSSION ♦INFORMATION

**CODE: (A) = Action (D) = Discussion (I) = 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.**

**8.1 Action** **LIGHTHOUSE CONTRACT – Leaman** *(08-09 G & O Component I, IV, V)*

•Based on the 2009-10 Board objectives, the district has been meeting with the Lighthouse to finalize a contract. The district has supported the Lighthouse since its inception for student and family counseling; first as a district program and currently as a 501(c)3. Except for last year, we have historically allotted approximately $30,000 to the Lighthouse for these services. The Lighthouse is again requesting the historical allotment to serve WPUSD students and families. With the assistance of the Educational Services department, the district is recommending one-time support of $30,000 from various categorical and reimbursement funds. After tonight's presentation to the board about Lighthouse activities, the Board will need to establish the amount of support for the 2010-11 school year through the district budget process.

**8.2 Discussion** **GLOBAL TIDES CHARTER PETITION – Leaman** *(08-09 G & O Component I, IV, V)*

•The district received a charter school petition on September 9, 2009 from Global Tides. The board held a public hearing within 30 days, as mandated by law. A final vote will be taken at the November 3, 2009 board meeting. A detailed legal and financial analysis will be presented to the board at the November meeting. The petitioners have asked that this item by agenized to give you information and answer questions.

**8.3 Action** **FUTURE SOUTH ELEMENTARY SCHOOL SITE – Allen** *(09-10 G & O Component I, II, IV)*

•The School Mitigation Agreement between WPUSD and Placer Holdings, Inc. for the reservation of land commonly known as the "Twelve Bridges Elementary North Site" expired in April of 2009. Placer Holdings, Inc. has offered the District an opportunity to request an extension of the agreement and has given us until the end of October to make the request.

**8.4 Action** **ADOPTION OF NEW AND REVISED POLICIES, REGULATIONS AND EXHIBITS – Leaman** *(09-10 G & O Component I, II, IV)*

•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.

- AR 4119.11 Sexual Harassment
- BP 4144 Complaints
- AR 4161.8 Family Care and Medical Leave
- BP 5131.7 Weapons and Dangerous Instruments
- AR 5141.4 Child Abuse Prevention and Reporting
- BP/AR 6178.1 Work Experience Education
- BB 9320 Meetings and Notices
- BB 9322 Agenda/Meeting Materials
- AR 5144.1 Suspension and Expulsion/Due Process

## 9. BOARD OF TRUSTEES

### 9.1 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.

- Relationship with Sierra Community College
- Twelve Bridges High School
- Gladding Parkway Carlin C. Coppin

### 9.2 BOARD MEMBER REPORTS/COMMENTS

## 10. ESTABLISHMENT OF NEXT MEETING(S)

- The President will establish the following meeting(s):
  - ➢November 3, 2009 7:00 P.M., Lincoln High School Performing Arts Theater
  - ➢November 17, 2009 7:00 P.M., Lincoln High School Performing Arts Theater

## 11. 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

# Western Placer Unified School District
# CLOSED SESSION AGENDA

Place: **Lincoln High School – Office Conference Room**
Date: **Tuesday, October 20, 2009**
Time: **6:20 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 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

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 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**
      ●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

# DISCLOSURE

# OF ACTION

# TAKEN IN

# CLOSED SESSION,

# IF ANY

**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:**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

**AGENDA ITEM AREA:**
Closed Session

**REQUESTED BY:**
Scott Leaman,
Superintendent

**ENCLOSURES:**
No

**DEPARTMENT:**
Administration

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

**MEETING DATE:**
October 20, 2009

**ROLL CALL REQUIRED:**
No

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## BACKGROUND:

The Board of Trustees will disclose any action taken in closed session in regard to the Existing Litigation of Michael Thornbrough vs. Western Placer Unified School District, ET AL.

## RECOMMENDATION:

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

wp/rk/factform

4.1a

**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:**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

**AGENDA ITEM AREA:**
Closed Session

**REQUESTED BY:**
Scott Leaman,
Superintendent

**ENCLOSURES:**
No

**DEPARTMENT:**
Administration

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

**MEETING DATE:**
October 20, 2009

**ROLL CALL REQUIRED:**
No

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## BACKGROUND:

The Board of Trustees will disclose any action taken in closed session in regard to the Existing Litigation of Michael Thornbrough vs. Western Placer Unified School District.

## RECOMMENDATION:

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

wp/rk/factform

4.1b

# CONSENT

# AGENDA

# ITEMS

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

| **MISSION STATEMENT**: Empower Students with the skills, knowledge, and attitudes for Success in an Ever Changing World. |
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| **5. Promote student health and nutrition in order to enhance readiness for learning.** |

**SUBJECT:**
Classified Personnel Report

**AGENDA ITEM AREA:**
Consent Agenda

**REQUESTED BY:**
Bob Noyes
Assist. Superintendent, Personnel Services

**ENCLOSURES:**

**DEPARTMENT:**
Personnel

**FINANCIAL INPUT/SOURCE:**
General Fund/Categorical

**MEETING DATE:**
October 20, 2009

**ROLL CALL REQUIRED:**

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## BACKGROUND:

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

## RECOMMENDATION:

Administration recommends ratification of the classified personnel report.

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**

**PERSONNEL REPORT**

**October 20, 2009**

**CLASSIFIED/MANAGEMENT**

**ADDITIONAL TIME**

1. **Name:** Erin Bertuccelli
   **Position:** Campus/Café Supervisor
   **Site:** Carlin C. Coppin Elementary
   **Hours:** From 3 hours to 3.5 Hours/Days
   **Days:** 10 Months/Year
   **Effective:** 10/1/09

2. **Name:** Tina Biles
   **Position:** Campus/Café Supervisor
   **Site:** Twelve Bridges Elementary
   **Hours:** From 2.34 hours to 2.42 Hours/Days
   **Days:** 10 Months/Year
   **Effective:** 10/1/09

3. **Name:** Vickie Croall
   **Position:** Campus/Café Supervisor
   **Site:** Carlin C. Coppin Elementary
   **Hours:** From 3 hours to 3.5 Hours/Days
   **Days:** 10 Months/Year
   **Effective:** 10/1/09

4. **Name:** Kristy Hernandez
   **Position:** Campus/Café Supervisor
   **Site:** Carlin C. Coppin Elementary
   **Hours:** From 1.84 hours to 1.92 Hours/Days
   **Days:** 10 Months/Year
   **Effective:** 10/1/09

5. **Name:** Theresa Jones
   **Position:** Campus/Café Supervisor
   **Site:** Twelve Bridges Elementary
   **Hours:** From 20 minutes to 25 minutes/Days
   **Days:** 10 Months/Year
   **Effective:** 10/1/09

6. **Name:** Linda Peterson
   **Position:** Campus/Café Supervisor
   **Site:** Twelve Bridges Elementary
   **Hours:** From 20 minutes to 25 minutes/Days
   **Days:** 10 Months/Year
   **Effective:** 10/1/09

7. **Name:** **Sandra Walker**
**Position:** **Campus/Café Supervisor**
**Site:** **Twelve Bridges Elementary**
**Hours:** **From 1.66 hours to 1.755 hours/Days**
**Days:** **10 Months/Year**
**Effective:** **10/1/09**

**REHIRE**

1. **Name:** **Robin Davis**
**Position:** **Food Service Assistant**
**Site:** **Twelve Bridges Middle**
**Hours:** **2 Hours/Days**
**Days:** **10 Months/Year**
**Effective:** **10/14/09**

**RESIGNATION**

1. **Name:** **Robin Mosley**
**Position:** **Food Service Assistant**
**Site:** **Twelve Bridges Middle**
**Hours:** **2 Hours/Days**
**Days:** **10 Months/Year**
**Effective:** **9/25/09**

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

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| DISTRICT GLOBAL GOALS |
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**SUBJECT:**
Certificated Personnel Report

**AGENDA ITEM AREA:**
Consent Agenda

**REQUESTED BY:**
Bob Noyes
Assist. Superintendent, Personnel Services

**ENCLOSURES:**

**DEPARTMENT:**
Personnel

**FINANCIAL INPUT/SOURCE:**
Categorical

**MEETING DATE:**
October 20, 2009

**ROLL CALL REQUIRED:**

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## BACKGROUND:

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

## RECOMMENDATION:

Administration recommends ratification of the certificated personnel report.

5.2

**WESTERN PLACER UNIFIED SCHOOL DISTRICT**

**PERSONNEL REPORT**

**October 20, 2009**

## CERTIFICATED/MANAGEMENT

### RESIGNATION

1. **LaShea Marshall, 1st Grade Teacher, Creekside Oaks Elementary**

5.2.1

**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. |
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**SUBJECT:**
California Retired Teachers Association

**AGENDA ITEM AREA:**
Consent

**REQUESTED BY:**
Scott Leaman
Superintendent

**ENCLOSURES:**
Yes

**DEPARTMENT:**
Administration

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

**MEETING DATE:**
October 20, 2009

**ROLL CALL REQUIRED:**
No

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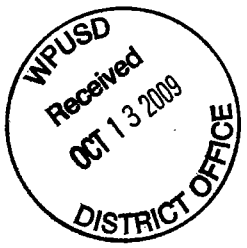
## BACKGROUND:

The California Retired Teachers Association has granted two teachers from Foskett Ranch Elementary with grants in the amount of $250.00 each. The receiving teachers are Natasha Riedel, Fifth grade teacher, and Shannon Steen, Third grade teacher.

## RECOMMENDATION:

This is for information only.

wp/rk/factform




CALIFORNIA RETIRED TEACHERS ASSOCIATION
PLACER COUNTY, DIVISION 67

HELEN K. DURAN BEGINNING TEACHER SUPPORT GRANT

October 7, 2009

Scott Lehman, Superintendent
Western Placer Unified School District
600 Sixth Street, Fourth Floor
Lincoln, CA 95648

Dear Superintendent Lehman:

The Grants Committee of the California Retired Teachers Association is happy to inform you that two of your beginning teachers were awarded grants of $250 each. Both of your teachers are from Foskett Ranch Elementary School.

Natasha Riedel is a second year Fifth Grade Teacher . She will use her grant to foster the visual and performing arts in her classroom. She will purchase materials that will engage her students in cross-curricular art activities such as baking cornbread while learning about the Desert Southwest Native Americans in Social Studies and learning fractions in Math.

Shannon Steen is a third year K-5 Resource Specialist. She will use her grant money to purchase 5 large yoga balls for her special students to sit on. These balls allow the students to wiggle and yet help with balance, concentration, and posture. Because of the multitude of paperwork Shannon generates for IEP's, reports, and assessment plans the rest of money will help her purchase a copier for her room.

This is the fourth year these grants have been offered. Please continue to encourage your new teachers to apply for these grants. You will receive the applications in August, 2010. In these times of financial strain, we know these grants will be helpful to your new teachers, and we thank you for your help in informing them of the grants' availability.

Please contact me if you have any questions. Thank you for your cooperation.

Sincerely,

Sandi Roullier

Sandi Roullier, Chair
CalRTA Division 67
2056 Caravelle Court
Lincoln, CA 95648
(916)543-7235

5.3.1

# 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 |
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**SUBJECT:**
Lighthouse Contract

**AGENDA ITEM AREA:**
Action

**REQUESTED BY:**
Scott Leaman
Superintendent

**ENCLOSURES:**
No

**DEPARTMENT:**
District Office

**FINANCIAL INPUT/SOURCE:**
Medical Billback, Medical Administrative Activities, and Categorical

**MEETING DATE:**
October 20, 2009

**ROLL CALL REQUIRED:**
No

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## BACKGROUND:

Based on the 2009-10 Board objective, the district has been meeting with the Lighthouse to finalize a contract. The district has supported the Lighthouse since its inception for student and family counseling; first as a district program and currently as a 501(c)3. Except for last year, we have historically allotted approximately $30,000 to the Lighthouse for these services. The Lighthouse is again requesting the historical allotment to serve WPUSD students and families. With the assistance of the Educational Services department, the district is recommending one-time support of $30,000 from various categorical and reimbursement funds. After tonight's presentation to the board about Lighthouse activities, the Board will need to establish the amount of support for the 2010-11 school year through the district budget process.

## RECOMMENDATION:

Direct and authorize the superintendent to approve a one-time contract for services with the Lighthouse for $30,000 from Medical Billback, MAA, and categorical funds and include Lighthouse support as part of the regular 2010-11 district budget process.

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

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

DISTRICT GLOBAL GOALS

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**SUBJECT:**
Global Tides Charter Petition

**AGENDA ITEM AREA:**
Discussion

**REQUESTED BY:**
Scott Leaman
Superintendent

**ENCLOSURES:**
No

**DEPARTMENT:**
District Office

**FINANCIAL INPUT/SOURCE:**
All

**MEETING DATE:**
October 20, 2009

**ROLL CALL REQUIRED:**
No

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## BACKGROUND:

The district received a charter school petition on September 9, 2009 from Global Tides. The board held a public hearing within 30 days, as mandated by law. A final vote will be taken at the November 3, 2009 board meeting. A detailed legal and financial analysis will be presented to the board at the November meeting. The petitioners have asked that this item be agenized to give you information and answer questions.

## RECOMMENDATION:

Discuss the Global Tides charter petition.

8.2

**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:**

Future South Elementary School Site

**AGENDA ITEM AREA:**

Action

**REQUESTED BY:**

Cathy Allen, Assistant Superintendent

**ENCLOSURES:**

No

**DEPARTMENT:**

Facilities & Maintenance Services

**FINANCIAL INPUT/SOURCE:**

N/A

**MEETING DATE:**

October 20, 2009

**ROLL CALL REQUIRED:**

No

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**BACKGROUND:**

The School Mitigation Agreement between WPUSD and Placer Holdings, Inc. for the reservation of land commonly known as the "Twelve Bridges Elementary North Site" expired in April of 2009. Placer Holdings, Inc. has offered the District an opportunity to request an extension of the agreement and has given us until the end of October to make the request.

With the revised increase in capacities of future school sites it has been determined that the District will no longer need both the Twelve Bridges North and the Lincoln Crossing South elementary school sites. At prior board meetings staff has reported that for a variety of reasons it may make more sense to place the next elementary school on the Lincoln Crossing South site. Currently LCES is redirecting 266 students to other schools, thus providing another indication of the need for another elementary school in the Lincoln Crossing area.

Due to the slow down in growth throughout the District we anticipate that Twelve Bridges Elementary should be able to handle the flow of students from the area as they progress through elementary and on to the middle school during build out. There may be times when some redirection is necessary but not likely to the extent that LCES is experiencing.

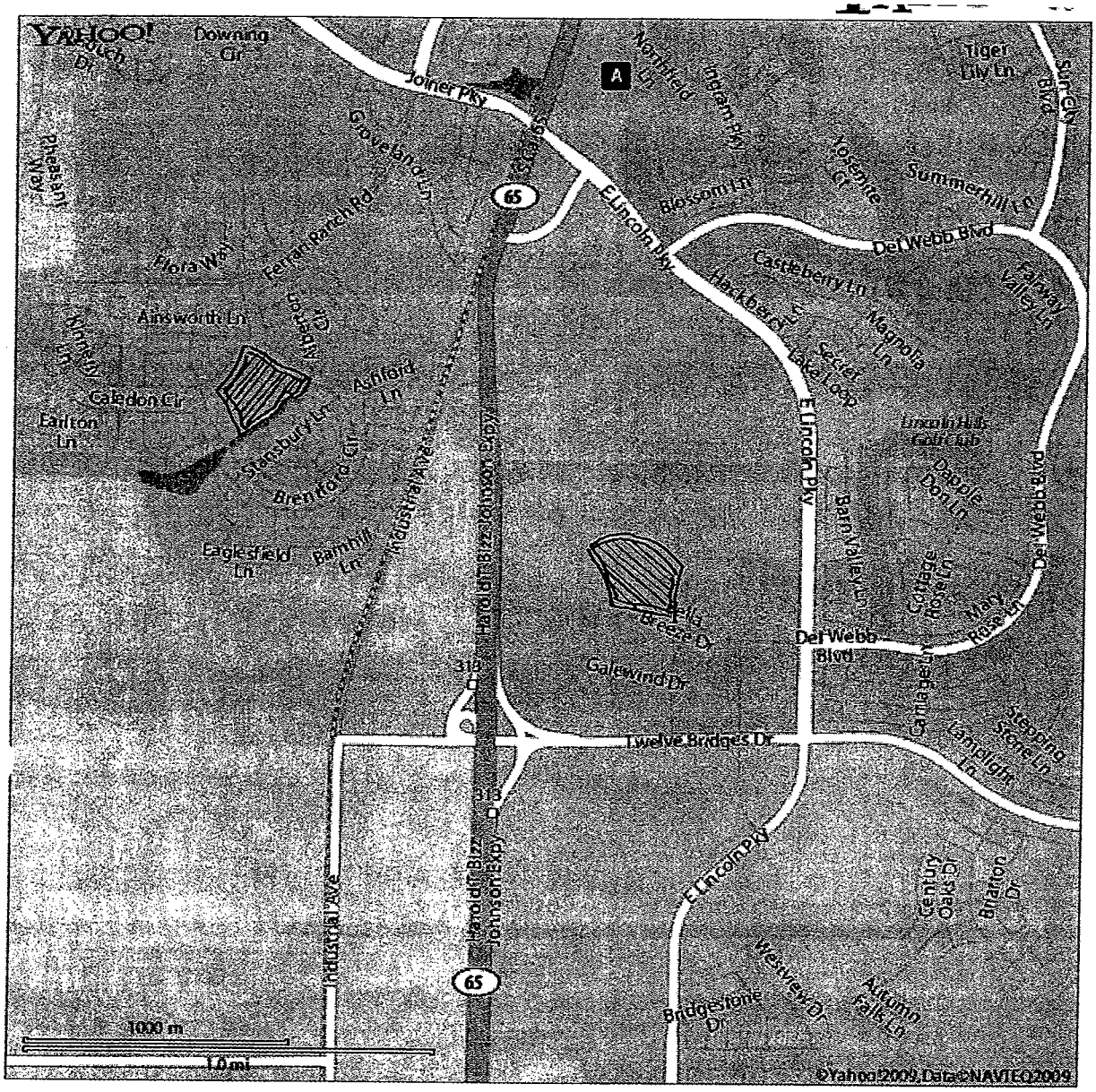
The Board might also want to consider that the Twelve Bridges side of Highway 65 contains an elementary and middle school and will, eventually, contain a high school; while the Lincoln Crossing side of Highway 65 currently only contains one elementary school.

The Twelve Bridges Specific Plan has not been altered, nor is it expected to be altered to any significant degree should a new owner be established. Thus we do not expect our numbers to change much from the original projections; just the year in which the students arrive.

There was a discussion at the previous Board of Trustees meeting on October 6, 2009 in regards to this matter.

**RECOMMENDATION:**

(1) Identify Lincoln Crossing Elementary South as the site for the elementary school if it is approved by the California Department of Education without major modifications.
(2) Exercise the extension with Placer Holdings, Inc. on the Twelve Bridges North Elementary School to remain an option for the district should the approval of the Lincoln Crossing Elementary South site prove too onerous or expensive.




When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

8.3.2

**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:**
Adoption of Revised/New Policies/Regulations/Exhibits

**AGENDA ITEM AREA:**
Action

**REQUESTED BY:**
Scott Leaman
Superintendent

**ENCLOSURES:**
Yes

**DEPARTMENT:**
Administration

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

**MEETING DATE:**
October 20, 2009

**ROLL CALL REQUIRED:**
No

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## BACKGROUND:

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

- AR 4119.11 Sexual Harassment
- BP 4144 Complaints
- AR 4161.8 Family Care and Medical Leave
- BP 5131.7 Weapons and Dangerous Instruments
- AR 5141.4 Child Abuse Prevention and Reporting
- BP/AR 6178.1 Work Experience Education
- BB 9320 Meetings and Notices
- BB 9322 Agenda/Meeting Materials
- AR 5144.1 Suspension and Expulsion/Due Process

## RECOMMENDATION:

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

wp/rk/factform

8.4

# MANUAL MAINTENANCE GUIDESHEET


Note: Descriptions below identify major changes in revised materials. Editorial changes have also been made.

| DELETE | ADD | DESCRIPTION |
|---|---|---|
| AR 4119.11<br>4219.11<br>4319.11 | AR 4119.11<br>4219.11<br>4319.11 | Sexual Harassment<br>Replace AR. Regulation revised to reflect **NEW REGULATIONS** which detail the sexual harassment training requirements for supervisory employees including, (1) defining supervisor as any person with the authority to hire, transfer, fire, transfer, fire, suspend, layoff, assign, or reward an employee and (2) clarifying that employers may offer computer-based training as long as the training is interactive and provides a link as to how to contact a trainer to answer a question within two business days. |
| BP 4144<br>4244<br>4344 | BP 4144<br>4244<br>4344 | Complaints<br>Replace BP. Updated policy to clarify the types of complaints subject to this procedure. Policy contains updated language re: retaliation and confidentiality. Regulation contains timelines and authorizes the Board to uphold the Superintendent's investigative findings without conducting a hearing. |
| AR 4161.8<br>4261.8<br>4361.8 | AR 4161.8<br>4261.8<br>4361.8 | Family Care and Medical Leave<br>Replace AR. Regulation updated to reflect **NEW FEDERAL LAW** which requires any employer with 50 or more employees to grant up to 26 weeks of unpaid leave to an employee to care for a family member who is a member of the Armed Forces and who is undergoing medical treatment, recuperation, therapy, on outpatient status, or on temporary disability due to a serious injury or illness. For further information, see article in accompanying *Governance and Policy Services News.* |
| BP 5131.7 | BP 5131.7 | Weapons and Dangerous Instruments<br>Replace BP. **MANDATED** policy updated to include language (currently in AR 5144.1) requiring the expulsion, for not less than one year, of any student who has brought a firearm or possessed a firearm at school. During Categorical Program Monitoring, this language must be in a Board-adopted policy or Board-approved administrative regulation. Policy also contains expanded, optional section reflecting federal law, which provides additional safeguards if the district authorizes firearms on school grounds with advance permission from the principal. |

8.4.1

Note: Descriptions below identify major changes in revised materials. Editorial changes have also been made.

| | | |
|---|---|---|
| AR 5141.4 | AR 5141.4 | Child Abuse Prevention and Reporting<br>Replace AR. Updated regulation revised to reflect **NEW LAW (AB 673)** which amended the definition of child abuse to include death as well as physical injury. |
| BP/AR 6178.1 | BP/AR 6178.1 | Work Experience Education<br>Replace BP/AR. Updated policy clarifies its use for districts with middle and/or high schools, expands material on program goals, and integrated efforts of teachers, counselors, students, parents/guardians, and employers. Reorganized regulation highlights program requirements that are reviewed during the state's Categorical Program Monitoring process. Regulation also expands section on "Work Experiences and Related Instruction" to reflect additional legal requirements, and expands section on "Criteria for Credit" to include material re: the maximum credit for each type of work experience program. Section on "Minimum Day" adds item #3 re: shorter day allowed for last semester of grade 12. Section on "Responsibilities of Teacher-Coordinator" adds new material re: qualifications, student-teacher ratio, and professional development. New section on "Records" details student records that must be maintained by the district. |
| BB 9320 | BB 9320 | Meetings and Notices<br>Replace BB. **MANDATED** bylaw revised to reflect **NEW LAW (SB 343)** which requires meeting notices and agendas to specify the location where members of the public can inspect documents that have been distributed to the Board less than 72 hours before a meeting. Bylaw also modified t reflect **NEW LAW (AB14)** which clarifies that a Board meeting may not be held in a facility that does not allow the admittance of a person on the basis of a protected category of discrimination. |
| BB 9322 | BB 9322 | Agenda/Meeting Materials<br>Replace BB. **MANDATED** bylaw revised to reflect **NEW LAW (SB 343)** which requires the agenda to specify the location where the public can inspect supporting agenda documents that have been distributed to the Board less than 72 hours before the meeting. Bylaw reorganized to create separate sections detailing dissemination of the agenda to the Board and dissemination to members of the public to include the public's right to inspect public record agenda documents that have been distributed less than 72 hours before the meeting, as added by SB 343. |

Note: Descriptions below identify major changes in revised materials. Editorial changes have also been made.

| | | |
|---|---|---|
| AR 5144.1 | AR 5144.1 | Suspension and Expulsion/Due Process<br>Replace AR. **MANDATED** regulation revised to reflect **NEW LAW** (AB 86) which adds bullying, including bullying by electronic means, to the list of reasons for which a student in grades 4-12 can be suspended or expelled, see item #18 in section entitled "Grounds for Suspension and Expulsion." |

**All Personnel** AR 4119.11(a)
4219.11
**SEXUAL HARASSMENT** 4319.11

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made expressly or implicitly a term or condition of the individual's employment

2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her

3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile, or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development

4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit e-mails; displaying sexually suggestive objects

3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

8.4.4

**SEXUAL HARASSMENT** (continued)

**Training**

By January 1, 2006, and every two years thereafter, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state statutory law on the prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

**Notifications**

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted

2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

**SEXUAL HARASSMENT** (continued)

1. The illegality of sexual harassment

2. The definition of sexual harassment under applicable state and federal law

3. A description of sexual harassment, with examples

4. The district's complaint process available to the employee

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

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)

6. Directions on how to contact DFEH and the EEOC

7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

***In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)***

**All Personnel** BP 4144(a)
4244
4344

**COMPLAINTS**

The Governing Board recognizes the need to establish a process ***to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner.*** The Board expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

***(cf. 1312.3 - Uniform Complaint Procedures)***
***(cf. 1312.4 - Williams Uniform Complaint Procedures)***
***(cf. 3320 - Claims and Actions Against the District)***
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*
~~*(cf. 4141/4241 - Collective Bargaining Agreement)*~~

***The Board prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.***

***(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)***
***(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)***

***All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.***

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

*Legal Reference:*
*EDUCATION CODE*
*200-262.4 Prohibition of discrimination on the basis of sex*
*35186 Williams uniform complaint procedures*
*44110-44114 Reporting by school employees of improper governmental activity*
*GOVERNMENT CODE*
*3543 Public school employees' rights*
*3543.1 Rights of employee organizations*
*53296-53299 Disclosure of confidential information; whistleblower*
*54957 Closed session; personnel matters*
*LABOR CODE*
*1102.5-1106 Whistleblower protections*
*CODE OF REGULATIONS, TITLE 5*
*4900-4965 Nondiscrimination in district programs and activities*

*Management Resources:*
*WEB SITES*
*CSBA: http://www.csba.org*

Policy **WESTERN PLACER UNIFIED SCHOOL DISTRICT**
Adopted: September 4, 2007 Lincoln, California

8.4.7

**FAMILY CARE AND MEDICAL LEAVE**

**Definitions**

*Child* means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2)

*Eligible employee* means an employee who has at least 12 months of service with the district, and who has at least 1,250 hours of service with the district during the previous 12-month period. *Full-time teachers* are deemed to meet the 1,250 hours of service requirement. (29 USC 2611; Government Code 12945.2; 29 CFR 825.110)

*Full-time teacher* means an employee whose principal function is to teach and instruct students in a class, a small group, or individual setting. (29 CFR 825.800)

*Parent* means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or another person who stood in loco parentis to the employee when the employee was a child. (29 USC 2611; Government Code 12945.2)

*Serious health condition* means an illness, injury, impairment, or physical or mental condition that involves either of the following: (29 USC 2611; Government Code 12945.2; 29 CFR 825.114)

1. Inpatient care in a hospital, hospice, or residential health care facility

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

   a. A period of incapacity of more than three consecutive days

   b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

   c. For purposes of leave under Family Medical Leave Act (FMLA), any period of incapacity of treatment due to pregnancy or for prenatal care

**Eligibility**

The district shall grant family care and medical leave to eligible employees for the following reasons: (29 USC 2612; Government Code 12945.2; Family Code 297.5)

1. Because of the birth of a child of the employee or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.

**FAMILY CARE AND MEDICAL LEAVE** (continued)

2. To care for the employee's child, parent, spouse, registered domestic partner, or child of a registered domestic partner with a serious health condition.

3. Because of the employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position. However, for purposes of leave under the California Family Rights Act (CFRA), this does not include leave taken for disability on account of pregnancy, childbirth, or related medical conditions.

The district shall not interfere with, restrain, or deny the exercise of any right provided to an eligible employee under the law. Also, the district shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of, his/her involvement in any inquiry or proceeding related to the family care and medical leave. (29 USC 2615; Government Code 12945.2)

*(cf. 4030 - Nondiscrimination in Employment)*

**Terms of Leave**

An eligible employee shall be entitled to a total of 12 work weeks of leave during any 12-month period. (29 USC 2612; Government Code 12945.2)

This 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

Leave taken pursuant to the state CFRA shall run concurrently with leave taken pursuant to the federal FMLA, except in the following circumstances:

1. Leave taken to care for a registered domestic partner or a child of a domestic partner. Such leave shall count as leave under the CFRA. (Family Code 297.5)

2. Leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. In addition to family care and medical leave, an employee may be entitled to take pregnancy disability leave of up to four months. During the otherwise unpaid portion of pregnancy disability leave, the employee may use any accrued vacation, sick time, or other paid leave. Such FMLA leave shall run concurrently with any pregnancy disability leave taken by the employee, except that CFRA leave shall not commence until the expiration of the pregnancy disability leave. (Government Code 12945, 12945.2)

*(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)*
*(cf. 4261.1 - Personal Illness/Injury Leave)*

8.4.9

**FAMILY CARE AND MEDICAL LEAVE** (continued)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not have to be taken in one continuous period of time. The basic minimum duration of the leave for birth or placement of a child shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (29 USC 2612; 2 CCR 7297.3)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a total of 12 weeks. This restriction shall apply whether the parents are married, registered domestic partners, or not married. (29 USC 2612; Government Code 12945.2)

During the period of family care and medical leave, the district shall require the employee to use his/her accrued vacation leave, other accrued time off, and any other paid or unpaid time off negotiated with the district. If the leave is because of the employee's own serious medical condition, the employee shall use accrued sick leave pursuant to collective bargaining agreements and/or Board policy. (29 USC 2612; Government Code 12945.2)

**Intermittent Leave/Reduced Leave Schedule**

Leave related to the serious health condition of the employee or his/her child, parent, spouse, or registered domestic partner may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious medical condition. (29 USC 2612; 2 CCR 7297.3)

If an employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on planned medical treatment for the employee or family member, the district may require the employee to transfer temporarily to an available alternative position. This alternative position must have equivalent pay and benefits, the employee must be qualified for the position, and the position must better accommodate recurring periods of leave than the employee's regular job. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (29 USC 2612; 2 CCR 7297.3)

*(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)*

**FAMILY CARE AND MEDICAL LEAVE** (continued)

**Request for Leave**

If an employee's need for leave is foreseeable, the employee shall provide the district with reasonable advance notice for the leave. If an employee's need for leave is foreseeable due to a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval. (Government Code 12945.2)

**Certification of Health Condition**

A request by an employee for family care and medical leave for his/her serious health condition, or to care for a child, parent, spouse, registered domestic partner, or child of a registered domestic partner with a serious health condition, shall be supported by a certification from the health care provider of the employee or such other person as applicable. The certification shall include the following: (29 USC 2613; Government Code 12945.2; 2 CCR 7297.0)

1. The date on which the serious health condition began

2. The probable duration of the condition

3. If the employee is requesting leave to care for a child, parent, spouse, registered domestic partner, or child of a registered domestic partner with a serious health condition, the health care provider's certification of both of the following:

   a. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, spouse, registered domestic partner, or child of the registered domestic partner

   b. Statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent, spouse, registered domestic partner, or child of a registered domestic partner

4. If the employee is requesting leave because of his/her own serious health condition, the health care provider's certification that due to the serious health condition, the employee is unable to perform one or more essential functions of his/her job

8.4.11

**FAMILY CARE AND MEDICAL LEAVE** (continued)

5. If the employee is requesting leave for intermittent treatment or is requesting leave on a reduced leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

If the district doubts the validity of a certification that accompanies a request for leave, the district may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the district may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (29 USC 2613; Government Code 12945.2)

If additional leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified in items #1-5 above. (29 USC 2613; Government Code 12945.2)

**Fitness for Duty**

Employees who take family care and medical leave for their own serious health conditions shall present certification from their health care provider to the effect that they are able to resume work.

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

**Rights to Reinstatement and Maintenance of Benefits**

Upon granting an employee's request for family care and medical leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (29 USC 2614; Government Code 12945.2)

The district may refuse to reinstate an employee returning from leave to the same or a comparable position if <u>all</u> of the following apply: (29 USC 2614; Government Code 12945.2)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those district employees who are employed within 75 miles of the employee's worksite.

2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.

8.4.12

**FAMILY CARE AND MEDICAL LEAVE** (continued)

3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time or if the employee is terminated for reasons unrelated to the leave, he/she is not entitled to reinstatement, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

*(cf. 4117.3 - Personnel Reduction)*
*(cf. 4217.3 - Layoff/Rehire)*
*(cf. 4317.3 - Personnel Reduction)*

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (20 USC 2614; Government Code 12945.2)

**For a period of 12 weeks, the district shall continue to provide an eligible employee on family care and medical leave the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the family care and medical leave when he/she fails to return to district employment after the expiration of the leave and the failure is for any reason other than the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond his/her control. (29 USC 2614; 29 CFR 825.213; Government Code 12954.2)**

~~For a period of 12 weeks, the district shall continue to provide an eligible employee on family care and medical leave the group health plan coverage that was in place before he/she took the leave. If the employee fails to return to district employment after the expiration of the leave, for any reason other than the continuation, recurrence, or onset of a serious health condition, other circumstances beyond his/her control, or returns to work and fails to either work for 30 days or retires, the employee shall reimburse the district for premiums paid during the family care and medical leave. (20 USC 2614; Government Code 12954.2; 29 CFR 800.213)~~

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

**FAMILY CARE AND MEDICAL LEAVE** (continued)

In addition, during the period when an employee is on family care and medical leave, he/she shall be entitled to continue to participate in other employee benefit plans including life, short-term or long-term disability, or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not be required to make plan payments for an employee during the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2)

**Notifications**

The Superintendent or designee shall post notices about federal and state law related to family care and medical leave in a conspicuous place. Information about employee rights and obligations related to such leaves shall also be included in employee handbooks. (29 USC 2619; 2 CCR 7297.9)

At least the first time in each six-month period that an employee requests family care and medical leave, the Superintendent or designee shall provide written notice detailing specific expectations and obligations, and explaining any consequences of a failure to meet these obligations. The notice shall include: (29 CFR 825.301)

1. A statement that the leave will be counted against the employee's annual family care and medical leave entitlement

2. Any requirements for the employee to furnish medical certification of a serious health condition and the consequences of failing to provide the notice

3. The employee's right to substitute paid leave, conditions related to any substitution, and whether the district requires this substitution

4. Health benefit arrangements

5. If applicable, the employee's status as a "key employee" and information related to restoration of that status

6. The employee's right to restoration to the same or an equivalent job

7. The employee's potential liability for health benefits should the employee not return to service

8. The district's requirement that the employee, upon return, present medical certification to the effect that he/she is able to resume work

8.4.14

**FAMILY CARE AND MEDICAL LEAVE** (continued)

**Records**

The Superintendent or designee shall maintain records pertaining to individual employees' use of family care and medical leave in accordance with law.

***Servicemember Family Leave***

***The district shall grant up to a total of 26 work weeks of leave during a single 12-month period to an employee to care for a covered servicemember who is his/her spouse, child, parent, or next of kin. (29 USC 2611, 2612)***

***Covered servicemember means a member of the Armed Forces, including a member of the National Guard or Reserves, who has suffered a serious injury or illness and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for that injury or illness. (29 USC 2611, 2612)***

***Next of kin means the nearest blood relative to that individual. (29 USC 2611, 2612)***

***Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611)***

***Serious injury or illness means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. (29 USC 2611)***

***The employee shall provide reasonable and practicable notice of the need for the leave when the necessity for the leave is foreseeable. (29 USC 2612)***

***The leave can be taken intermittently or on a reduced schedule when medically necessary. An employee taking servicemember leave in combination with other leaves pursuant to this regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)***

***During the period of servicemember leave, the district shall require the employee to use his/her accrued vacation leave, other accrued time off, and any other paid or unpaid time off negotiated with the district. (29 USC 2612)***

8.4.15

**FAMILY CARE AND MEDICAL LEAVE** (continued)

*Legal Reference:*

*FAMILY CODE*
*297-297.5 Rights, protections and benefits under law; registered domestic partners*
*GOVERNMENT CODE*
*12940 Unlawful employment practices*
*12945 Pregnancy; childbirth or related medical condition; unlawful practice*
*12945.1-12945.2 California Family Rights Act*
*CODE OF REGULATIONS, TITLE 2*
*7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions*
*7297.0-7297.11 Family care leave*
*UNITED STATES CODE, TITLE 29*
*2601-2654 Family and Medical Leave Act of 1993, as amended*
*CODE OF FEDERAL REGULATIONS, TITLE 29*
*825.100-825.800 Family and Medical Leave Act of 1993*
*COURT DECISIONS*
*Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045*

*Management Resources:*

*WEB SITES*
*California Department of Fair Employment and Housing: http://www.dfeh.ca.gov*
*U.S. Department of Labor, Compliance Assistance, FMLA: http://www.dol.gov/esa/whd/fmla*

# WEAPONS AND DANGEROUS INSTRUMENTS

The Board of Trustees desires students and staff to be free from the danger presented by firearms and other weapons and recognizes that they have the right to a safe and secure campus free from psychological and physical harm.

*(cf. 0450 - Comprehensive Safety Plan)*
*(cf. 5116.1 - Intradistrict Open Enrollment)*
*(cf. 5131 - Conduct)*
*(cf. 5144 - Discipline)*

## Possession of Weapons

The Board prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

*(cf. 3515.3 - District Police/Security Department)*

~~Unless express written permission of the principal or designee, a student may possess a firearm on school grounds when necessary for a school-sponsored activity or class as part of the educational program. A student's parent/guardian shall give written permission for such possession. However, a student granted permission to possess a firearm may be suspended and/or expelled if he/she uses the weapon inappropriately.~~

***Unless he/she has obtained prior written permission as specified below, any student who is determined to have brought a firearm to school or possessed a firearm at school, as verified by a school employee, shall be expelled for not less than one year, except that the Board may set an earlier date for readmission on a case-by-case basis, in accordance with Board policy and administrative regulation. (Education Code 48915; 20 USC 7151)***

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

Students possessing or threatening others with any weapon, dangerous instrument, or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

Under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff, and the public, any school employee is authorized to confiscate a weapon, dangerous instrument, or imitation firearm from any person on school grounds.

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

8.4.17

**WEAPONS AND DANGEROUS INSTRUMENTS** (continued)

The principal or designee shall notify law enforcement authorities when any student possesses a weapon without permission or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7151)

***Advance Permission for Possession of a Firearm for Educational Use***

***A student who desires to possess or transport a firearm or imitation firearm on school grounds for an educational purpose shall request prior permission from the principal at least five school days in advance of the planned possession. The student's parent/guardian shall provide written permission explaining the planned use of the weapon and the duration. The student shall also submit a written explanation from the staff person responsible for the school-sponsored activity or class.***

***On a case-by-case basis, the principal shall determine whether to grant permission for such possession when necessary for a school-sponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, he/she shall provide the student and staff person with a written explanation regarding any limitations and the permissible duration of the student's possession.***

The principal and/or a staff member with knowledge of firearm safety shall inspect the weapon to ensure that necessary safety precautions have been taken, including inspection to ensure that no live ammunition is present. The firearm shall be stored in a locked vehicle or in an appropriate, locked container before and after the educational activity.

A student granted permission to possess a firearm may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

**Possession of Pepper Spray**

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

**Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

8.4.18

**WEAPONS AND DANGEROUS INSTRUMENTS** (continued)

*(cf. 5125 - Student Records)*

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The strategy shall also provide a method of informing staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

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

*Legal Reference: (see next page)*

8.4.19

**WEAPONS AND DANGEROUS INSTRUMENTS** (continued)

*Legal Reference:*

*EDUCATION CODE*
*35291 Governing board to prescribe rules for discipline of the schools*
*48900 Grounds for suspension/expulsion*
*48902 Notification of law enforcement authorities*
*48915 Required recommendation for expulsions*
*48916 Readmission*
*49330-49335 Injurious objects*
*PENAL CODE*
*245 Assault with deadly weapon*
*417.4 Imitation firearm; drawing or exhibiting*
*626.9 Gun-Free School Zone Act of 1995*
*626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school*
*653k Soliciting a minor to commit certain felonies*
*12001 Control of deadly weapons*
*12020-12036 Unlawful carrying and possession of concealed weapons*
*12220 Unauthorized possession of a machine gun*
*12401-12404 Tear gas*
*12550-12556 BB devices and imitation firearms*
*UNITED STATES CODE, TITLE 20*
*6301-7941 No Child Left Behind Act; especially:*
*7151 Gun-Free Schools Act*

*Management Resources:*

*CSBA PUBLICATIONS*
*911: A Manual for Schools and the Media During a Campus Crisis, 2001*
*Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999*
*CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS*
*0401.01 Protecting Student Identification in Reporting Injurious Objects*
*WEB SITES*
*CSBA: http://www.csba.org*
*California Attorney General's Crime and Violence Prevention Center: http://www.safestate.org*
*California Department of Education, Safe Schools: http://www.cde.ca.gov/ls/ss*
*National Alliance for Safe Schools: http://www.safeschools.org*
*National School Safety Center: http:/ www.schoolsafety.us*
*U.S. Department of Education, Office of Safe and Drug Free Schools: http://www.ed.gov/about/offices/list/osdfs/index.html*

## CHILD ABUSE PREVENTION AND REPORTING

### Definitions

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

1. A physical injury ***or death*** inflicted by other than accidental means on a child by another person

2. Sexual abuse of a child as defined in Penal Code 11165.1

3. Neglect as defined in Penal Code 11165.2

4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3

5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

*Child abuse or neglect* does not include:

1. A mutual affray between minors (Penal Code 11165.6)

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

*(cf. 3515.3 - District Police/Security Department)*

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

*(cf. 5144 - Discipline)*

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

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

8.4.21

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

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

*Reasonable suspicion* means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)

**Reportable Offenses**

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

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

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

**Responsibility for Reporting**

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

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who

8.4.22

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

has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

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

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

**Reporting Procedures**

1. Initial Telephone Report

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

   **Lincoln Police Department - 916-645-4040**
   **Child Welfare Services - 530-889-6700**
   **Placer County Sheriff - 530-823-4411**

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

2. Written Report

   Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report which includes a completed Department of Justice form. (Penal Code 11166, 11168)

   Mandated reporters may obtain copies of the above form from either the district or the appropriate agency.

8.4.23

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

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

a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter

b. The child's name and address, present location and, where applicable, school, grade, and class

c. The names, addresses, and telephone numbers of the child's parents/guardians

d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

e. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child

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

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code 11167)

3. Internal Reporting

Employees reporting child abuse or neglect to the appropriate agency are encouraged, but not required, to notify the principal or designee as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

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

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

8.4.24

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

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

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

**Training**

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

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

*(cf. 4131 - Staff Development)*
*(cf. 4231 - Staff Development)*
*(cf. 4331 - Staff Development)*
*(cf. 5145.7 - Sexual Harassment)*

**Victim Interviews**

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

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

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.

2. The selected person shall not participate in the interview.

3. The selected person shall not discuss the facts or circumstances of the case with the child.

8.4.25

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

4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

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

**Release of Child to Peace Officer**

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

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

*(cf. 5145.11 - Questioning and Apprehension)*

**Parent/Guardian Complaints**

Upon request, the Superintendent or designee shall provide parents/guardians with procedures that describe how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding those procedures, an interpreter shall be provided.

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

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

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

8.4.26

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

**Notifications**

The Superintendent or designee shall provide all new employees who are mandated reporters a statement that informs them that they are mandated reporters, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The district shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

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

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

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she is guilty of a misdemeanor punishable by a fine and/or imprisonment. (Penal Code 11166)

3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

Regulation approved:

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

8.4.27

# WORK EXPERIENCE EDUCATION

## Criteria for Credit

Upon the satisfactory completion of a work experience education program, a student shall be granted credit in an amount not to exceed ~~40 semester~~ ***30 trimester*** credits, no more than 10 of which shall be awarded in any one ~~semester~~ ***trimester,*** provided that the student satisfies all of the following requirements: (Education Code 51760.3)

1. At the time of enrollment, the student is at least 16 years of age or, if under the age of 16 years, fulfills one of the following criteria:

   a. The student is enrolled in grade 11 or higher.

   b. The principal certifies that the student is in need of immediate work experience education in order to pursue employment opportunities.

   c. The principal certifies that there is a probability that the student will no longer be enrolled as a full-time student without being provided the opportunity to enroll in a work experience education program.

   d. The student's individualized education program prescribes the type of training for which participation in a work experience education program is deemed appropriate.

*(cf. 6159 - Individualized Education Program)*

~~2. During the course of the student's enrollment in the program, the student receives at least the equivalent of one instructional period per week of related classroom instruction or counseling by a certificated employee. The work experience instruction or counseling shall be offered in sessions scheduled intermittently throughout the semester.~~

3. The work experience education program meets all of the requirements of law.

## Minimum Day

The minimum day for students enrolled in a work experience education program shall be four periods totaling at least 180 minutes in duration, with the following exceptions:

1. A different schedule may be established for students who are enrolled in a continuation school or class pursuant to Education Code 48402 or who are participating in the School-Based Pupil Motivation and Maintenance Program. (Education Code 46144)

*(cf. 6184 - Continuation Education)*

8.4.28

**WORK EXPERIENCE EDUCATION** (continued)

2. When a school's regularly scheduled period is greater than 60 minutes, the minimum day shall be one or more periods totaling at least 180 minutes in duration. (Education Code 46144)

**Work Experiences and Related Instruction**

The district shall enter into a formal training agreement with each employer to provide one or more of the following paid and unpaid types of on-the-job experiences: (5 CCR 10071)

1. Vocational work experience education which reinforces and extends vocational learning opportunities for students through a combination of related classroom instruction in work experience education and supervised paid employment in the occupation for which their vocational course in school prepares them

2. General work experience education which has as its purpose the application of basic skills of reading, writing and computation, and which enables students to acquire general and specific occupational skills through a combination of a supervised paid employment in any occupational field and related classroom instruction in work experience education

3. Nonpaid exploratory work experience education which provides students opportunities to observe and sample systematically a variety of conditions of work for the purpose of ascertaining their interest and suitability for the occupation they are exploring

*(cf. 6030 - Integrated Academic and Vocational Education)*
*(cf. 6178 - Vocational Education)*

The Superintendent or designee may establish and supervise work experience programs in areas outside the district, either within California or in a contiguous state. (Education Code 51767)

All laws or rules applicable to minors in employment relationships shall be applicable to students enrolled in work experience courses. (Education Code 51763)

A work permit may be issued to a minor between under the age of 18 and over the age of 14 who is regularly enrolled in a high school or community college or who has been assigned to a vocational course in a place of employment, and who will work part-time as a student enrolled in a work experience education course. (Education Code 49113)

*(cf. 5113.2 - Work Permits)*

8.4.29

**WORK EXPERIENCE EDUCATION** (continued)

~~**Responsibilities of Teacher-Coordinator**~~

~~The work experience teacher-coordinator shall conduct the related classroom instruction, prepare individual training plans, observe and consult with students, and make at least two on-site contacts per semester with each work station supervisor and at least one on-site contact during summer school to evaluate student performance. (5 CCR 10074)~~

## MEETINGS AND NOTICES

Meetings of the Board of Trustees are conducted for the purpose of accomplishing district business.

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws.

*(cf. 9321 - Closed Session Purposes and Agendas)*
*(cf. 9321.1 - Closed Session Actions and Reports)*
*(cf. 9322 - Agenda/Meeting Materials)*
*(cf. 9323 - Meeting Conduct)*

Direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action to be taken by the Board on any item of district business. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that any individual who requires 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.

***Each agenda shall also list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)***

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

### Regular Meetings

The Board shall hold two regular meetings each month. Regular meetings shall be held at 7:00 p.m. on first and third Tuesdays at the Lincoln High Performing Arts Building, or a designated school site in Lincoln, California.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

8.4.31

**MEETINGS AND NOTICES** (continued)

**Special Meetings**

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive a failure to receive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or after the item's consideration. (Government Code 54954.3)

**Emergency Meetings**

In the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An *emergency situation* means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

*(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)*

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

8.4.32

**MEETINGS AND NOTICES** (continued)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

**Adjourned Meetings**

A majority vote by the Board may adjourn any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of adjournment. (Government Code 54955)

**Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

*(cf. 2000 - Concepts and Roles)*
*(cf. 2111 - Superintendent Governance Standards)*
*(cf. 9000 - Role of the Board)*
*(cf. 9005 - Governance Standards)*
*(cf. 9400 - Board Self-Evaluation)*

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. No action item shall be included on the agenda for these meetings.

8.4.33

**MEETINGS AND NOTICES** (continued)

**Other Gatherings**

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members

2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern

3. An open and noticed meeting of another body of the district

4. An open and noticed meeting of a legislative body of another local agency

5. A purely social or ceremonial occasion

6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

*(cf. 9130 - Board Committees)*

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

**Location of Meetings**

Meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge. (Government Code 54961)

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

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party

8.4.34

**MEETINGS AND NOTICES** (continued)

2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property

3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law

4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district

5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction

6. Meet in or near a facility owned by the district but located outside the district, provided the meeting is limited to items directly related to that facility

7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs

8. Attend conferences on nonadversarial collective bargaining techniques

9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district

10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform, by the most rapid available means of communication, all news media who have requested notice of special meetings. (Government Code 54954)

**Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

8.4.35

**MEETINGS AND NOTICES** (continued)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

*Legal Reference: (see next page)*

8.4.36

**MEETINGS AND NOTICES** (continued)

*Legal Reference:*

*EDUCATION CODE*
*35140 Time and place of meetings*
*35143 Annual organizational meeting, date, and notice*
*35144 Special meeting*
*35145 Public meetings*
*35145.5 Agenda; public participation; regulations*
*35146 Closed sessions*
*35147 Open meeting law exceptions and applications*
*GOVERNMENT CODE*
*54950-54963 The Ralph M. Brown Act, especially:*
*54953 Meetings to be open and public; attendance*
*54953.2 Compliance with Americans with Disabilities Act*
*54954 Time and place of regular meetings*
*54954.1 Mailed notices*
*54954.2 Agenda posting requirements, board actions*
*54956 Special meetings; call; notice*
*54956.5 Emergency meetings*
*54957.5 Agenda distribution*
*54961 Prohibition on use of certain facilities*
*UNITED STATES CODE, TITLE 42*
*12101-12213 Americans with Disabilities Act*
*CODE OF FEDERAL REGULATIONS, TITLE 28*
*35.160 Effective communications*
*36.303 Auxiliary aids and services*
*COURT DECISIONS*
*216 Sutter Bay Associates v. County of Sutter (1997) 58 Cal.App. 4th 860*
*ATTORNEY GENERAL OPINIONS*
*88 Ops.Cal.Atty.Gen. 218 (2005)*
*84 Ops.Cal.Atty.Gen. 181 (2001)*
*84 Ops.Cal.Atty.Gen. 30 (2001)*
*79 Ops.Cal.Atty.Gen. 69 (1996)*
*78 Ops.Cal.Atty.Gen. 327 (1995)*

*Management Resources:*

*CSBA PUBLICATIONS*
*The Brown Act: School Boards and Open Meeting Laws, rev. 2006*
*ATTORNEY GENERAL PUBLICATIONS*
*The Brown Act: Open Meetings for Legislative Bodies, 2003*
*WEB SITES*
*Western Placer Unified School District: http://www.wpusd.k12.ca.us*
*CSBA: http://www.csba.org*
*California Attorney General's Office: http://www.caag.state.ca.us*

Bylaw adopted:

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

8.4.37

## AGENDA/MEETING MATERIALS

Board of Trustees meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

*(cf. 9320 - Meetings and Notices)*
*(cf. 9321- Closed Session Purposes and Agendas)*

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

*(cf. 9323 - Meeting Conduct)*

***Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)***

The agenda shall specify that an individual who requires 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.

### Agenda Preparation

The Superintendent, as Secretary to the Board, in consultation with the Board president, shall prepare the agenda for each regular and special meeting.

*(cf. 9121 - President)*
*(cf. 9122 - Secretary)*

Any Board member or any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

8.4.38

**AGENDA/MEETING MATERIALS** (continued)

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item, informational item or consent item.

Any Board action that involves borrowing $100,000 or more shall be discussed, considered and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

*(cf. 9323.2 - Actions by the Board)*

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

*(cf. 1312.1 - Complaints Concerning District Employees)*
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*
*(cf. 1312.3 - Uniform Complaint Procedures)*
*(cf. 1340 - Access to District Records)*
*(cf. 3320 - Claims and Actions Against the District)*
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

**Consent Items**

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

**Agenda Dissemination *to Members of the Public***

The agenda shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time

A copy of the agenda shall be forwarded to each Board member at least three days before each regular meeting ***along with all the documents constituting the agenda packet, as well as any person who requests the items pertinent to the board meeting. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)***

8.4.39

**AGENDA/MEETING MATERIALS** (continued)

***If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)***

***(cf. 1113 – District and School Web Sites)***
***(cf. 1340- Access to District Records)***

***Any documents prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by another person shall be made available for public inspection after the meeting. These requirements shall be made available for public inspection after the meeting. These requirement shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)***

~~A copy of the agenda shall be forwarded to each Board member at least three days before each regular meeting, together with the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens and others; and other available documents pertinent to the meeting.~~

When special meetings are called, the Superintendent and president shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items.

Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

The Superintendent or designee shall mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

**AGENDA/MEETING MATERIALS** (continued)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Superintendent or designee.

*Legal Reference:*

*EDUCATION CODE*
*35144 Special meetings*
*35145 Public meetings*
*35145.5 Right of public to place matters on agenda*
*GOVERNMENT CODE*
*6250-6270 Public Records Act*
*53635.7 Separate item of business*
*54954.1 Mailed agenda of meeting*
*54954.2 Agenda posting requirements; board actions*
*54954.3 Opportunity for public to address legislative body*
*54954.5 Closed session item descriptions*
*54956.5 Emergency meetings*
*54957.5 Public records*
*UNITED STATES CODE, TITLE 42*
*12101-12213 Americans with Disabilities Act*
*CODE OF FEDERAL REGULATIONS, TITLE 28*
*35.160 Effective communications*
*36.303 Auxiliary aids and services*
*COURT DECISIONS*
*Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318*

*Management Resources:*

*CSBA PUBLICATIONS*
*The Brown Act: School Boards and Open Meeting Laws, 2007*
*Guide to Effective Meetings, rev. 2007*
*ATTORNEY GENERAL PUBLICATIONS*
*The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2003*
*CALIFORNIA CITY ATTORNEY PUBLICATIONS*
*Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000*
*WEB SITES*
*Western Placer Unified School District: http://www.wpusd.k12.ca.us*
*CSBA: http://www.csba.org*
*California Attorney General's Office: http://www.caag.state.ca.us*

Bylaw adopted:

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

8.24.1

## 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)*

8,4,42

**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))

**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))

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))

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))

***18. Engaged in act of bullying, including electronic bullying. (Education Code 48900(r))***

***19. Aiding and abetting the infliction of physical injury on another person. (Education Code (48900(t))***

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

***20. Causing or attempting to cause damage to school property, stealing or attempting to steal school property including computer information. (Education Code 48900(u)***

**21.** Made terrorist threats against school officials and/or school property. (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:

**22.** Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

*(cf. 5145.7 - Sexual Harassment)*

**23.** 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)

*(cf. 5145.9 - Hate-Motivated Behavior)*

**24.** 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)*

***25. 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)***

8.4.45

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

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

3. During the lunch period, whether on or off the school 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)*

Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

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

**Removal from Class by a Teacher/Parental Attendance**

A teacher may suspend 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. (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)

8.4.46

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

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)

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 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)

The Superintendent 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

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

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. Possession of an explosive as defined in 18 USC 921

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)

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 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)

8.4.48

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

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 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)

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

**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.

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.

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

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

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

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

**Mandatory Recommendation and Mandatory Expulsion**

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

2. Brandishing a knife as defined in Education Code 48915(g) at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above

5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

**Student's Right to Expulsion Hearing**

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be 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

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

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.

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.

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

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.

**Conduct of Expulsion Hearing**

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

   Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

   If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to

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

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))

   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))

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

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.

   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.

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

(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))

**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))

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

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.

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

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

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)

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)

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

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.

6. 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.

7. 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)).

**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)

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

**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 or possession of weapons or firearms in violation of 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)

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. 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)

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

**Readmission After Expulsion**

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)

2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding re-admission.

5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

**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))

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

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
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