WPUSD

Board Packet

Part II

August 5, 2003

Delete

WESTERN PLACER UNIFIED SCHOOL DISTRICT

Professional Development Program **BP 4131.6 (a)**

The Governing Board encourages professional development activities to be tied directly to school improvement objectives at each school as part of a comprehensive school development plan.

(cf. 0420.2 - School Improvement Program)
(cf. 4131 - Staff Development)
(cf. 4131.5 - Professional Growth)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

A committee at each participating school shall design a professional development program which supports the school's improvement objectives and provides opportunities for all school staff to strengthen their subject matter knowledge, instructional practices and support services.

The Superintendent or designee shall provide schools with information about the resources which may help them to design and carry out comprehensive school development plans that are consistent with Board-established criteria. Such plans shall be developed by school site committees and approved by the Board in accordance with law and administrative regulation.

*****Note: AB 1665 (Ch. 864, Statutes of 1998) amended Education Code 44670.5 to require that the committee designing a professional development plan at each school include parents/guardians - see AR 4131.6/4231.6/4331.6.*****

The district's professional development program shall include schools representing a diverse student population and that serve low income and underachieving students. *(Education Code 44671)*

A staff committee at each participating school shall design a professional development program which supports the school's improvement objectives and provides opportunities for all school staff to strengthen their subject matter knowledge, instructional practices and support services.

Legal Reference:
EDUCATION CODE
44277 Requirements for maintenance of valid teaching credential
44670.1-44671.5 Local staff development programs
52850-52904 School plans
54720-54734 School-Based Pupil Motivation and Maintenance Program

7.4.34

~~*Management Resources:*~~
~~*CDE PROGRAM ADVISORIES*~~
~~*06271.09 School-Based Program Coordination Act*~~
~~*09211.09 Implementing Class Size Reduction Under the Morgan Hart Class Size Reduction Act of 1989*~~
~~*0430.09 Using School Improvement Program Resources and SB 1882 Funding to Promote School Change*~~
~~*10271.89 California Professional Development Program*~~

~~*~~

~~Adopted: 6/1/99~~
~~Revised:~~

~~my computer(q)/4000(b)/bp4131.6~~

7.4.35

Delete

WESTERN PLACER UNIFIED SCHOOL DISTRICT

Certificated Personnel
Professional Development Program **AR 4131.6(a)**

District Development Plan

The Superintendent or designee shall prepare a district development plan, which supports coordinated professional development for administrators, teachers, other certificated personnel and classified personnel, consistent with district development objectives. *(Education Code 44671)*

(cf. 4131 - Staff Development)
(cf. 4131.5 - Professional Growth)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Professional development activities for each category of school personnel shall be designed and implemented in consultation with staff representing that category. *(Education Code 44671)*

The district development plan shall: *(Education Code 44671)*

1. Demonstrate a comprehensive approach to staff development to ensure that each subject matter area specified in Education Code 51210 and 51220 receives staff development support, although different subject matter areas may be emphasized in different years.

(cf. 6143 - Courses of Study)

2. Specify how services available through the statewide California Writing, Mathematics and Science Projects shall be used to meet annual improvement objectives.

3. Include a process for the phase-in of all schools that choose to create and implement school development plans.

School Development Plans

1. Content of the School Development Plan

Each school participating in this program shall develop a three-year school development plan, updated annually, which includes school improvement objectives and staff development activities directly related to those objectives. *(Education Code 44670.3, 44670.9)*

7.4.26

School plans developed pursuant to other state or federal categorical programs shall be integrated into the school development plan so as to form one comprehensive improvement plan for the school. *(Education Code 44670.5)*

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 0420.2 - School Improvement Program)
(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

School development plans shall describe: *(Education Code 44670.9)*

a. Specific subject matter areas to be addressed

b. Professional development objectives and steps necessary to achieve them, including intended outcomes.

c. How any staff development activities, regardless of funding source, are incorporated into the plan.

d. How the school plan is articulated with the district development plan.

e. A budget directly related to proposed school development activities that identifies, coordinates and makes efficient use of existing resources available to support the plan.

f. Procedures for ongoing evaluation and modification of the school development activities, including evaluation of the long-term impact on student learning and on the professional growth of staff.

g. How any professional development days made available to staff pursuant to Education Code 44670.6 may be used to further the professional development goals and objectives of the school

2. School Improvement Objectives

The school development plan in each participating school shall include annual school improvement objectives developed with the involvement of classroom teachers selected by teachers, other staff including instructional and teaching aides, the principal, parents/guardians, and other community members. In secondary schools, this group shall include students and teachers representing each major academic subject area offered at the school. *(Education Code 44670.4)*

7.4.37

~~The objectives of the school development plan shall be designed to include but not be limited to the following: *(Education Code 44670.3)*~~

~~a. Improve instructional practices in each subject, strengthen subject matter knowledge, and improve support services based on a continuing examination of instruction and learning in the subject areas offered by the school. This examination shall include research, if any, based on classroom experience conducted by teachers in accordance with research standards and procedures generally accepted in higher education.~~

~~b. Ensure that subject matter requirements, instructional strategies and instructional materials meet uniformly high academic standards and are responsive to the diversity of student learning needs and styles in a multicultural society, including underachieving students and students with exceptional abilities or needs.~~

~~c. Review, select and learn to use curricula and instructional materials in a wide variety of subject areas, giving consideration to the state recommended curriculum framework and model curriculum standards for each subject.~~

~~d. Address ways in which educational technology can support the instructional program.~~

~~*(cf. 6162.7 - Use of Technology in Instruction)*~~

~~e. Improve the school and classroom environments, including working relationships with parents/guardians and other community members of various ethnic and cultural backgrounds.~~

~~f. Developing tolerance programs that capitalize on the positive potential of ethnic diversity and offer educators solutions for confronting problems generated by a multiethnic constituency with following goals:~~

~~(1) Building a greater awareness among educators of the issues of tolerance and diversity~~
~~(2) Exposing working professionals to the dynamics of prejudice and discrimination that impede effective learning~~
~~(3) Providing a broad range of multicultural viewpoints that may influence relationships among students, and between students and teachers~~
~~(4) Providing solutions for conflicts that result from multiethnic disputes~~

7.4.98

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

e. g., Improve student attendance.

In addition, school improvement objectives shall consider the capacity of school personnel to provide the services required of them. *(Education Code 44670.4)*

3. Professional Development Program

The school development plan shall include the professional development of school staff necessary to meet the requirements of the plan. The plan shall also describe opportunities for parents/guardians to participate in the professional development program. All school staff and interested parents/guardians of students enrolled in the schools shall have opportunities to participate in ongoing activities, which reflect school improvement objectives. (Education Code 44670.5)

Professional development programs shall be designed and implemented under the direction of parents/guardians of students enrolled in the school, classroom teachers, the principal, one or more mentor teachers, and other school staff. Non-administrative certificated staff, including but not limited to counselors, librarians and nurses, may serve on the committee. Classroom teachers selected by teachers shall comprise the majority of this committee in designing professional development activities for instructional personnel. (Education Code 44670.5)

As appropriate, the committee shall consult with institutions of higher education, resource agencies or consortia established pursuant to Education Code 44680, or subject matter projects. *(Education Code 44670.5)*

Professional development programs shall: *(Education Code 44670.5)*

a. Allow for diverse activities, including but not limited to the study of theory and rationale, observation of demonstration lessons, practice opportunities for peer coaching, consultation and feedback in the classroom setting, and systematic observations of other classrooms or schools.

b. Be conducted during time that is set aside for such activities throughout the year, including time on a continuing basis when participating staff are released from their regular duties.

7.4.39

~~c. Be continually evaluated and modified by participating staff, in consultation with regional resource consortia personnel and subject matter project personnel as appropriate, based upon benefits to staff and students.~~

~~d. Include the active, continuing participation of the principal and other administrators in one or more activities.~~

~~e. Offer follow-up activities to help participating staff use newly acquired skills on the job.~~

~~f. Promote the professional development of instructional aides and teacher aides, including activities that encourage them to pursue the education and training necessary to become classroom teachers.~~

~~In addition, all activities in the professional development program shall meet the requirements for professional growth activities specified in Education Code 44277 for maintenance of valid credentials. *(Education Code 44670.9)*~~

~~*(cf. 4131.5 - Professional Growth)*~~

~~4. Plan Approval~~

~~The Superintendent or designee shall develop and disseminate to all schools, criteria for approval of school development plans. *(Education Code 44671)*~~

~~The Governing Board shall approve or disapprove school plans consistent with district approval criteria, the district development plan, State Board of Education regulations and other criteria adopted by the Board. *(Education Code 44671)*~~

~~In determining whether to approve a school development plan, the Board shall consider: *(Education Code 44671.2)*~~

~~a. The degree to which the objectives of the plan conform to objectives specified in law and in the district development plan~~

~~b. The extent to which a substantial percentage of school staff will participate in proposed professional development activities~~

~~c. The adequacy of procedures to evaluate the effectiveness of school development activities~~

7.4.90

d. The extent to which existing resources are identified, coordinated and used efficiently to support the school development plan

School development plans shall be subject to Board approval every two years. *(Education Code 44670.9)*

If a school plan is not approved, the Board shall communicate to the school its specific reasons for disapproval. *(Education Code 44671)*

School representatives shall have reasonable opportunities to discuss their school plans with the Board or its designated representatives. *(Education Code 44671)*

Upon request, the Superintendent or designee shall assist schools to plan, implement and evaluate school development plans. The Superintendent or designee also shall help schools identify, coordinate and make efficient use of existing resources to support school development plans. *(Education Code 44671)*

Revised: 12/04/01
Adopted: 6/1/99
Q:/4000(b)/ar4131.6

1.4.11

WESTERN PLACER UNIFIED SCHOOL DISTRICT

AR 4161.2 (a)
AR 4261.2 (a)
AR 4361.2 (a)

PERSONNEL

All Personnel

Personal Leaves

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. *(Education Code 44985, 45194)*

Members of the immediate family shall include: the mother, father, grandmother, grandfather, or grandchild of the employee or the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister; or any relative living in the employee's immediate household. *(Education Code 44985, 45194)*

At his/her discretion, the Superintendent or designee may grant additional unpaid bereavement leave.

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. *(Education Code 44981, 45207)*

Personal Necessity

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

7.4.92

1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions *(Education Code 44981, 45207)*

2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family *(Education Code 44981, 45207)*

3. A serious illness of a member of the employee's immediate family. (certificated)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or other order (Education Code 45207)

5. Fire, flood, or other immediate danger to the home of the employee

6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects true personal necessity.

Advance permission shall not be required for certificated employees in cases involving the death or serious illness of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. (Education Code 44981)

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

Legal Duties

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (Education Code 44037)

1.4.93

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees.

Employees shall be granted leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury

2. Comply with a subpoena or other court order to appear as a witness, including but not limited to cases in which the employee is a victim of a crime

Notices, summons and subpoenas for court appearances shall be submitted to the district office when requesting leave.

Leaves for Victims of Domestic Violence or Sexual Assault

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain or attempt to obtain any relief, including but not limit to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence or sexual assault

2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault

3. Obtain psychological counseling related to an experience of domestic violence

4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

7.4.44

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement. (Labor Code 230.1)

Prior to taking this time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide to his/her supervisor sufficient certification of the absence in the form of any of the following documents: (Labor Code 230)

1. A police report indicting that the employee was a victim of domestic violence or sexual assault

2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court

3. Documentation from a medical professional, domestic violence advocate, or advocate for victims of sexual assault health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault

The supervisor and Superintendent or designee shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Activities

Any employee who is a parent, guardian or grandparent having custody of one or more children in grades K-12, or attending a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the school year, and the employee shall give reasonable advance notice of the absence. *(Labor Code 230.8)*

(cf. 1240 - Volunteer Assistance)

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent may be granted by the Superintendent or designee. *(Labor Code 230.8)*

7.11.44

The employee shall use existing vacation, personal leave or compensatory time off for purposes of this leave. *(Labor Code 230.8)*

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advance notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month.

Upon request, the employee shall provide documentation from the school or licensed day care facility to prove that he/she participated in school or licensed day care facility activities at the time of the leave. *(Labor Code 230.8)*

Service in State or Employee Organizations

Employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided that the service is in the state of California, the organization informs the district in writing of the service and the organization reimburses the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs. (Education Code 44987.3)

Employees may take a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special or regular meetings of the body of the organization. (Education Code 44987, 45210)

Religious Leave

Employees may take up to three days of leave per year for religious purposes as long as such leaves do not cause additional district expenditures, the neglect of assigned duties or any other unreasonable hardship on the district.. The Superintendent or designee may grant such leave provided that it is requested in advance.

The Superintendent or designee shall deduct the cost of a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee, as long as such leaves do not cause additional district expenditures, the neglect of assigned duties or any other unreasonable hardship on the district.

7.4.95

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training. (Labor Code 230.4)

Legal Reference:
EDUCATION CODE
44036-44037 Leaves of absence for judicial and official appearances
44963 Power to grant leaves of absence (certificated)
44981 Leaves of absence for personal necessity (certificated)
44985 Leave of absence due to death in immediate family (certificated)
44987.3 Leave of absence to serve on certain boards, commissions, etc.
45190 Leaves of absence and vacations (classified)
45194 Bereavement leave of absence (classified)
45198 Effect of provisions authorizing leaves of absence
45207 Personal necessity (classified)
FAMILY CODE
6211 Domestic violence
LABOR CODE
230 Time off to appear in court
230.1 Time off for victims of domestic violence
230.3 Volunteer firefighters; discrimination
230.4 Volunteer firefighters
230.8 Leave to visit child's school
233 Illness of child, parent or spouse
CALIFORNIA CONSTITUTION
Article 1, Section 8 Religious discrimination
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VII, Civil Rights Act of 1964
COURT DECISIONS
Rankin v. Commission on Professional Competence (1988) 24 Cal.3d 167

Adopted: 5/2/95
Revised: 10/20/98, 5/2/00, 6/18/01
New - 1994/1995 School Year (Total District Policy Book Review)
Q:4000\AR4161.2

1.4.46

WESTERN PLACER UNIFIED SCHOOL DISTRICT

BP 4200(a)

CLASSIFIED PERSONNEL

Classified Personnel

The Governing Board desires to fill each of its classified positions with highly skilled and qualified persons, consistent with position requirements. The primary role of classified personnel is to provide services that support and enhance the district's educational program.

(cf. 0200 - Goals for the School District)
(cf. 4211 - Recruitment and Selection)

The classified service shall consist of all employees in positions not requiring certification unless the position is specifically exempted from the classified service. Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (Education Code 45104)

Each classified staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with negotiated agreements.

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4215 - Evaluation/Supervision)

Before employing a short-term classified employee, the Board, at a regularly scheduled meeting, shall specify the service required to be performed by the employee and shall certify the ending date of the service. The Board may shorten or extend the ending date, but the date shall not be extended beyond 75 percent of the school year, as defined. (Education Code 45103)

Each position shall have a designated title and regular minimum number of assigned hours per day, days per week and months per year. A job description shall be established for each position.

Assignment

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent or designee. They shall be required to perform those duties prescribed by the Board for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

7.4.47

CLASSIFIED PERSONNEL

Classified Personnel

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)
(cf. 4141/4241 - Collective Bargaining Agreement)

Legal Reference:
EDUCATION CODE
45100-45139 Employment of classified staff
45160-45169 Salaries and differential compensation
45190-45210 Resignation and leaves of absence
45220-45320 Merit system
49406 Examination for tuberculosis
51760-51769.5 Work experience education

Management Resources:
WEB SITES
California School Employees Association: http://www.csea.com

Adopted: 5/6/85
Revised: 5/2/95, 10/7/97
Fall 1994 (Total District Policy Book Review)
Q:4000a\bp4200

7.4.48

CLASSIFIED PERSONNEL

Exemption from Classified Service

1. Individuals hired solely for the following purposes are exempt from the classified service: *(Education Code 45103)*

   Substitute or short-term employees as defined, who are employed and paid for less than 75 percent of the school year.

   Substitute employee means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the Governing Board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

   Short-term employee means any person who is employed to perform a service for the district, upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.

   Seventy-five percent of the school year means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of the number of hours worked per day.

2. Part-time playground positions (noon duty aides), when the employees are not otherwise employed in classified positions in the district

3. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment.

4. Full-time day students employed part time

5. Part-time students employed part time in any program conducted by a community college district pursuant to Education Code 51760 et seq. And which is financed by state or federal funds.

7.4.99

CLASSIFIED PERSONNEL

Exemption from Classified Service

Persons hired solely for purposes, which are exempted from the classified service, shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. Employment for such purposes after conviction of a sex or controlled substance offense shall be subject to the provisions of Education Code 45123 and 45124. *(Education Code 45106)*

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4212.5 - Security/Credit Check)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Adopted: 11/4/97
Revised:
Q:4000a\AR4200

7.4.50

WESTERN PLACER UNIFIED SCHOOL DISTRICT

BP 4213

Delete

PERSONNEL

Classified Personnel

Assignment/Classification

Assignment

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent. They shall be required to perform those duties as outlined in Board policy for the position the employee holds. Employees may be required to work outside of their job classification. Compensation shall be adjusted upward to reflect the performance of duties outside of the employees normal assignment.

(cf. 4219.3 - Duties of Personnel)

Classification

The Governing Board shall classify all positions in the classified service and other positions not requiring certification qualifications. Each position shall have a designated title, regular minimum number of assigned hours per day, days per week and months per year. A specific statement of the duties required and the regular monthly salary ranges shall be established for each position.

Legal Reference:
EDUCATION CODE
45102 Assignment at times other than regular academic year
45109 Fixing of duties
45110 Inconsistent duties; compensation
45127 Work week (conditions of service)
45132 Four consecutive day workweek
45169 Data furnished employee, copies; application
45183 Basis of assignment to duties
(See BP 4200 for additional legal references re classification of personnel)

Adopted: 7/11/83
Revised: 5/2/95
Fall 1994 (Total District Policy Book Review)
wordfiles\policies\bp4213

7.4.51

WESTERN PLACER UNIFIED SCHOOL DISTRICT

BP 5020 (a)

Students

PARENTS RIGHTS AND RESPONSIBILITIES

The Governing Board recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

(cf. 6020 - Parent Involvement)

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

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

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

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

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

7.457

Students

PARENTS RIGHTS AND RESPONSIBILITIES

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

Legal Reference:
EDUCATION CODE
33126 School accountability report card
35291 Disciplinary rules
48070.5 Promotion and retention of students
48985 Notice to parent in language other than English
49091.10-49091.19 Parental review of curriculum and instruction
49602 Confidentiality of pupil information
51100-51102 Parent/guardian rights
51513 Personal beliefs
60510 Disposal of surplus instructional materials
UNITED STATE CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of pupil rights

WEB SITES
CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov

Adopted: 10/19/99
Revised:

q:5000(a)\bp5020

7.4.53

STUDENTS

Parent/Guardian Rights

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled (Education Code 51101)

Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by parents/guardians, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. (Education Code 49091.10)

(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)
(cf. 6116 - Classroom Interruptions)

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal of the school in which their child is enrolled (Education Code 51101)

3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)

4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)

(cf. 5113 - Absences and Excuses)

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)

11.4.54

Parent/Guardian Rights

For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)

(cf. 0500 - Accountability)
(cf. 0510 - School Accountability Report Card)
(cf. 6162.51 -Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6174 - Education for English Language Learners)

(cf. 0500 - Accountability)
(cf. 0510 - School Accountability Report Card)
(cf. 6162.5 - Student Assessment)

6. To request a particular school for their child and to receive a response from the school (Education Code 51101)

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

7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)
(cf. 5142 - Safety)

8. To examine the curriculum materials of the class(es) in which their child is enrolled (Education Code 51101)

Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, tapes and software. (Education Code 49091.10)

Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)

1.4.55

Parent/Guardian Rights

The school may charge an amount not to exceed the cost of duplication. (Education Code 49091.14)

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.1 - Family Life/Sex Education)
(cf. 6142.2 - AIDS Prevention Instruction)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5124 - Communication with Parents/Guardians)

10. For parents/guardians of English learners, to support their child's advancement toward literacy (Education Code 51101.1)

The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts (Education Code 51101.1)

12. To have access to the school records of their child (Education Code 51101)

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

7.4.56

Parent/Guardian Rights

13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (Education Code 51101)

(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)
(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)
(cf. 6146.5 - Elementary School Graduation Requirements/Standards of Proficiency)

14. To be informed in advance about school rules, including disciplinary rules and procedures pursuant to Education Code 35291 attendance policies, retention and promotion policies pursuant to Education Code 48070.5, dress codes and procedures for visiting the school (Education Code 51101)

(cf. 1250 – Visitors/Outsiders)
cf. 5123 – Promotion/Acceleration/Retention)
(cf. 5132 - Dress and Grooming)
(cf. 5144 - Discipline)

15. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision. (Education Code 51101)

16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (Education Code 51101)

(cf. 5145.1 - Privacy)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life; any form of parental screening or testing; any nonacademic home-based counseling program; parent training; or any prescribed family education service plan and to inspect any survey collecting personal information.. (Education Code 49091.18; 20 USC 1232h)

1.4.57

Parent/Guardian Rights

18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulation. (Education Code 51101.

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.5 - School-Based Decision Making)
(cf. 0420.2 - School Improvement Program)
(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)
(cf. 0420.5 - School-Based Decision Making)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6171 - Title I Programs)
(cf. 6175 - Migrant Education Program)

19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)

(cf. 5125.3 - Challenging Student Records)

The Superintendent or designee shall obtain informed written parental consent before testing any student for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in, a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)

All students shall have the right to obtain confidential medical care or confidential counseling related to the diagnosis or treatment of a drug- or alcohol-related problem, or mental health treatment or counseling, without the consent of his/her parent/guardian. (Education Code 49091.12)

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.3 - Health Examinations)
(cf. 6164.2 - Guidance/Counseling Services)

7.4.58

Parent/Guardian Rights

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

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

In addition, the Superintendent or designee shall provide interested parents/guardians with opportunities to participate in professional development programs offered at the school in which their child is enrolled. (Education Code 44670.5)

(cf. 4131.6/4231.6/4331.6 - Professional Development Program)

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

(cf. 5145.6 - Parental Notifications)

School officials or law enforcement officials have the authority to investigate or intervene in cases of suspected child abuse, (Education Code 49091.12)

(cf. 5141.4 - Child Abuse Reporting Procedures)

Parent Responsibilities

Parents/guardians may support the learning environment of their children by: (Education Code 51101)

1. Monitoring attendance of their children

2. Ensuring that homework is completed and turned in on time

(cf. 6154 - Homework/Makeup Work)

3. Encouraging their children to participate in extracurricular and cocurricular activities

(cf. 6145 - Extracurricular and Cocurricular Activities)

7.4.59

Parent/Guardian Rights

4. Monitoring and regulating the television viewed by their children

5. Working with their children at home in learning activities that extend the classroom learning

6. Volunteering in their children's classroom(s) or for other school activities

(cf. 1240 - Volunteer Assistance)

7. Participating in decisions related to the education of their own children or the total school program as appropriate

Adopted: 10/19/99
Revised:

q:5000(a)\ar5020

1.460

STUDENTS

Alternative Interdistrict Attendance Program

Applications and Notifications

The district shall make information regarding its schools, programs, policies and procedures available to any interested person upon request. Application forms for alternative interdistrict attendance shall be available at district schools. This form shall permit students to request enrollment in a specific school or program. (Education Code 48209.9, 48209.13)

Application forms for alternative interdistrict attendance must be submitted to the district office between November 1 and January 1 of the school year preceding the school year for which the student is to be transferred. The district of residence and the district of choice may agree to waive the January 1 deadline. (Education Code 48209.9)

No later than 90 days after the district receives an application for transfer, the Superintendent or designee shall notify the parent/guardian in writing whether the application has been provisionally accepted or rejected or the student's position on any waiting list. (Education Code 48209.9)

Existing entrance criteria for specialized schools or programs shall be uniformly applied to all applicants. (Education Code 48209.5)

The district shall give priority for attendance to siblings of children already in attendance in the district. (Education Code 48209.6)

Final acceptance or rejection shall be made by May 15 of the school year preceding the year for which the student is to be transferred. If the application is accepted, notice shall be sent to the parent/guardian. (Education Code 48209.9)

Students admitted through the alternative interdistrict attendance program are deemed to have fulfilled district residency requirements pursuant to Education Code 48204. (Education Code 48209.1)

Final acceptance of the transfer is applicable for one school year and will be renewed automatically each year as long as the district continues to accept transfer students. Once

7.4.61

admitted, high school students may retain their residency status even if the district no longer accepts students from other districts. (Education Code 48209.9)

The district may accept any completed coursework, attendance and other academic progress credited to an accepted student by the district(s) he/she previously attended. Academic standing shall be granted to the student based upon this district's evaluation of that academic progress. (Education Code 48209.10)

(cf. 6146.3 - Reciprocity on Standards of Proficiency/Graduation Requirements)

The district may revoke a student's enrollment if he/she is recommended for expulsion pursuant to Education Code 48918. (Education Code 48209.10)

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

Rejection of Transfers

1. The district may reject a transfer into the district if it would require the district to create a new program or provide a new service to serve that student. (Education Code 48209.3)

2. Interdistrict transfers out of the district under the alternative interdistrict attendance program may be rejected if the number of transfers exceeds the limits specified in law. (Maximum is 10% of ADA) Education Code 48209.7)

If a request for alternative interdistrict attendance is rejected, the Superintendent or designee shall provide written notice to the parent/guardian.

The Board shall ensure that the determination to reject the transfer application and the reason(s) for this determination are accurately recorded in the minutes of the Board meeting at which the determination was made. (Education Code 48209.9)

(cf. 9324 - Minutes and Recordings)

Records and Reports

The Superintendent or designee shall keep an account of all requests for alternative attendance and the disposition of those requests, including:

1. The number of requests granted, denied or withdrawn, and reasons for denials.

7.9.07

2. The number of students transferred out of the district.

3. The number of students transferred into the district.

Transportation

Upon request, students who transfer into the district under the alternative attendance program shall receive transportation assistance within district boundaries to the same extent as such assistance is provided for students living within the district. (Education Code 48209.12)

(cf. 3250 - Transportation Fees)
(cf. 3540 - Transportation)

Adopted: 5/19/95
Revised: 5/2/00
New - 1994/1995 School Year (Total District Policy Book Review)
Q:5000/ar5117.2

7.4.63

STUDENTS

Conduct

The Governing Board believes that all students have the right to be educated in a positive learning environment free from prohibited student conduct. On school grounds and at school activities, students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program.

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations

Behavior is considered appropriate when students are diligent in study, neat and clean, careful with school property, and courteous and respectful towards their teachers, other staff, other students and volunteers.

(cf. 5131.1 - Bus Conduct)
(cf. 5137 - Positive School Climate)

Prohibited student conduct includes but is not limited to:

1. Behavior that endangers other students and/or staff

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5136 - Gangs)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5142 - Safety)

2. Behavior that disrupts the orderly classroom or school environment

(cf. 5131.4 - Campus Disturbances)

3. Harassment of other students or staff including bullying, intimidation, hazing, or any other verbal, written or physical conduct that causes or threatens to cause bodily harm or emotional suffering.

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

BP 5131 (b)

7.46.64

4. Damage to or theft of property belonging to the district, staff or other students

(cf. 5131.5 - Vandalism, Theft and Graffiti)
(cf. 3515.4 – Recovery for Property Loss or Damage)

5. Possession, use or sale of alcohol, tobacco or other drugs

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)

6. Except for prior consent for health reasons, possession or use of electronic signaling devices (Education Code 48901.5)

Electronic signaling devices may include, but not be limited to: pagers, beepers and cellular/digital telephones.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

7. Possession or use of laser pointers unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27).

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

8. Profane, vulgar or abusive language

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

9. Plagiarism or dishonesty in schoolwork or on tests

(cf. 5131.9 - Academic Honesty)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6163.4 - Student Use of Technology)

10. Inappropriate dress

(cf. 5132 - Dress and Grooming)

7.9.65

STUDENTS

11. Tardiness and unexcused absence from school

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

12. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

Students and parents/guardians shall be notified of district and school rules related to conduct and receive regular instruction regarding these rules. In addition, parents/guardians and students may be provided information about early warning signs of harassing/intimidating behaviors as well as prevention and intervention strategies.

Enforcement of Standards

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline, including but not limited to suspension, expulsion or transfer to alternative programs in accordance with Board policy and administrative regulation. In addition, when the conduct involves intimidation, harassment, or other endangerment of a student or employee, the Superintendent or designee shall provide appropriate assistance as necessary for the victim and the offender or make appropriate referrals for such assistance.
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.6 - Parental Notifications)
(cf. 6020 - Parent Involvement)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6182 - Opportunity School/Class/Program)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

7.9.16

STUDENTS

Legal Reference:
EDUCATION CODE
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension or expulsion
48908 Duties of pupils
48980-48981 Notification of parent or guardian
CIVIL CODE
1714.1 Liability of parents and guardians for willful misconduct of minor
PENAL CODE
417.25 Laser scope
CODE OF REGULATIONS, TITLE 5
300-307 Duties of pupils
UNITED STATES CODE, TITLE 42
2000h - 2000h-6 Title IX, 1972 Education Act Amendments

Adopted: 4/8/68
Reviewed: 7/9/84
Revised: 5/19/95, 10/5/99, 5/2/00, 11/21/02
q:5000\bp5131

9.9.67

STUDENTS

Safety

The Governing Board recognizes the importance of providing a safe school environment in order to help ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including practices relative to school facilities and equipment, outdoor environment, educational programs and school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3320 - Claims and Actions Against the District)
(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3530 - Risk Management/Insurance)
(cf. 3542 - School Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.1 - Accidents)
(cf. 5142.1 - Identification and Reporting of Missing Children)
(cf. 5142.2 - Crossing Guards)
(cf. 5143 - Insurance)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 6145.2 - Athletic Competition)
(cf. 6161.3 - Toxic Art Supplies)
(cf. 7111- Evaluating Existing Buildings)

Staff shall be responsible for the proper supervision of students during school hours, while at school-sponsored activities and while students are using district transportation to and from school.

The principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy and administrative regulation. Copies of the rules shall be sent to parents/guardians and be readily available at the school at all times.

7.4.68

STUDENTS

Safety

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety, injury prevention and disease prevention.

Legal Reference:
EDUCATION CODE
8482-8484.6 Before and After School Learning and Safe Neighborhood Partnerships Program
17280-17317 Building approvals (Field Act)
17365-17374 Fitness of school facilities for occupancy
32001 Fire alarms and drills
32020 School gates; entrances for emergency vehicles
32030-32034 Eye safety
32040 First aid equipment
32050-32051 Hazing
32225-32226 Two-way communication devices in classrooms
32240-32245 Lead-free schools
32250-32254 CDE school safety and security resources unit
32270.5 Cellular telephones for classroom safety
35183.5 Sun protection
35294-35294.9 Safety plans
44807 Duty of teachers concerning conduct of students to and from schools, on playgrounds, and during recess
44808 Exemption from liability when students are not on school property
44808.5 Permission for students to leave school grounds; notice (high school)
49300-49307 School safety patrol
49330-49335 Injurious objects
49341 Hazardous materials in school science laboratories
51202 Instruction in personal and public health and safety

GOVERNMENT CODE
810-996.6 California Tort Claims Act, especially:
815 Liability for injuries generally; immunity of public entity
835 Conditions of liability
4450-4458 Access to public buildings by physically disabled persons
HEALTH AND SAFETY CODE
115725-115750 Playground safety
115775-115800 Wooden playground equipment
115810-115816 Playground safety and recycling grants

7.4.69

STUDENTS

Safety

PUBLIC RESOURCES CODE
5411 Purchase of equipment usable by physically disabled persons

VEHICLE CODE
21212 Use of helmets
CODE OF REGULATIONS, TITLE 5
202 Exclusion of students with a contagious disease
5531 Supervision of social activities
5552 Playground supervision
5570 When school shall be open and teachers present
14103 Bus driver; authority over pupils
CODE OF REGULATIONS, TITLE 22
65700-65750 Safety regulations for playgrounds; definitions and general standards
COURT DECISIONS
Hoyem v. Manhatten Beach City School District, (1978) 22 Cal. 3d 508
Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Management Resources:
OFFICE OF THE STATE ARCHITECT ADVISORIES
400.90 Death and Injury from Collapse of Free-Standing Walls
U.S. CONSUMER PRODUCT SAFETY COMMISSION
Handbook for Public Playground Safety, 1997, Pub. No. 325
AMERICAN SOCIETY FOR TESTING AND MATERIALS
F 1487-98, Standard Consumer Safety Performance Specifications for Playground Equipment for Public Use, 1998
CENTERS FOR DISEASE CONTROL PUBLICATIONS
Guidelines for School Programs to Prevent Skin Cancer, April 26, 2002
WEB SITES
CDE, School Safety Branch: http://www.cde.ca.gov/spbranch/safety
California Department of Health Services: http://www.dhs.ca.gov
Environmental Protection Agency: http://www.epa.gov
Centers for Disease Control: http://www.cdc.gov

Adopted:
Revised: 5/19/95
1994/1995 School Year (Total District Policy Book Review)
q:5000\BP 5142

7.4.70

STUDENTS

Safety

Release of Student to Adult

Students shall be released during the school day in the custody of an adult only if:

1. The adult is the student's parent/guardian with custody.

(cf. 5021 - Noncustodial Parents)

2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the parent/guardian cannot be reached, and the principal or designee verifies the individual's identification.

(cf. 5141 - Health Care and Emergencies)
(cf. 5141.1 - Accidents)

3. The adult is a properly authorized law officer acting in accordance with law.

(cf. 5145.11 - Questioning and Apprehension)

4. The adult is taking the student to emergency medical care at the request of the principal or designee.

(cf. 5141.4 - Child Abuse Reporting Procedures)

Supervision of Students

Teachers shall be present at their respective rooms and shall open them to admit students not less than 30 minutes before the time when school starts. (5 CCR 5570)

(cf. 6112 - School Day)

Every teacher shall hold students to a strict account for their conduct on the way to and from school, on the playgrounds and during recess. (Education Code 44807)

Where playground supervision is not otherwise provided, the principal of each school shall provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions. (5 CCR 5552)

7.4.11

The principal or designee shall:

1. Clearly identify supervision zones on the playground and require that all individuals supervising students remain outside at a location from which they can observe their entire zone of supervision

2. Require that all supervisors remain alert in spotting dangerous conditions, promptly report any such conditions to the principal or designee, and file a written report on such conditions as appropriate

3. Establish emergency procedures that ensure swift response to accidents, fighting and situations that could become dangerous, such as overcrowding or unusual gatherings of students

When determining the ratio of playground supervisors to students, the Superintendent or designee shall consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students.

The Superintendent or designee shall ensure that teachers, teacher aides, yard aides and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help them to forestall problems and resolve conflicts. Such training shall be documented and kept on file.

Playground Safety

The Superintendent or designee shall ensure that playgrounds comply with 22 CCR 65700-65750 pertaining to the design, installation, inspection and maintenance of playgrounds and playground equipment.

New playground equipment shall be either: (22 CCR 65730)

1. Assembled and installed by or under the direct supervision of an individual authorized by the manufacturer

2. Inspected by a certified playground safety inspector prior to its first use

The Superintendent or designee shall ensure that district personnel have read and understood the requirements in 22 CCR 65700-65750 before participating in the design, installation or maintenance of a playground. (22 CCR 65740)

7.4.12

Activities with Safety Risks

Because of concerns about the risk to student safety, the principal or designee shall not permit the following activities on campus or during school-sponsored events unless the activity is properly supervised, students wear protective gear as appropriate, and each participant has insurance coverage:

1. Trampolining
2. Scuba diving
3. Skateboarding or use of nonmotorized scooters
4. In-line or roller skating
5. Hang gliding
6. Sailing
7. Water skiing
8. Snow trips
9. Motorcycling
10. Target shooting
11. Horseback riding
12. Rodeo
13. Other activities determined by the school principal to have a high risk to student safety

(cf. 6145 - Extracurricular and Cocurricular Activities)

The cost of insurance coverage for such activities shall be borne by the student and/or student body consistent with law and Governing Board policy.

(cf. 3260 - Fees and Charges)
(cf. 3530 - Risk Management/Insurance)
(cf. 5143 - Insurance)

7.4.13

Safety

Students who operate or ride as a passenger on a bicycle, nonmotorized scooter or skateboard upon a street, bikeway or any other public bicycle path or trail shall wear a properly fitted and fastened bicycle helmet that meets the standards of law. Students also shall be required to wear such helmets while wearing in-line or roller skates. (Vehicle Code 21212)

Laboratory Safety

The principal of each school offering laboratory work to students shall designate a trained certificated employee to review, update and carry out the school's procedures for laboratory safety.

Hearing Protection

The Superintendent or designee shall monitor students' exposure to excessive noise in classrooms and provide protection as necessary. The Superintendent or designee also may provide hearing conservation education to teach students ways to protect their hearing.

Eye Safety Devices

The Superintendent or designee shall provide schools with eye safety devices for use whenever students are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. (Education Code 32030, 32031)

(cf. 4157/4257/4357 - Employee Safety)

Eye safety devices may be sold to students for an amount not to exceed their actual cost to the district. (Education Code 32033)

(cf. 3260 - Fees and Charges)

Adopted: 5/19/95
Revised:
1994/1995 School Year (Total District Policy Book Review)
q:5000\ar5142

7.4.94

DELETE
~~WESTERN PLACER UNIFIED SCHOOL DISTRICT~~

~~BP 5142.3~~

~~STUDENTS~~

~~Student Use of Bicycles~~

~~The Governing Board recognizes that bicycle helmets lessen the seriousness of head injuries. The Board expects that students who ride bicycles to and from school will consistently wear bicycle helmets, observe safety laws and rules, and display courtesy toward other riders and pedestrians.~~

~~The district will cooperate with community groups that provide bicycle safety information to students.~~

~~Students are encouraged to use bicycle locks. The district will not be responsible for bicycles which are lost, stolen or damaged.~~

~~*Legal Reference:*~~
~~*EDUCATION CODE*~~
~~*44808 Exemption from liability when students are not on school property*~~
~~*51202 Instruction in personal and public health and safety*~~
~~*VEHICLE CODE*~~
~~*21212 Bicycle helmets*~~

~~Adopted: 5/7/96~~

~~b:bp5142.3~~

1.4.15

WESTERN PLACER UNIFIED SCHOOL DISTRICT

BP 5144 (a)

STUDENTS

Discipline

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

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

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

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

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

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police Department)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5136 - Gangs)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.5 - Student Study Teams)

1.4.16

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5136 - Gangs)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.5 - Student Study Teams)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6182 - Opportunity School/Class/Program)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

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

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

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

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

Legal Reference:
CIVIL CODE
1714.1 Parental liability for child's misconduct
EDUCATION CODE
35146 Closed sessions
35291 Rules
35291.5-35291.7 School-adopted discipline rules
35294-35294.9 School safety plans
37223 Weekend classes
44807.5 Restriction from recess
48630-48644.5 Opportunity schools

7.4.17

48900-48926 Suspension and expulsion
48980-48985 Notification of parents or guardians
49000-49001 Prohibition of corporal punishment
49330-49335 Injurious objects
CODE OF REGULATIONS, TITLE 5
307 Participation in school activities until departure of bus
353 Detention after school

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

Adopted: 11/5/91
Revised: 5/19/95, 12/7/99
New - 1994/1995 School Year (Total District Policy Book Review)
q:5000\bp5144

7.4.78

WESTERN PLACER UNIFIED SCHOOL DISTRICT

AR 5144 (a)

Students

Discipline

Site-Level Rules

Rules for student discipline shall be developed at each school site. In developing these rules, each school shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians

2. Teachers

3. School administrators

4. School security personnel, if any

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

The final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school. The rules shall be consistent with law, Governing Board policy and district regulations. Each school shall file a copy of the rules with the Superintendent or designee and Board. (Education Code 35291.5) The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law.

These rules shall be revised as necessary and shall undergo the site-level review and adoption process at least every four years. (Education Code 35291.5)

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

(cf. 0450 - Comprehensive Safety Plan)

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

1. Referral of the student for advice and counseling

(cf. 6164.2 - Guidance/Counseling Services)

7.4.99

Students

Discipline

2. Discussion or conference with parents/guardians

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

3. Recess restriction

4. Detention during and after school hours

5. Community service

6. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)
(cf. 6181 - Alternative Schools)
(cf. 6182 - Opportunity School/Class/Program)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

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

8. Suspension and expulsion

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

Corporal Punishment

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

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

7.4.80

Students

Discipline

Recess Restriction

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

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

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

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

Detention After School

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

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

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

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

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

7.4.81

Students

Discipline

(cf. 6176 - Weekend/Saturday Classes)

Community Service

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

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

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291)

In addition, at the beginning of each school year, the principal or designee shall notify students and parents/guardians, in writing, regarding school rules related to discipline. Transfer students and their parents/guardians shall receive such notice upon enrollment. (Education Code 35291.5)

(cf. 5145.6 - Parental Notifications)

Adopted: 01/04/00
Revised: 6/18/01

9.4.87

WESTERN PLACER UNIFIED SCHOOL DISTRICT

STUDENTS **AR 5144.1 (a)**

Suspension and Expulsion/Due Process

Definition

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 Governing Board 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 43925)*

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))

1.4.83

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

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

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

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

(cf. 5145.7 - Sexual Harassment)

19. 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)*

20. Intentionally engaged in harassment, threats or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: *(E.C. 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.

(cf. 5113 - Absences and Excuses)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

9.4.84

WESTERN PLACER UNIFIED SCHOOL DISTRICT

ATTACHMENT #2
ADMINISTRATIVE GUIDELINES

SUSPENSION AND EXPULSION

OFFENSE- Ed. Code #48900	MINIMUM CONSEQUENCE	MAXIMUM CONSEQUECE
48900 (a)(1) – Caused, attempted to cause, or threatened to cause physical injury to another (mutual combat), **or** **48900 (a)(2)** – Willfully used force or violence upon the person of another, except in self-defense	1-5 day suspension. Parent conference, **or** 1-5 day suspension &/or Saturday School, parent conference, police report, **or** 1-5 day suspension, recommendations for expulsion, police report.	5 day suspension &/or recommendation for expulsion.
48900 (b) - Possession, sold, or furnished any firearm, knife, explosives, firecrackers or other dangerous object.	1-3 day suspension &/or Saturday School, confiscation, police report, **or** 5-day suspension, confiscation, police report, recommendation for expulsion.	3-5 day suspension, &/or Saturday School, confiscation, police report & recommendation for expulsion, **or** 5-day suspension, confiscation, police report, recommendation for expulsion.
48900 (c) – Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health & Safety Code, an alcoholic beverage, or intoxicant of any kind.	3-5 day suspension &/or Saturday School, police report, possible recommendation for expulsion.	5-day suspension, confiscation, police report, recommendation for expulsion.
48900 (d) – Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or any intoxicant, or an intoxicant of any kind, and the either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance or material as a controlled substance, alcoholic beverage, or intoxicant.	3-5 day suspension, &/or Saturday School, police report, possible recommendation for expulsion.	5-day suspension, &/or Saturday School, police report, recommendation for expulsion.
48900 (e) – Committed or attempted to commit robbery or extortion.	3-5 day suspension, &/or Saturday School, police report, restitution, possible recommendation for expulsion.	5-day suspension, &/or Saturday School, police report, restitution, recommendation for expulsion.
48900 (f) – Caused or attempted to cause damage to school property or private property.	Alternative means of correction, 1-3 days suspension, police report, restitution, possible withholding of school records.	5-day suspension, restitution, police report, recommendation for expulsion.
48900 (g) – Stolen or attempted to steal school property or private property.	Alternative means of correction, 1-3 days suspension, &/or Saturday School, police report, restitution, possible recommendation for expulsion.	5-day suspension, &/or Saturday School, restitution, police report, recommendation for expulsion.
48900 (h) – Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, snuff, chew products, and betel.	Alternative means of correction, 1-3 days suspension, &/or Saturday School, confiscation.	3-5 day suspension, &/or Saturday School, confiscation.
48900 (i) – Committed an obscene act or engaged in habitual profanity.	1-3 day suspension, &/or Saturday School, or alternative means of correction.	1-5 day suspension &/or Saturday School..
48900 (j) – Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health & Safety Code.	3-5 day suspension, &/or Saturday School, report to police.	5-day suspension, recommendation for expulsion.

7.4.85

ATTACHMENT #3

ADMINISTRATIVE GUIDELINES

SUSPENSION AND EXPULSION

OFFENSE – Ed. Code #48900	MINIMUM CONSEQUENCE	MAXIMUM CONSEQUENCE
48900 (k) – Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.	Alternative means of correction, 1-3 days suspension, &/or Saturday School.	3-5 days suspension &/or Saturday School
48900 (l) – Knowingly received stolen property or private property	3-5 days suspension, &/or Saturday School, report to police.	5-day suspension and recommendation for expulsion.
48900 (m) – Possessed and imitation firearm, i.e. replica of a firearm that it 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.	3-5 day suspension, report to police.	5-day suspension & recommendation for expulsion.
48900 (n) – Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.	3-5 day suspension, report to police.	5-day suspension & recommendation for expulsion.
48900 (o) – Harassed, threatened, or intimidated a pupil who is a complaining witness in a school disciplinary proceeding.	3-5 day suspension, report to police.	5-day suspension, recommendation for expulsion.
48900 (p) – Unlawfully offered, arranged to sell, negotiate to sell, or sold the prescription drug Soma.	3-5 day suspension, confiscation, report to police.	5-day suspension, police report, recommendation for expulsion.
48900 (r) – Aiding and abetting the infliction of physical injury on another person.	3-5 day suspension, report to police.	5-day suspension, recommendation for expulsion.
48900 (s) – Causing or attempting to cause damage to school property, stealing or attempting to steal school property including computer information.	3-5 day suspension, report to police, possible recommendation for expulsion.	5-day suspension, police report, recommendation for expulsion.
48900 (.2) – Committed sexual harassment (Grades 4-12).	3-5 day suspension, police report, possible recommendation for expulsion.	5-day suspension, police report, recommendation for expulsion.
48900 (.3) – Attempted, threatened, caused, or participated in hate violence (Grades 4-12).	3-5 days suspension, police report, possible recommendation for expulsion.	5-day suspension, police report, recommendation for expulsion.
48900 (.4) – Created an intimidating or hostile environment (grades 4-12). (Against school/district employees or pupils).	3-5 days suspension, police report, possible recommendation for expulsion.	5-day suspension, police report, recommendation for expulsion.
48900 (.7) – Made a terrorist threat.	3-5 days suspension, police report, possible recommendation for expulsion.	5-day suspension, police report, recommendation for expulsion.

7.4.86

ATTACHMENT 3 – CONTINUED

OFFENSE – Ed. Code #48915:	MINIMUM CONSEQUENCE	MAXIMUM CONSEQUENCE
48915 (c.1) – Sale, possession or furnishing a firearm.	N/A	**Mandatory recommendation for expulsion.**
48915 (c.2) – Brandishing a knife at another person.	N/A	**Mandatory recommendation for expulsion**
48915 (c.3) – Selling a controlled substance.	N/A	**Mandatory recommendation for expulsion.**
48915 (c.4) – Sexual assault or sexual battery.	N/A	**Mandatory recommendation for expulsion.**
48915 (c.5) – Possession of explosives.	N/A	**Mandatory recommendation for expulsion.**

11.4.97

STUDENTS

Suspension and Expulsion/Due Process (Students With Disabilities)

Suspension

A student identified as an individual with disabilities pursuant to the individuals with Disabilities Education Act is subject to the same grounds for suspension and expulsion which apply to regular education students. All the procedural safeguards established by district policies and regulations shall be observed in considering the suspension of students with disabilities.

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had knowledge that the student was disabled before the behavior occurred. (20 USC 1415)

The district shall be deemed to have knowledge that the student had a disability if one of the following conditions exists: (20 USC 1415(k)(8); 34 CFR 300.527)

1. The parent/guardian has expressed concern in writing or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, that the student is in need of special education or related services.

2. The behavior or performance of the student demonstrates the need for such services in accordance with 34 CFR 300.7.

3. The parent/guardian has requested an evaluation of the student for special education

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

4. The teacher, Director of Special Education or other district personnel has expressed concern about the behavior or performance of the student to other district personnel in accordance with the district's established child find or special education referral system.

7.4.88

The district would be deemed to not have knowledge as specified in items #1-4 above if, as a result of receiving such information, the district either conducted an evaluation and determined that the student was not a student with a disability or determined that an evaluation was not necessary and provided notice to the parent/guardian of its determination. (34 CFR 300.527)

If it is determined that the district did not have knowledge that the student was disabled prior to taking disciplinary action against the student,, then the student shall be disciplined in accordance with procedures established for students without disabilities. *(20 USC 1415)*

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (34 CFR 300.527)

Suspension

The Superintendent or designee may suspend a student with disability for up to ten consecutice school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) do not constitute a change in placement pursuant to 34 CFR 300.519. (Education Code 48903; 34 CFR 300.520

Services During Suspension

Students suspended for more than 10 school days in a school year shall continue to receive a free and appropriate public education during the term of the suspension.

If a student with disabilities is excluded from school bus transportation, the student is entitled to be provided with an alternative form of transportation at no cost to the student or parent/guardian, provided that transportation is specified in the student's IEP. (Education Code 48915.5)

Interim Alternative Placement Due to Dangerous Behavior

A student with a disability may be placed in an appropriate interim alternative educational setting for up to 45 days when he/she commits one of the following acts: (20 USC 1415)

1. Carries a weapon, as defined in 18 USC 930, to school or to a school function
2. Knowingly possesses or uses illegal drugs while at school or a school function
3. Sells or solicits the sale of a controlled substance while at school or a school activity as identified in 21 USC 812 (c), Schedules I-V.

7.4.89

The student's alternative educational setting shall be determined by the student's IEP team (20 USC 14115(k)(2).

A hearing officer may order a change in placement of a student with a disability to an appropriate interim educational setting if the hearing officer: (20 USC 1415)

1. Determines that the district has established by substantial evidence meaning beyond a preponderance of the evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others

2. Considers the appropriateness of the student's current placement

3. Considers whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services

4. Determines that the interim alternative educational setting proposed by school personnel who have met with the student's special education teacher allows the student to

   a. Progress in the general curriculum and continue to receive those services and modifications, including those described in his/her IEP, to enable the student to meet the goals of the IEP

   b. Receive services and modifications designed to address the behavior and ensure that the behavior does not recur

The student may not be placed in the interim alternative educational setting for more than 45 days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian. *(20 USC 1415)*

Behavioral Assessment and Intervention Plan

Not later than 10 business days after a student has been suspended for more than 10 school days or placed in an alternative educational setting, the district shall convene an IEP team meeting to conduct a functional behavior assessment and implement a behavioral intervention plan. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1); 34 CFR 300.520)

(cf. 6159 - Individualized Education Program)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)

7.490

As soon as practicable after developing the behavioral intervention plan and completing the required assessments, the IEP team shall meet to develop appropriate behavioral interventions to address the behavior and shall implement those interventions. (34 CFR 300.520)

Procedural Safeguards/Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive days, when disciplinary action is contemplated for a dangerous behavior as described above, or when ~~a~~ change of placement of more than 10 days is contemplated: *(20 USC 1415)*

1. The parents/guardians of the student shall be immediately notified of the decision and provided all procedural safeguards notice pursuant to 34 CFR 300.504 on the day the decision to take action is made.

2. Immediately if possible, but in no case later than 10 school days after the date of the decision, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action

At this review, the IEP team and other qualified personnel shall consider, in terms of the behavior subject to the disciplinary action, all relevant information, including: (20 USC 1415(k)(4); 34 CFR 300.523)

a. Evaluation and diagnostic results, including the results or other relevant information supplied by the student's parents/guardians
b. Observations of the student

c. The student's IEP placement

Due Process Appeals

If the parent/guardian disagrees with a decision that the behavior was not a manifestation of the student's disability or with any decision regarding placement, he/she has a right to appeal the decision. (20 USC 1415(k)(6); 34 CFR 300.525)

If the student's parent/guardian initiates a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student shall remain in the interim alternative setting pending the decision of the hearing officer or the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (34 CFR 300.526)

1.4.91

If school personnel maintain that it is dangerous for the student to be placed in the current placement (placement prior to removal to the interim alternative education setting), during the pendency of the due process proceedings, the Superintendent or designee may request an expedited due process hearing. (34 CFR 300.526)

Services During Expulsion

Expelled students shall continue to receive services during the term of the expulsion to the extent necessary to provide the student a free and appropriate public education. Any alternative program must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.121, 300.520)

(cf. 6158 - Independent Study)
(cf. 6185 - Community Day School)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. The Superintendent or designee may consider the input of the student's IEP team when developing recommendations to the Board regarding a request for readmission. Upon readmission, an IEP team meeting shall be convened to determine whether a new IEP needs to be established.

Suspension of Expulsion

The Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities applied to regular students. *(Education Code 48917)*

Notification 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)

1.4.97

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)

Legal Reference:
EDUCATION CODE
35146 Closed sessions (re suspensions)
35291 Rules (of governing board)
48900-48925 Suspension and expulsion
56000 Special education; legislative findings and declarations
56320 Educational needs; requirements
56321 Development or revision of individualized education program
56329 Independent educational assessment
56340-56347 Individual education program teams
56505 State hearing
PENAL CODE
245 Assault with deadly weapon
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act
626.10 Dirks, daggers, knives, razors or stun guns
UNITED STATES CODE, TITLE 18
930 Weapons
UNITED STATES CODE, TITLE 20
1412 State eligibility
1415 Procedural safeguards
UNITED STATES CODE, TITLE 21
812(c) Controlled substances
UNITED STATES CODE, TITLE 29
706 Definitions
794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 Evaluation and placement
104.36 Procedural safeguards
300.1-300.756 Assistance to states for the education of students with disabilities
COURT DECISIONS
Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489
M.P. v. Governing Board of Grossmont Union High School District, (1994 S.D. Cal). 858 F.Supp. 1044
Honig v. Doe, (1988) 484 U.S. 305
Doe v. Maher, (1986) 793 F.2d 1470

1.4.93

Management Resources:
FEDERAL REGISTER
34 CFR 300.a Appendix A to Part 300 - Questions and Answers
34 CFR 300a1 Attachment 1: Analysis of Comments and Changes
WEB SITES
CDE: http://www.cde.ca.gov
USDOE: http://www.ed.gov

Adopted: 5/19/95
Revised: 3/5/96, 8/4/98
New - 1994/1995 School Year (Total District Policy Book Review)

Q:5000a\\bp5144.2

7.4.94

DELETION

~~**WESTERN PLACER UNIFIED SCHOOL DISTRICT**~~

~~**BP 5145.1 (a)**~~

~~**STUDENTS**~~

~~**Privacy**~~

~~The Governing Board recognizes that personal beliefs are a private matter. Without the written notice and written consent of a parent/guardian, no student shall be given any test, survey, questionnaire or examination containing questions about personal or family beliefs or practices in sex, family life, morality, or religion. (Education Code 60650)~~

~~As required by law, school counselors shall respect the confidentiality of any personal information disclosed by students twelve (12) years of age or older during the course of educational counseling. Personal information given to a counselor by the parent/guardian of a student twelve (12) or older shall also be kept confidential and included in the student's record only with the parent/guardian's written consent. Exceptions shall be made only as provided by law:~~

~~1. In discussion with health care providers, certain psychotherapists, or the school nurse, solely when referring the student for treatment.~~

~~2. As required by law when reporting child abuse or neglect.~~

~~3. To the principal or parents when the counselor believes it necessary to avert a clear and present danger to the health, safety, or welfare of the student, parents, other students, school staff or community members.~~

~~*(cf. 5113 re. Confidential Medical Services)*~~

~~4. To the principal, parents, other persons outside the school and other persons as necessary inside the school when the student says that a crime will be or has been committed involving the likelihood of personal injury or significant property loss.~~

~~5. When the student, twelve (12) years of age or older, has read and signed a waiver naming one or more persons to whom information may be reported. The waiver must be kept in the student's file.~~

~~6. To law enforcement agencies when required by court order to aid in a criminal investigation, or when ordered to testify in administrative or judicial proceedings.~~

7.4.95

Privacy (continued)

In any case, the counselor shall not disclose information to parents when having any cause to believe that this disclosure would endanger the health, safety or welfare of the student.

(cf. 1312.4 - Complaints Concerning Consolidated Categorical Aid Programs)

Legal Reference:

EDUCATION CODE

35301 Information of personal nature disclosed by pupil, parent or guardian during counseling; confidentiality; exceptions; effect on pupil records

60650 Personal beliefs

Adopted: 12/3/91

Revised: 5/19/95

1994/1995 School Year (Total District Policy Book Review)

word\wpfiles\policies\bp5145.1

7.4.96

WESTERN PLACER UNIFIED SCHOOL DISTRICT

BP 5148(a)

STUDENTS

Child Care and Development

The Governing Board desires to provide child care and development services on or near school campuses which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community. The Board anticipates that these services also will generate increased parental and community involvement in the schools, provide an opportunity for parenting students to receive assistance while continuing their education.

(cf. 1240 - Volunteer Assistance)
(cf. 5146 - Married/Pregnant/Parenting Students)
(CF. 5148.1 – child Care Services for Parenting Students)

The district's child care and development program shall support the regular education program and provide access to necessary support services.

The Superintendent or designee shall work cooperatively with the local Child Care and Development Planning Council, public and private agencies, parents/guardians and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality and inform parents/guardians about child care options.

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

To the extent possible, child care and development services may be made available during the regular school day, before and after normal school hours, during school vacations and intersessions.

These services shall be available to infants and children up to 14.

1.4.99

The Superintendent or designee shall ensure that subsidized childcare is provided to eligible families to the extent that state and/or federal funding is available, and shall establish priorities in accordance with Education Code 8263 and 5 CCR 18106. In addition to priorities for subsidized care, priority for admission shall be given to district students and children of district employees.

(cf. 5111.1 - District Residency)
(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

(cf. 1240 - Volunteer Assistance)
(cf. 4112.2 - Certification)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4112.5/4312.5 - Criminal Record Check)

The Superintendent or designee shall develop and implement an annual plan for self-evaluation of the district's child care services which conforms to state requirements and includes an assessment by parents/guardians.

(cf. 0500 - Accountability)

Legal Reference:
EDUCATION CODE
8200-8498 Child Care and Development Services Act, especially:
8200-8209 General provisions for child care and development services
8210-8216 Resource and Referral Program
8220-8226 Alternative Payment Program
8230-8233 Migrant Child Care and Development Program
8235-8237 State Preschool Programs
8240-8244 General child care programs
8250-8252 Programs for children with special needs
8263 Eligibility and priorities for subsidized child development services
8350-8359.1 Programs for Cal WORKs recipients
8360-8370 Personnel qualifications
8400-8409 Contracts
8460-8480 School Age Community Child Care Services

7.4.98

8482-8484.6 Before and After School Learning and Safe Neighborhoods Partnerships Act
8488.5-8489.9 Six By Six before- and after-school program
8493-8498 Facilities
8499-8499.7 Local planning councils
17264 New construction; accommodation of before and after school programs
54740-54749.5 Cal-SAFE program for pregnant/parenting students and their children
56244 Staff development funding
HEALTH AND SAFETY CODE
1596.70-1596.895 California Child Day Care Act
1596.90-1597.21 Day care centers
120325-120380 Immunization requirements
CODE OF REGULATIONS, TITLE 5
18000-18122 General provisions, general child care programs
18130-18136 State Preschool Program
18180-18192 Federal and State Based Migrant Programs
18200-18208 School Age Community Child Care Services Program
18210-18213 Severely Handicapped Program
18220-18231 Alternative Payment Program
18240-18248 Resource and Referral Program
18270-18279 Program quality, accountability
18290-18292 Staffing ratios
18295 Waiver of qualifications for site supervisor
CODE OF REGULATIONS, TITLE 5
18300-18308 Appeals and dispute resolution
18400-18405 CalWORKS child care services
CODE OF REGULATIONS, TITLE 22
101151-101239.2 General requirements, licensed child care centers, including:
101151-101163 Licensing and application procedures
101212-101231 Continuing requirements
101237-101239.2 Facilities and equipment
UNITED STATES CODE, TITLE 42
9831-9852a Head Start programs
9855-9855g Head Start Transition Program
9858-9858q Child Care and Development Block Grant
COURT DECISIONS
CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892

1.4.99

Management Resources:
CDE MANAGEMENT BULLETINS
01-06 The Desired Results for Children and Families System, May 31, 2001
CDE PUBLICATIONS
Prekindergarten Learning and Development Guidelines, 2000
First Class: A Guide for Early Primary Education, 1999
Here They Come: Ready or Not!, Report of the School Readiness Task Force, 1988
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
21st Century Community Learning Centers: Providing Quality Afterschool Learning Opportunities for America's Families, September 2000
WEB SITES
California Department of Education: http://www.cde.ca.gov
Department of Social Services: http://www.dss.cahswnet.gov
CSBA: http://www.csba.org
Commission on Teacher Credentialing: http://www.ctc.ca.gov/credentialinfo/topics/child_dev.html
U.S. Department of Education: http://www.ed.gov
California Association for the Education of Young Children: http://www.caeyc.org

Adopted: 5/19/95
Revised: 10/20/98, 10/5/99, 11/7/00, 12/4/01
q:5000\bp5148

7.4.100

STUDENTS

Child Care and Development

Licensing

Only child care and development services licensed by the California Department of Social Services shall operate in the district, unless exempted pursuant to Health and Safety Code 1596.792.

A program offered before and after school for school-age children shall be exempt from the regulations in 22 CCR 101151-101239.2 if the program is operated by the school and run by qualified district teachers. An outside organization or individual using a district school to operate a child care program is subject to licensure even if the program is open only to the students enrolled at that school. (22 CCR 101158)

Program Components

The district's childcare and development program shall include components specified in Education Code 8240. *(Education Code 8240) 5 CCR 18274-18278*

1. Age and developmentally appropriate activities for children
2. Supervision
3. Parenting education and parent involvement
4. Social services that include but are not limited to the identification of child and family needs and referral to appropriate agencies
5. Health services

(cf. 5141.6 - Student Health and Social Services)

6. Nutrition

(cf. 3550 - Food Service/Child Nutrition Program)

7. Training and career ladder opportunities

7.4.101

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

8. Community involvement

The education program shall be developmentally, linguistically and culturally appropriate and shall support children's physical, cognitive, social and emotional development. (5 CCR 18273)

(cf. 0450 - Comprehensive Safety Plan)

Staffing Ratios

The child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292.

Admissions

Admissions policies shall include criteria designating those children whose needs can be met by the center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions and a medical assessment requirement. *(Code of Regulations, Title 22, Section 101218)*

Child care and development services shall accord equal treatment and access to services without regard to race, color, religion, national origin or ancestry.

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

Eligible children with disabilities shall be given equal access to childcare and development services. *(Education Code 8250)*

(cf. 6159 - Individualized Education Program)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 – Identification and Education Under Section 504)

7.9.10

The Superintendent or designee shall certify each child's eligibility after reviewing the completed application and documentation contained in the basic data file, as well as, but not limited to,. verifications of the child's age and district residency based on written documentation provided by the parents/guardians.

(cf. 5111 - Admission)
(cf. 5111.1 - District Residency)

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code 8263)

(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)

Fees

Fees may be charged to families according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8263; 5 CCR 18108, 18109)

Fees shall be collected prior to providing services and shall be considered delinquent after seven calendar days. In the event that fees are delinquent, parents/guardians shall be notified. If a reasonable plan for payment of delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. *(Code of Regulations, Title 5, Section 18114, 18115)*

No fees shall be assessed for families whose income level in relation to family size is less than the first entry in the fee schedule or whose children are enrolled because of a need for child protective services. Fees also shall not be assessed for children enrolled in a Cal-SAFE program state preschool program, federally based migrant program or program for severely disabled children. Eligibility for subsidized childcare and development services shall be determined in accordance with Education Code 8263. (Education Code 8250 8263, 54745; Code of Regulations, Title 5, Section 18110)

1-4-103

The Superintendent or designee shall establish a process which includes parents/guardians in determining whether or not and how much to charge parents/guardians for field trip expenses. This process also shall be used to determine whether to require parents/guardians to provide diapers.

Attendance

Sign in/sign out sheets shall be used daily for all children for attendance accounting purposes. *(Code of Regulations, Title 5, Section 18065)*

Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence and signature of parent/guardian or district representative. *(Code of Regulations, Title 5, Section 18066)*

Absences shall be excused for the following reasons: *(Education Code 8208)*

1. Illness or quarantine of the child or of the parent/guardian

2. Family emergency

3. Time spent with a parent/guardian or other relative as required by a court of law or which is clearly in the best interest of the child

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident or is required to appear in court.

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of protective services or at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. *(Code of Regulations, Title 5, Section 18066)*

Any absence due to a reason other than the above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians.

7.4.104

Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for childcare. *(Code of Regulations, Title 5, Section 18066)*

Rights of Parents/Guardians

At the time a child is accepted into care in a licensed child care and development center, the child's parents/guardians or authorized representative shall be notified of his/her rights as specified in 22 CCR 101218.1, including but not limited to the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (22 CCR 101218.1)

The Superintendent or designee shall inform parents/guardians of their right to enter the child care facility without advanced notice during normal operating hours or any time their child is receiving services in the facilities.

Records

The Superintendent or designee shall establish and maintain a basic data file for each family receiving childcare and development services, which shall contain the data specified in 5 CCR 18081.

(cf. 3580 - District Records)

A developmental profile measuring the child's physical, cognitive, social and emotional development shall be completed in accordance with 5 CCR 18272. (Education Code 8203.5; 5 CCR 18272)

Adopted: 10/20/98
Revised: 11/3/98, 11/7/00, 12/04/01

Q:5000(a)\AR5148

7.4.105

WESTERN PLACER UNIFIED SCHOOL DISTRICT

BP 6112 (a)

INSTRUCTION

School Day

The Governing Board shall fix the length of the school day subject to the provisions of law. (Education Code 46100)

The school day shall be arranged and scheduled by the administration so as to offer the greatest return educationally for the time spent, within the limitations of school facilities and requirements of state law and regulations. The school day shall be a thought out balance between minutes available and minutes spent.

Earl Mentze:
The Board encourages teachers and administration to be protectors of the school day. When the opportunity or mandate to add another activity to the school day is being considered, this is an event of great consequence.

This Board seeks a thoughout-out balance between school day minutes available, and how they are spent.

The duties and expectations placed on the classroom come from more than just the local school board. But that does not dismiss the public trust, that the local elected are sworn to the quality and opportunity of each student's education.

New activities shall not be inserted in the school day until an activity of similar time use is removed. This Board believes the school day is currently full enough. (7/03)

(cf. 6111 - School Calendar)

The Superintendent or designee shall schedule class periods giving consideration to course requirements and curricular demands, availability of school facilities, the age and attention span of students, and legal requirements.

The Board encourages flexibility in scheduling so as to provide longer time blocks or class periods when appropriate and desirable to support student learning, provide more intensive study of core academic subjects or extended exploration of complex topics, and reduce transition time between classes.

(cf. 4131 - Staff Development)

7.9
106

INSTRUCTION

School Day

Legal Reference:
EDUCATION CODE
8970-8974 Early primary program, including extended-day kindergarten
37202 Equal time in all schools
37670 Year-round schools
46010 Total days of attendance
46100 Length of schoolday
46110-46119 Kindergarten and elementary schools (day of attendance)
46140-46147 Junior high school and high school (day of attendance)
46160-46162 Alternative schedule - junior high and high school
46170 Minimum day - continuation schools
46180 Opportunity schools (minimum day)

46190-46192 Adult school (day of attendance)
46200-46206 Incentives for longer instructional day and year
52326 Minimum school day for regional occupational center and programs

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE
Kindergarten Information, June 7, 2002
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
The Uses of Time for Teaching and Learning, October 1996
Extending Learning Time for Disadvantaged Students, August 1995
NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING PUBLICATIONS
Prisoners of Time, April 1994
WEB SITES
U.S. Department of Education: http://www.ed.gov

Adopted: 8/19/85
Revised:
1994/1995 School Year (Total District Policy Book Review)
q:6000\bp6112

INSTRUCTION

Family Life/Sex Education

The Governing Board recognizes that lack of information or misinformation about family life and human sexuality may contribute to an increased risk for sexually transmitted diseases, unintended pregnancy or sterility. The Board believes that a well-planned sequence of instruction on these issues is essential to the general education of all students. The district's curriculum shall help students understand the biological, psychological, social, moral and ethical aspects of human sexuality and shall comply with the requirements of law and administrative regulation.

(cf. 5141.25 - Availability of Condoms)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6142.2 - AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Superintendent or designee shall ensure that parents/guardians are notified regarding this curriculum in accordance with law and administrative regulation.

Adopted: 1994
New - 1994/1995 School Year (Total District Policy Book Review)
Q: 6000\\bp6142.1

Family Life/Sex Education

Course Material/Instruction

In all sex education courses that discuss sexual intercourse, course material and instruction shall: *(Education Code 51553)*

1. Emphasize that abstinence from sexual intercourse is the only protection that is 100% effective against unwanted teenage pregnancy, sexually transmitted diseases and acquired immune deficiency syndrome (AIDS) when transmitted sexually.

(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6142.2 - AIDS Prevention Instruction)

2. Be age appropriate.

3. Present factual information, including but not limited to medical, psychiatric, psychological, empirical and statistical statements, that is medically accurate.

   Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-review journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the Centers for Disease Control and Prevention.

4. When discussing contraception, stress that abstinence is the only contraceptive method which is 100% effective, and that all other methods of contraception carry a risk of failure in preventing unwanted teenage pregnancy. Statistics based on the latest medical information shall be provided to students citing the failure and success rate of condoms and other contraceptives in preventing pregnancy.

(cf. 5141.25 - Availability of Condoms)

5. Stress that sexually transmitted diseases are serious possible hazards of sexual intercourse. Students shall be provided with statistics based on the latest medical information citing the failure and success rates of condoms in preventing AIDS and other sexually transmitted diseases.

6. Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse outside of marriage and the consequences of unwanted adolescent pregnancy.

7. Stress that students should abstain from sexual intercourse until they are ready for marriage.

8. Teach honor and respect for monogamous heterosexual marriage.

9. Advise students of the laws pertaining to their financial responsibility to children born in and out of wedlock.

10. Advise students of the provisions of Health and Safety Code 1255.7 and Penal Code 271.5, relating to parents and others who voluntarily surrender physical custody of a minor child 72 hours old or younger at a hospital emergency room or other designated location without being subject to prosecution for a violation of certain crimes such as child abandonment.

11. Advise students that it is unlawful pursuant to Penal Code 261.5 for males or females of any age to have sexual relations with males or females under the age of 18 to whom they are not married.

12. Emphasize that students have the power to control personal behavior. Students shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations such as respect for one's self and others.

13. Teach students how to say "no" to unwanted sexual advances. Teach students to not make unwanted physical and verbal sexual advances. Provide information about verbal, physical and visual sexual assault, including but not limited to nonconsensual sexual advances, nonconsensual physical sexual contact, and rape by an acquaintance, commonly referred to as "date rape." This course material and instruction shall contain methods of preventing sexual assault by an acquaintance, including exercising good judgment and avoiding behavior that impairs good judgment, and shall also encourage youth to resist negative peer pressure. This course material and instruction also shall inform students of the potential legal consequences of sexual assault by an acquaintance. Specifically, students shall be advised that it is unlawful to touch an intimate part of another person, as specified in subdivision (d) of Penal Code 243.4. Students also shall be taught that it is wrong to take advantage of, or to exploit, another person.

14. Be free of racial, ethnic and gender biases.

7.4
110

15. Teach students that it is wrong to take advantage of, or to exploit, another person.

At the secondary level, the family life/sex education program shall be placed in a course that is required for all students. Teachers who provide instruction in family life/sex education shall have professional preparation, either preservice or inservice, in the subject area.

Evaluation

The Superintendent or designee shall ensure that family life/sex education materials and instruction are continuously evaluated in light of information received from students, parents/guardians, and teachers or when new information pertinent to items #1-12 above becomes available. Such information may indicate what students learned, whether the program was workable for the teachers, and how the program could be improved.

Parent/Guardian Notification

At the beginning of the school year, parents/guardians shall be notified in writing about any instruction in which human reproductive organs and their functions, processes, or sexually transmitted diseases are described, illustrated, or discussed. In addition, before any instruction on family life, human sexuality, AIDS or sexually transmitted diseases is given, the parent/guardian shall be provided with written notice explaining that the instruction will be given and information stating the parents/guardian's right to request a copy of Education Code 51201.5 and 51553. If notice is sent home with students, parents/guardians shall be asked to sign and return to the school a slip indicating that they have read the notifications. If slips are not returned, parental approval shall be confirmed by telephone.

(cf. 5145.6 - Parental Notifications)

At the parent/guardian's request, any student may be excused from any part of family life/sex education instruction. *(Education Code 51240)*

The Superintendent or designee shall keep on file Education Code 51201.5, 51553, 51554, 51555. *(Education Code 51201.5, 51554, 51555)*

11.4
111

At the beginning of the school year, or at the time of a student's enrollment, the Superintendent or designee shall notify parents/guardians of any outside organization or guest speaker brought into the district to provide instruction on family life, human sexuality, AIDS or sexually transmitted diseases. This notification shall include the date of the instruction, the name of the organization or affiliation of each guest speaker and information regarding the parent/guardian's right to request a copy of Education Code 51201.5 and 51553. *(Education Code 51554)*

(cf. 6142.2 - AIDS Prevention Instruction)

If arrangements for this instruction are made after the beginning of the school year, the parents/guardians shall be notified no fewer than 10, and no more than 15, days before the instruction is delivered. *(Education Code 51554)*

This notification is required whether the guest speakers are brought in by the district to lecture, distribute information, show a videotape, act out, conduct an activity involving student participation or provide audio material in either a classroom or assembly. *(Education Code 51554)*

Parents/guardians shall also be notified in the manner described above prior to any instruction on family life, human sexuality, AIDS or sexually transmitted diseases at an assembly conducted by a district employee. *(Education Code 51554)*

(cf. 6144 - Controversial Issues)

If notice is sent home with the students, parents/guardians shall be asked to sign and return to the school a slip indicating that they have read the notification. If slips are not returned, parental approval shall be confirmed by telephone.

During the period of time that instruction described above is being delivered, the district shall provide an alternative educational activity to those students whose parents/guardians have requested that they not receive the instruction. *(Education Code 51554)*

A student shall not be subject to disciplinary action, academic penalty or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. *(Education Code 51554)*

9.4
11?

All materials used for the above instruction shall be available for inspection by parents/guardians at reasonable times and places prior to the onset of instruction. The above notification shall inform parents/guardians of their right to inspect these materials. *(Education Code 51550, 51820)*

Adopted: 5/7/96
Revised: 5/18/99, 5/2/00
my computer/wpusd on Do server (Q)\6000(a)\ar6142.1

INSTRUCTION

Courses of Study

Grades 1-5

Courses of study for grades one through five shall include:

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

1. English: knowledge and appreciation of language and literature, and the skills of speaking, reading, listening, spelling, handwriting and composition (Education Code 51210)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Mathematics: concepts, operational skills, and problem solving.

(cf. 6142.92 - Mathematics Instruction)

3. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology and sociology, including instruction in: (Education Code 51210)

    a. The history, resources, development and government of California and the United States.

Instruction shall include the early history of California and a study of the role and contributions of both men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people, and other ethnic groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6141.6 - Multicultural Education)

    b. The development of the American economic system, including the role of the entrepreneur and labor.

    c. The relations of persons to their human and natural environments

d. Eastern and western cultures and civilizations.

e. Contemporary issues.

f. The wise use of natural resources.

4. Science: biological and physical aspects, with emphasis on experimental inquiry and the place of humans in ecological systems (Education Code 51210)

(cf. 6142.93 - Science Instruction)

5. Visual and performing arts: instruction in dance, music, theatre and visual arts aimed at developing aesthetic appreciation and creative expression (Education Code 51210)

(cf. 6142.6 - Visual and Performing Arts Education)

6. Health: principles and practices of individual, family and community health (Education Code 51210)

The adopted course of study shall provide instruction at the appropriate grade levels and subject areas in: (Education Code 51202)

a. Personal and public safety and accident prevention, including instruction in emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available

b. Fire prevention

c. The protection and conservation of resources, including the necessity for the protection of our environment

d. Venereal disease.

(cf. 6142.1 - Family Life/Sex Education)
(cf. 6142.2 - AIDS Prevention Instruction)

e. The effects of alcohol, narcotics, drugs and tobacco upon the human body.

(cf. 5131.6 – Alcohol and Other Drugs)

f. Prenatal care *(Education Code 51202)*

g. Violence as a public health issue *(Education Code 51202)*

7. Physical education, with emphasis on physical activities conducive to health and vigor of body and mind. *(Education Code 51210)*

8. Career awareness exploration

(cf. 6010 - Goals and Objectives)
(cf. 6030 - Integrated Academic and Vocational Instruction)

Grades 6-12

Courses of study for grades 6 through 12 shall include the following:

(cf. 6146.1 – High School Graduation Requirements)
(cf. 6146.5 – Elementary/Middle School Graduation Requirements)
(cf. 6162.52 – High School Exit Examination)

1. English: knowledge and appreciation of literature, language and composition, and the skills of reading, listening and speaking (Education Code 51220)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology and sociology, with instruction in: (Education Code 51220)

   a. The history, resources, development and government of California and the United States, including:

      (1) American government and civics, including the study of all of the following: *(Education Code 51230)*

         (a) The Declaration of Independence

         (b) The United States Constitution, including the Bill of Rights

         (c) Substantive selections from the Federalist Papers

         (d) The Emancipation Proclamation

         (e) The Gettysburg Address

         (f) George Washington's Farewell Address

(2) Early California history, and the role and contributions of both men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people and other ethnic groups to the economic, political and social development of California and the nation, with particular emphasis on the role of these groups in contemporary society *(Education Code 51204.5)*

3. World War II and the American role in that war (Education Code 51221.3)

b. Our American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the state and federal constitutions.

This course may include participation in a teen court or peer court program. (Education Code 51220.2)

(cf. 5138 – Conflict Resolution/Peer Mediation)

c. The development of the American economic system, including the role of the entrepreneur and labor.

d. The relations of persons to their human and natural environments, including the wise use of natural resources (Education Code 51221)

(cf. 6142.5 - Environmental Education)

e. Eastern and western cultures and civilizations.

f. Human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust.

g. Contemporary issues.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6141.6 - Multicultural Education)

3. Foreign language(s): understanding, speaking, reading and writing, beginning not later than grade 7 (Education Code 51220)

4. Physical education, with emphasis on physical activities conducive to health and vigor of body and mind as required by Education Code 51222 (Education Code 51220).

(cf. 6142.7 - Physical Education)

5. Science, including physical and biological aspects with emphasis on basic concepts, theories and processes of scientific investigation and on humanity's place in ecological systems, and with appropriate applications of the interrelation and interdependence of the sciences. *(Education Code 51220)*

(cf. 6142.93 - Science Instruction)

6. Mathematics: mathematical understandings, operational skills and problem-solving procedures; algebra (Grades 7-12) (Education Code 51220, 51224.5)

(cf. 6142.92 - Mathematics Instruction)

7. Visual and performing arts: dance, music theatre and visual arts, with emphasis upon development of aesthetic appreciation and creative expression (Education Code 51220).

(cf. 6142.6 - Visual and Performing Arts Education)

8. Applied arts, including instruction in consumer and homemaking education, industrial arts, general business education or general agriculture. *(Education Code 51220)*

9. Career technical education/vocational-technical education in the occupations and in the numbers appropriate to the personnel needs of the state and community served and relevant to the career desires and needs of students (Education Code 51220)

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

10. Automobile driver education, including instruction in: *(Education Code 51220)*

    a. Vehicle Code provisions and other relevant state laws.

    b. Proper acceptance of personal responsibility in traffic.

    c. Appreciation of the causes, seriousness and consequences of traffic accidents.

    d. Knowledge and attitudes necessary for the safe operation of motor vehicles.

    e. The safe operation of motorcycles.

    f. The dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle. *(Education Code 51220.1)*

    g. The rights and duties of a motorist pertaining to pedestrians and the rights and duties of pedestrians pertaining to traffic laws and traffic safety (Education Code 51220.4)

n.4
118

11. AIDS prevention (Education Code 51201.5)

(cf. 6142.2 - AIDS Prevention Instruction)

12. Personal and public safety and accident prevention and health, including instruction in:

    a. Emergency first aid; hemorrhage control; treatment for poisoning; resuscitation techniques; and cardiopulmonary resuscitation when appropriate equipment is available *(Education Code 51202)*

    b. Fire prevention. *(Education Code 51202)*

    c. The protection and conservation of resources, including the necessity for the protection of our environment

    d. Venereal disease. *(Education Code 51202)*

(cf. 6142.1 - Family Life/Sex Education)

    e. AIDS and AIDS prevention.

(cf. 6142.2 - AIDS Prevention Instruction)

    f. The effects of alcohol, narcotics, drugs and tobacco upon the human body and upon prenatal development.

(cf. 5131.6 - Alcohol and Other Drugs)

    g. Prenatal care for pregnant women.

    h. Violence as a public health issue.

In addition, the course of study for grade 7 and/or 8 may include parenting skills and education that address at least all of the following: (Education Code 51220.5)

1. Child growth and development

2. Parental responsibilities

3. Household budgeting

4. Child abuse and neglect issues

5. Personal hygiene

6. Maintenance of healthy relationships

7. Teen parenting issues

8. Self-esteem

Adopted: 1997
Revised: 10/20/98, 12/4/01, 11/19/02
New - 1994/1995 School Year (Total District Policy Book Review)
Q:6000\ar6143

WESTERN PLACER UNIFIED SCHOOL DISTRICT

BP 6162.8 (a)

INSTRUCTION

Research

The Governing Board respects the value of academic research to improve educational programs and practices. The Board also recognizes its responsibility to protect students from outside influences that may contravene the district's goals and legal obligations. Researchers must respect the privacy rights of students, including their right to refrain from participation in research projects.

The Superintendent or designee may authorize research projects within the district by outside groups or persons when such research coincides with district goals and is likely to benefit the district without disrupting the normal school program or making undue demands upon staff time. Requests for information and demonstration of district programs should not limit staff members' ability to fulfill their regular duties.

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)

The Superintendent or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

(cf. 5022 - Student and Family Privacy Rights)
(cf. 5125 - Student Records)
(cf. 5145.6 - Parental Notifications)

Legal Reference:
EDUCATION CODE
51513 Personal beliefs
UNITED STATES CODE, TITLE 20
1232h Protection of pupil rights

7.4
12

INSTRUCTION

Research

Management Resources:
WEB SITES
CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov
USDOE, Family Policy Compliance Office: http://www.ed.gov/offices/OM/fpco/

Adopted: 1992
Revised:
New - 1994/1995 School Year (Total District Policy Book Review)
Q:6000\bp6162.8

INSTRUCTION

Research

Persons or groups wishing to use district staff, students or property in connection with an academic research project shall submit to the Superintendent or designee a written proposal which includes:

1. Name of researcher(s) and academic credentials.
2. Purpose and scope of the project.
3. Method of study or investigation to be used.
4. Extent of participation expected of students and staff.
5. Use to which project results will be put.
6. Benefits to the school(s) or the district.

The Superintendent or designee shall evaluate the extent to which the proposal:

1. Shows potential for improving instructional programs and strategies.
2. Addresses a relevant educational problem concern or issue
3. Avoids duplication of existing data or literature.
4. Is designed so as to minimize interruptions and demands upon the time of students and staff.

The Superintendent or designee may approve the proposed project for a period of one school year or less. To extend any project into a second year, the researcher(s) must again obtain approval from the Superintendent or designee.

The Superintendent or designee shall inform the parent/guardian of each student to be involved, describing the study and requesting permission for the student to participate. No student shall participate in a research project without advance parental permission.

7.4
12.3

Research

Researchers shall certify that they will use no school names or publish any findings without the approval of the Superintendent or designee.

The Superintendent or designee shall advise staff members to be judicious with their time when asked to furnish information requested by researchers. Employees shall notify the Superintendent or designee of any problems which may arise in relation to a research project.

Adopted: 1992
Revised:
New - 1994/1995 School Year (Total District Policy Book Review)
Q:6000r6162.8

INSTRUCTION

Title I Programs

In order to improve the academic achievement of disadvantaged students, the district shall use federal Title I funds to provide eligible students with supplementary services to reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments.

(cf. 5149 - At-Risk Students)
(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)

A school may operate a Title I schoolwide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. The Superintendent or designee shall inform any such eligible school and the school's parents/guardians of the school's eligibility and its ability to consolidate funds from federal, state and local sources for program purposes. (P.L. 107-110, Sections 1112, 1114)

In any school receiving Title I funds that does not operate a schoolwide program, the district shall use Title I funds only for targeted assistance programs for eligible students. (P.L. 107-110, Section 1115)

The Superintendent or designee shall provide technical assistance and support to any school participating in the Title I program, including consultation in the development and implementation of school plans and activities.

The Superintendent or designee shall ensure the coordination of Title I activities with other programs as appropriate.

Title I Programs

District Plan

The district shall submit to the California Department of Education a plan containing the components specified in P.L. 107-110, Section 1112, which describe the assessments, strategies and services the district will use to help low-achieving students meet challenging academic standards. (P.L. 107-110, Section 1112)

(cf. 0420 - School Plans/Site Councils)

The district shall periodically review and, as necessary, revise the district plan. (P.L. 107-110, Section 1112)

Parent Involvement

Title I programs, activities and procedures shall be developed and agreed upon with parents/guardians of participating students. (P.L. 107-110, Section 1118)

(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

Title I Programs

The Superintendent or designee shall: (P.L. 107-110, Section 1118)

1. Involve parents/guardians in the joint development of the district's Title I plan pursuant to P.L. 107-110, Section 1112, and the process of school review and improvement pursuant to P.L. 107-110, Section 1116

2. Provide the coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance

3. Build the capacity of schools and parents/guardians for strong parent involvement

4. Coordinate and integrate Title I parent involvement strategies with parent involvement strategies under other programs specified in P.L. 107-110, Section 1118

5. Conduct, with parent/guardian involvement, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I, including:

a. Identifying barriers to greater participation by parents/guardians in parent involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background

b. Using evaluation findings to design strategies for more effective parent involvement

c. If necessary, revising the district and school parent involvement policies

6. Involve parents/guardians in the activities of schools served by Title I

This policy shall be distributed to parents/guardians of participating students and incorporated into the district's Title I plan. (P.L. 107-110, Section 1118)

Comparability of Services

State and local funds used in schools receiving Title I funds shall provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all district schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (P.L. 107-110, Section 1120A)

The Governing Board shall adopt a districtwide salary schedule and the Superintendent or designee shall establish procedures which ensure that all district schools are provided with the same level of base funding, per student, for staff services, curriculum materials and instructional supplies. At the beginning of each school year, the ratio of students to teachers and other staff shall vary as little as possible from school to school. The Superintendent or designee shall maintain records of the quantity and quality of books and equipment at each school.

The Superintendent or designee shall develop procedures for ensuring comparability of services and shall biennially update records documenting the district's compliance. (P.L. 107-110, Section 1120A)

Program Evaluation

The Board shall use state assessment results and other available measures or indicators to annually review the progress of each participating school and determine whether the school is making adequate yearly progress toward ensuring that all students meet the state's proficient level of achievement on state assessments. (P.L. 107-110, Section 1112)

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 6190 - Evaluation of the Instructional Program)
(cf. 9000 - Role of the Board)

Legal Reference:
EDUCATION CODE
11500-11506 Programs to encourage parent involvement
PUBLIC LAW 107-110
1001 Program purpose
1112 Local educational agency plan
1113 Eligibility of schools and school attendance areas; funding allocation
1114 Title I schoolwide programs
1115 Targeted assistance schools
1116 School improvement
1118 Parent involvement
1120 Participation of private school students
1120A Comparability of services
1120B Coordination with early childhood education programs
9501 Participation of private school students
Management Resources:
CSBA ADVISORIES
Supplemental Educational Services for NCLB: School Districts and County Offices as Providers, November 2002
The "No Child Left Behind" Act of 2001: Policy Implications for School Districts, July 2002
USDOE GUIDANCE
Supplemental Educational Services, draft nonregulatory guidance, August 6, 2002
WEB SITES
CDE: http://www.cde.ca.gov/iasa/titleone
U.S. Department of Education: http://www.ed.gov
No Child Left Behind: http://www.nclb.gov

Adopted: 11/5/91
Revised:
1994/1995 School Year (Total District Policy Book Review)
Q:6000\bp6171

BYLAWS OF THE BOARD

Disclosure of Confidential/Privileged Information

The Governing Board recognizes the importance maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)
(cf. 9010 - Public Statements)

Disclosure of Closed Session Information

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session

2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action

3. Disclosing information that is not confidential

Other Disclosures

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. (Government Code 1098)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 5125 - Student Records)

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities. (Government Code 1098)

Legal Reference:
EDUCATION CODE
35010 Power of governing board to adopt rules for its own governance
35146 Closed session
EVIDENCE CODE
1040 Privilege for official information
GOVERNMENT CODE
1098 Public officials and employees re confidential information
3549.1 Meeting and negotiating in public educational employment
6250-6270 Inspection of public records
54950-54963 Brown Act, especially:
54956.8 Open meeting laws
54956.9 Closed meeting for pending litigation
54957 Closed session; "employee" defined; exclusion of witnesses
54957.1 Subsequent public report and rollcall vote; employee matters in closed session
54957.5 Public records
54957.6 Closed session; representatives with employee organization
54957.7 Reasons for closed session
54963 Confidential information in closed session

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION BB 9011(c)

ATTORNEY GENERAL OPINIONS
80 Ops.Cal.Atty.Gen. 231 (1997)

Management Resources:
CSBA PUBLICATIONS
Professional Governance Standards, November 2000
Maximizing School Board Leadership, 1996
WEB SITES
CSBA: http://www.csba.org

Adopted: 8/1/95
Revised: 2/2/99
New - 1994/1995 School Year (Total District Policy Book Review)
Q:9000\bb9011

BYLAWS OF THE BOARD

Remuneration and Reimbursement

Remuneration

Members of the Governing Board shall receive compensation of $240.00 per month for attendance at board meetings. Compensation will not be paid in months when no meetings are held. The amount of compensation shall not exceed $240.00 for any given month. Board members reserve the right to refuse compensation. A written statement of rejection must be filed in the District Office no later than January 1st of each year.

If a member does not attend all Board meetings during the month, he/she is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. (Education Code 1090, 35120)

Members may be paid for meetings they missed when the Board, by resolution, finds that they were performing designated services for the district at the time of the meeting or that they were absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 1090, 35120)

Member absences shall be documented by any absent Board Member by a written statement from the absent Board Member to the Board stating the reason for the absence. Upon submission of any such statement by an absent Governing Board Member to the Governing Board, shall place the matter on its consent agenda at its next or a subsequent meeting for purposes of action in accordance with Education Code Section 35120 (c).

Should any Member desire to remove consideration of a Member absence from the consent agenda, the matter shall be so removed upon request of any Member.

Education Code 35120 authorizes a majority of the Board, on an annual basis, to vote to increase members' remuneration in an amount not to exceed five percent, based on the present monthly rate of compensation. As amended by AB 1818 (Ch. 1168, Statutes of 2002), Education Code 35120 no longer authorizes voters in the district to place a referendum on the ballot regarding the increase. Therefore, any increase becomes effective upon approval of the Board.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the Board. (Education Code 35120)

Board members are not required to accept payment for meetings attended.

Reimbursement of Expenses

Board members shall be reimbursed for traveling expenses incurred when so authorized in advance by the Board. (Education Code 35044)

Members of the Governing Board shall be reimbursed for all legal expenses incurred in attending any meeting or on making any trips on official business of the school district when so authorized in advance by the Governing Board.

The rate of reimbursement shall be the same rate specified for district personnel.

(cf. 3350 - Travel Expenses)
(cf. 9240 - Board Development)

Board members may use district-issued credit cards while on official district business. Under no circumstances may personal expenses be charged on district credit cards.

Health and Welfare Benefits
Board members, at their own cost, shall be eligible to participate in the full administrative health and benefit package.

Health and welfare benefits for Board members shall be no greater than that received by district's nonsafety employees with the most generous schedule of benefits.
(Government Code 53208.5)

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

Board members who elect to participate shall pay the full cost of premiums.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouses, dependent children under the age of 21, dependent children under the age of 25 who are full-time students at a college or university, and dependent children regardless of age who are physically or mentally incapacitated.

Benefits for Retired Board Members

Any members whose first term of office began on or after January 1, 1995, and any other members retiring from the Board after at least one term, may continue the health and welfare benefits program at their own expense if coverage is in effect at the time of retirement. (Government Code 53201)

Legal Reference:

EDUCATION CODE

33362 Reimbursement of expenses; member of school district board
35016 Non-voting student member; petition; appointment; mileage
35044 Payment of traveling expenses of representatives of board
35120 Compensation
35147 Mileage allowance
35173 Promotional activities

Adopted: 4/11/83
Revised: 9/3/85; 10/13/86; 4/14/88; 5/7/91; 8/1/95, 11/5/96, 2/3/98, 6/19/01
1994/1995 School Year (Total District Policy Book Review)
q: 9000(a)\bb9250

~~WESTERN PLACER UNIFIED SCHOOL DISTRICT~~

~~E 9250(a)~~

~~BYLAWS OF THE BOARD~~

~~Remuneration, Reimbursement, and Other Benefits~~

~~In any school district in which the average daily attendance for the prior school year was 10,000 or less, but more than 1,000, each member of the city board of education or the governing board of the district who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed $240 in any month.~~

~~The compensation of members of the governing board of a school district newly organized or reorganized shall be governed by subdivision (a). For this purpose, the total average daily attendance in all of the schools of the district in the school year in which the organization or reorganization became effective pursuant to Section 4062 shall be deemed to be the average daily attendance in the district for the prior school year.~~

~~A member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that at the time of the meeting he or she is performing services outside the meeting for the school district or districts, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the board.~~

Delete

~~Adopted:~~
~~mswordpolicies\disk#9\E9250~~

7.4
135

BYLAWS OF THE BOARD

Meetings and Notices

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

A Board meeting exists whenever a majority of its 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, the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified in 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 that members will take on any item of district business. *(Government Code 54952.2)*

Meetings shall be held within district boundaries, except when otherwise allowed by law. *(Government Code 54954)*

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

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 individuals 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 at least two days before the meeting date.

7.4
136

Regular Meetings

The Board shall hold two regular meeting(s) each month. Regular meetings shall be held at 7:00 p.m. on the first and third Tuesdays at the Lincoln High School Library or Performing Arts Building, 790 "J" Street, 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)*

The agenda of each regular meeting shall be mailed to any person who has filed with the Board a written request for such notice. The agenda shall be mailed at least twenty-four hours before the meeting. Requests are valid for one year from the date filed unless renewed. Renewal requests must be filed within 90 days after July 1 of each year. *(Government Code 54954.1)*

Persons requesting notices shall pay an annual fee as determined by the Superintendent or designee.

(cf. 1340 - Access to District Records)

If a fire, flood, earthquake or other emergency renders the regular meeting place unsafe, meetings may temporarily be held at a place designated by the 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)*

Special Meetings

Special meetings of the Board may be called 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. This notice also shall 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 these meetings. *(Education Code 35144, Government Code 54956)*

When a special meeting is called the agenda of the meeting shall be mailed at the time the agenda is posted, or upon distribution of the agenda to a majority of the Board, to any person who has appropriately filed with the Board a written request for notice of regular meetings. *(Government Code 54954.1)*

Every notice of special meetings 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)*

(cf. 9323 - Meeting Conduct)

At least 72 hours' public notice shall be given for any retreats, study sessions or training sessions held by the Board. All such meetings shall be held within district boundaries, and action items shall not be included.

Emergency Meeting

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 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. A work stoppage, crippling activity or other activity which severely impairs public health, safety, or both, 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 under this section may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting to the local media which have requested notice of special meetings. by telephone at least one hour before the meeting. If telephone services are not functioning, the notice requirement of one hour is waived. As soon after the meeting as possible, the Board shall notify those media representatives, describing the purpose of the meeting and any action taken by the Board. *(Government Code 54956.5)*

In the case of a dire emergency, the Board president 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 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)*

Parliamentary Procedure

Except as otherwise provided in the bylaws of the board or by specific legal requirements, the Governing Board shall conduct all its meetings in accordance with Robert's Rules of Order, Revised, latest edition.

Adjourned Meetings

A majority vote by the Board may adjourn any meeting to a later time and place which shall be specified in the order of adjournment. Within 24 hours after a meeting has been adjourned to a later time, a copy of the order of adjournment shall be posted at the meeting site. *(Government Code 54955)*

If no members are present at any regular or adjourned regular meeting, 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)*

Teleconferencing

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

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 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 and 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.

Hearings

The Board may occasionally convene public hearings at which no Board action is to be taken. Such hearings are held solely to allow the Board and members of the public to receive information. A hearing may take place immediately prior to a Board meeting.

If a quorum of Board members is present at a hearing, notice of the hearing shall be provided according to procedures specified above for regular meetings.

Other Gatherings

Attendance by a majority of the Board's members at any of the following events is not subject to state open meeting laws 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 boards

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 or at a legislative body of another local agency

4. A purely social or ceremonial occasion.

5. 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

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws. *(Government Code 54952.2)*

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
54950-54957.9 Meetings, 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
54954.3 Opportunity for public to speak
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
ATTORNEY GENERAL OPINIONS
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, 1999
ATTORNEY GENERAL PUBLICATIONS
The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2002
WEB SITES
CSBA: http://www.csba.org
California Attorney General's Office: http://www.caag.state.ca.us

Adopted: 4/11/83
Revised: 12/5/89; 8/1/95, 1/6/98, 5/18/99
My computer\wpusd docs on Do server (Q)\9000\BB9320

BYLAWS OF THE BOARD

Closed Session Purposes and Agendas

The Governing Board may hold closed sessions only for purposes identified in law and placed on the meeting agenda in the manner required by law. The Board may hold a closed session at any time during a regular or special meeting and during emergency meetings in accordance with law. No closed session may be held during an emergency meeting of the Board. *(Government Code 54956.5, 54957.7, 54962)*

(cf.9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The Agenda shall contain a brief general description of all closed session items to be discussed. (Government Code 54954.2)

The Board shall announce in open meeting the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. *(Government Code 54957.7)*

No agenda, notice, announcement or report required by the Brown Act need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed. *(Government code 54961)*

In accordance with law, a Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Personnel Matters

The Board may hold closed sessions to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee, or to hear complaints or charges against an employee unless the employee requests an open session. These sessions shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. *(Government Code 54957)*

(cf. 2140 - Evaluation of the Superintendent)
(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)

Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. *(Government Code 54957)*

(cf. 1312.1 - Complaints Concerning School Personnel)

Agenda items related to employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal or release requires no additional information. *(Government Code 54954.5)*

The Board may hold closed sessions to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: *(Government Code 3549.1)*

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization.

2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process.

3. Any hearing, meeting or investigation conducted by a fact-finder or arbitrator.

4. Any closed session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives.

(cf. 4143 - Negotiations/Consultation)
(cf. 4143.1 - Public Notice - Personnel Negotiations)

Closed sessions shall be for the purpose of reviewing the Board's position and instructing the Board's designated representative. Closed session meetings may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. *(Government Code 54957.6)*

7.4
143

The Board may meet in closed session with the Board's designated representative regarding employee salaries, salary schedules or compensation paid in the form of fringe benefits of its represented and unrepresented employees. These closed sessions may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the district's designated representative. *(Government Code 54957.6)*

For represented employees, the Board may also meet in closed session to hear any other matter within the statutorily provided scope of representation. *(Government Code 54957.6)*

For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or a mediator who has intervened in these proceedings. *(Government Code 54957.6)*

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. *(Government Code 54954.5)*

Matters Related to Students

The Board shall meet in closed session to consider a suspension, disciplinary action, or any other action except expulsion, in connection with a student if a public hearing on the matter would violate student privacy rights. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. *(Education Code 35146, 48912 48912, 49073- 49076)*

(cf. 5117 - Interdistrict Attendance)
(cf. 5119 - Students Expelled from Other Districts)
(cf. 5125.3 - Challenging Student Records)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing," "grade change appeal" or "interdistrict attendance request," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, public buildings or to the public's right of access to public services or public facilities. *(Government Code 54957)*

Cf. 0450 – Comprehensive Safety Plan
(cf. 3515 - Campus Security)
cf. 3516 – emergencies and Disaster Preparedness Plan

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. *(Government Code 54954.5)*

Conference with Real Property Negotiator

The Board may meet in closed session with the Board's real property negotiator prior to the purchase, sale, exchange or lease of real property by or for the district in order to grant its negotiator the authority regarding the price and terms of the property. *(Government Code 54956.8)*

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s), the property under negotiation and specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. *(Government Code 54954.5)*

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board's position in the case. For this purpose, "litigation" includes any adjudicatory authority, hearing officer, or arbitrator. *(Government Code 54956.9)*

Litigation shall be considered pending when any of the following circumstances exist:

1. Litigation to which the Board is a party has been initiated formally. (Government *Code 54956.9(a))*

2. A point has been reached where, in the Board's opinion based on the advice of legal counsel and on the existing facts and circumstances, there is a significant exposure to litigation against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation.

"Existing facts and circumstances" authorizing a closed session pursuant to Government Code 54956.9(b) as described in #2 above are limited to the following:

1. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.

2. Facts and circumstances including, but not limited to accidents, disasters, incidents or transactional occurrences which might result in litigation against the district, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.

3. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

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

4. A threat of litigation made by a person in an open meeting on a specific matter for which the Board has responsibility.

5. A threat of litigation made by a person outside of an open meeting and related to a specific matter for which the Board has responsibility provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection.

   The above record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on their behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

Before holding a closed session pursuant to this section, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. *(Government Code 54956.9)*

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding "Existing Litigation" or "Anticipated Litigation." *(Government Code 54954.5)*

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties and case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. *(Government Code 54954.5)*

The agenda or an oral statement before the closed session may also be required to provide additional information pursuant to Items #2-5 above *(Government Code 54954.5, 54956.9)*

JPA/Self-Insurance Liability Claims

The Board may meet in closed session to discuss a claim against a joint powers authority or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability. *(Government Code 54956.95)*

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. *(Government Code 54954.5)*

(cf. 3320 - Claims and Actions Against the District)
(cf. 3530 - Risk Management/Insurance)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. *(Education Code 60617)*

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that the Education Code 60617 authorizes closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:
EDUCATION CODE
35145 Public meetings
35146 Closed session (re student suspension)
44929.21 Districts with ADA of 250 or more
48918 Rules governing expulsion procedures; hearings and notice
49073 Release of directory information
49076 Access to records by persons without written parental consent
49079 Notification to teacher re: students whose actions are grounds for suspension or expulsion
60617 Meetings of governing board
GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act
6250-6268 California Public Records Act
54950-54963 The Ralph M. Brown Act
COURT DECISIONS
Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Furtado v. Sierra Community College District, (1998) 68 Cal. App. 4th 876
Roberts v. City of Palmdale, (1993) 5 Cal.4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968)
263 Cal.App. 2d 41
ATTORNEY GENERAL OPINIONS
78 Ops.Cal.Atty.Gen. 218 (1995)
59 Ops.Cal.Atty.Gen. 532 (1976)

Management Resources:
CSBA PUBLICATIONS
The Brown Act: School Boards and Open Meeting Laws, 1999
ATTORNEY GENERAL PUBLICATIONS
The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002
CALIFORNIA CITY ATTORNEY PUBLICATIONS
Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000
WEB SITES
CSBA: http://www.csba.org
California Attorney General's Office: http://www.caag.state.ca.us

Adopted: 8/1/95
Revised: 5/20/97, 5/18/99, 6/19/01, 9/17/02

(Q)\9000\BB9321

BYLAWS OF THE BOARD

Agenda/Meeting Materials

Governing Board 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. 9321.1 - 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)*

Notices of special meetings at which action is proposed shall provide an opportunity for the public to address the Board on the item before action is taken. *(Government Code 54954.3)*

(cf. 9323 - Meeting Conduct)

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 member of the public or any Board member 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 submitted to the Superintendent 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 the Superintendent will 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

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)*

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

(cf. 1312.1 - Complaints Concerning School Personnel)
(cf. 1312.2 - Complaints Concerning Instructional Material)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1340 - Access to District Records)
(cf. 3320 - Claims and Actions Against the District)
(cf. 5144.1 - Suspension/Expulsion)
(cf. 9323.2 - Actions by the Board)

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

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 secretary and president shall make every effort to distribute the agenda and support 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 fiscal year in which it is filed. Written requests must be renewed following June 30 of each year.

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
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

Management Resources:
CSBA PUBLICATIONS
The Brown Act: School Boards and Open Meeting Laws, 1999
ATTORNEY GENERAL PUBLICATIONS
The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2002
CALIFORNIA CITY ATTORNEY PUBLICATIONS
Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000
WEB SITES
CSBA: http://www.csba.org
California Attorney General's Office: http://www.caag.state.ca.us

Adopted: 4/11/83
Revised: 11/5/91, 8/1/95, 1/6/98, 8/4/98

Q:9000a\bb9322

BYLAWS OF THE BOARD

Actions by the Board

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members

2. A collective commitment or promise, by a majority of the members to make a positive or negative decision

3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order or ordinance. (Government Code 54952.6)

(cf. 9320 - Meetings and Notices)

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: *(Government Code 54954.2)*

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.

2. The Board determines, either by a two-thirds majority vote, of the members present at the meeting or, if less than two-thirds of the members are present, by the unanimous vote of all members present, that the need to take immediate action came to the district's attention after the posting of the agenda.

3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.

(cf. 9322 - Agenda/Meeting Materials)

The Board shall not take action by secret ballot, whether preliminary or final. *(Government Code 54953)*

Actions taken by the Board in Open session shall be recorded in the Board minutes. *(Education Code 35145)*

(cf. 9324 - Minutes and Recordings)

Challenging Board Actions

Any demand by the district attorney or any interested person to correct a Board action shall be presented to the Board in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1)

1. Government Code 54953, regarding open meeting and teleconferencing
2. Government Code 54954.5, regarding closed session item descriptions
3. Government Code 54954.6, regarding new or increased tax assessments
4. Government Code 54956, regarding special meetings
5. Government Code 54956.5, regarding emergency meetings

If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the Board decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision. (Government Code 54960.1)

If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code 54960.1)

Legal Reference:
EDUCATION CODE
15266 School construction bonds
17466 Declaration of intent to sell or lease real property
17481 Lease of property with residence for nondistrict purposes
17510-17511 Resolution requiring unanimous vote of all members constituting board
17546 Private sale of personal property
17556-17561 Dedication of real property
17582 District deferred maintenance fund
17583 Deferred maintenance fund; transfer of excess local funds
35144 Special meeting

7.4
155

35145 Public meetings
35164 Majority vote of all members constituting board for board action
35165 Vacancies, effect on majority and unanimous vote
48660 Establishment of community day schools
48661 School site restrictions for community day schools
GOVERNMENT CODE
53094 Authority to render zoning ordinance inapplicable
53097 Compliance with ordinances
53097.3 Charter school ordinances
53790-53792 Exceeding the budget
53820-53833 Temporary borrowing
53850-53858 Temporary borrowing
54950 Meetings: declaration; intent; sovereignty
54952.6 Action taken, definition
54953 Meetings to be open and public; attendance; secret ballots
54953.5 Right to record proceedings; conditions
54954.2 Agenda posting requirements; board actions
54954.5 Closed session item descriptions
54954.6 New or increased taxes or assessments; hearings; notice
54956 Special meetings; call; notice
54956.5 Emergency meetings in emergency situations
54960 Action to prevent violations
54960.1 Challenge of governing board actions
54960.5 Costs and attorney fees
65352.2 Coordination with planning agency
PUBLIC CONTRACT CODE
20111 Contracts over $50,000; contracts for construction; award to lowest responsible bidder
20113 Emergencies, award of contracts without bids
COURT DECISIONS
Bell v. Vista Unified School District, (2002) 82 Cal.App.4th 672
Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4th 1109

Actions by the Board

Management Resources:
CSBA PUBLICATIONS
The Brown Act: School Boards and Open Meeting Laws, 1999
ATTORNEY GENERAL PUBLICATIONS
The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2002
CALIFORNIA CITY ATTORNEY PUBLICATIONS
Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000
WEB SITES
CSBA: http://www.csba.org
California Attorney General's Office: http://www.caag.state.ca.us

Adopted: 4/11/83
Revised: 8/1/95, 8/4/98
1994/1995 School Year (Total District Policy Book Review)

eva\Q:9000a\bb9323.2

BYLAWS OF THE BOARD

Actions Requiring More than a Majority Vote

Actions requiring a two-thirds vote of the Board include:

1. Resolution declaring intention to sell or lease real property. *(Education Code 17466)*

(cf. 3280 - Sale, Lease and Rental of District-owned Real Property)

2. Resolution declaring intent of Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556. *(Education Code 17557)*

3. Resolution authorizing and directing the Board president to execute a deed of dedication or conveyance of property to the state or a political subdivision. *(Education Code 17559)*

4. Lease for up to three months of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable. (Education Code 17481)

5. Temporary borrowing before receipt of fiscal income, if implemented pursuant to Government Code 53820-53833. *(Government Code 53821)*

6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, ordering city or county zoning ordinances inapplicable to a proposed use of the property by the district. *(Government Code 53094)*

(cf. 7131 – Relations with Local Agencies)
(cf. 7150 - Relations with other Governmental Units)
(cf. 7160 – Charter School Facilities)

7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund. *(Education Code 17582, 17583)*

8. Resolution to issue general obligation bonds with the approval of 55% of the voters of the district (Education Code 15266)

(cf. 7214 - General Obligation Bonds)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

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

Actions requiring a four-fifths vote of the Board include:

1. The expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval or air attack, or sabotage, or to provide for adequate national or local defense. *(Government Code 53790-53792)*

   (cf. 3110 - Transfer of Funds Between Categories)

2. Adoption of a resolution, between July 15 and August 30, to borrow funds of up to 25% of the estimated income and revenue to be received by the district during the fiscal year from apportionments based on ADA for the preceding year. (Government Code 53822-53824).

Actions requiring a unanimous vote of the Board include:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas. *(Education Code 39431)*

7.4
158

2. Waiver of the competitive bid process when the Board determines that an emergency exists (Public Contract Code 20113)

(cf. 3311 - Bids)

Actions requiring a unanimous vote of the Board Members present at the meeting:

1. Private sale of surplus property without advertisement requires the unanimous vote of the Board members present establishing that such property is not worth more than $2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present establishing that the value of such property would not defray the cost of its sale. (Education Code 17546

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Adopted: 8/1/95
Revised: 11/7/00, 5/7/02
1994/1995 School Year (Total District Policy Book Review)
eva: Q:9000\e9323.2

MISSION STATEMENT: Empower Students with the Skills, Knowledge, and Attitudes for Success in an Ever Changing World

BOARD OF TRUSTEE GLOBAL DISTRICT GOALS

1. Develop and continually upgrade a well articulated K-12 academic program that challenges all students to achieve their highest potential.
2. Fosters a safe, caring environment where individual differencesare 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, localgovernment, business, service organizations, etc. as partners in the education of our students.

COMPLIANCE CHECK LIST

Complies with Board Policy ___
Complies with Site Plan (LIP)___
Complies with Governance & Management Document ___
Complies with Mission Statement ___
Funding Sign-Off by J. Stewart___

Personnel Sign-Off by B. Noyes___
Program Sign Off by S. Leaman___

SBLT Involvement ___ Initial

WESTERN PLACER UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEE MEETING
FACT SHEET

SUBJECT:
First Reading of New Policies and Regulations

AGENDA ITEM AREA:
DISCUSSION/INFORMATION

REQUESTED BY:
Roger R. Yohe, Superintendent

ENCLOSURES:
New Policies/Regulations

MEETING DATE:
August 5, 2003

BACKGROUND:

- The District Policy Committee has reviewed the CSBA policy updates. These new policies are now being presented on a first reading basis.
  - BP/AR/E 4222 Teacher Aides/Paraprofessionals
  - BP/AR 5022 Student and Family Privacy Rights
  - AR 5148.1 Child Care Services for parenting Students
  - AR 6112 School Day
  - AR 7160 Charter School Facilities

SUPERINTENDENT'S RECOMMENDATION:

Administration recommends the Board of Trustees accept the new policies and regulations on a first reading basis, as submitted by the committee.

Eva\h:\wpfiles\Board\format7

9.5

Personnel
TEACHER AIDES/PARAPROFESSIONALS

The Governing Board recognizes that paraprofessionals support student learning by providing valuable assistance to teachers and other certificated personnel and enabling greater individualized instruction and supervision of students. Such employees may perform instructional and/or administrative tasks in accordance with law, Board policy and administrative regulation.

(cf. 1240 - Volunteer Assistance)
(cf. 4200 - Classified Personnel)
(cf. 6171 - Title I Programs)

Each paraprofessional shall be provided with a clear definition of his/her roles and responsibilities.

Paraprofessionals shall be under the immediate supervision and direction of certificated personnel.

In determining the assignment of paraprofessionals, the Superintendent or designee shall consider the greatest benefit to students based on such factors as class size, grade levels, student needs, subject matter and teacher workload.

The Superintendent or designee shall ensure that all paraprofessionals have appropriate training for their positions, ongoing support and regular performance assessments. Teachers shall receive training in how to collaborate effectively with an assistant and are expected to assign duties consistent with written job descriptions for paraprofessionals.

(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4215 - Evaluation/Supervision)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)

The Board encourages qualified paraprofessionals to pursue opportunities that lead to attainment of a teaching credential and enable them to increase their skills and experience in the classroom.

(cf. 4112.2 - Certification)
(cf. 4112.21 - District Interns)

7.5.1

Personnel
TEACHER AIDES/PARAPROFESSIONALS

Legal Reference:
EDUCATION CODE
44390-44393 California School Paraprofessional Teacher Training Program
44833 Postsecondary students as nonteaching aides
44835 Duties of nonteaching work study aides
45330 Paraprofessionals
45340-45349 Instructional aides
45350-45354 Teacher assistants
45360-45367 Teacher aides
54480-54486 Special Teacher Employment Programs
CODE OF REGULATIONS, TITLE 5
12065-12070 Teacher aides for Special Teacher Employment Programs
PUBLIC LAW 107-110
1111 State plans
1119 Qualifications for teachers and paraprofessionals

Management Resources:
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Roles for Education Paraprofessionals in Effective Schools, 1997
WEB SITES
CTC Paraprofessional Teacher Training Program: http://www.ctc.ca.gov/para
CDE: http://www.cde.ca.gov
U.S. Department of Education: http://www.ed.gov
California School Employees Association: http://www.csea.com
National Resource Center for Paraprofessionals: http://www.nrcpara.org
National Clearinghouse for Paraeducator Resources:
http://www.usc.edu/dept/education/CMMR/Clearinghouse.html

Adopted:

Q:4000b\bp4222

7.5.2

Personnel
TEACHER AIDES/PARAPROFESSIONALS

Qualifications and Duties of Paraprofessionals

(Districts maintaining high schools)

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing and mathematics skills up to or exceeding that required for the district's high school seniors pursuant to Education Code 51220(a) and (f). (Education Code 45330, 45344.5, 45361.5)

A paraprofessional who has passed a comparable proficiency test in another district shall be considered to have met the district's proficiency standards. (Education Code 45344.5, 45361.5)

Instructional aides shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45344)

Instructional aides need not perform their duties in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

Qualifications and Duties of Paraprofessionals in Title I Programs

All paraprofessionals hired after January 8, 2002, to work in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (P.L. 107-110, Section 1119; Education Code 45330)

(cf. 6171 - Title I Programs)

In addition, such paraprofessionals shall have met at least one of the following criteria: (P.L. 107-110, Section 1119; Education Code 45330)

1. Completed at least two years of study at an institution of higher education

2. Obtained an associate's degree or higher

7.5.3

3. In a manner other than receipt of a high school diploma, met a rigorous standard of quality and demonstrated, through a formal state or local academic assessment, knowledge of and the ability to assist in instructing either:

   a. Reading, writing and mathematics

   b. Reading readiness, writing readiness and mathematics readiness

All paraprofessionals hired before January 8, 2002, and working in a program supported by Title I funds shall satisfy one of the above requirements by January 8, 2006. (P.L. 107-110, Section 1119; Education Code 45330)

A paraprofessional hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of, and an ability to assist in, instructing reading, writing and mathematics. (Education Code 45330)

Items #1-3 above shall not apply to any paraprofessional who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator, or whose duties consist solely of conducting parental involvement activities consistent with P.L. 107-110, Section 1118. (P.L. 107-110, Section 1119; Education Code 45330)

Paraprofessionals working in a program supported by Title I funds may be assigned to: (P.L. 107-110, Section 1119)

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher

2. Assist with classroom management, such as organizing instructional and other materials

3. Provide assistance in a computer laboratory

4. Conduct parental involvement activities

5. Provide support in a library or media center

6. Act as a translator

7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher

Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals. (P.L. 107-110, Section 1119)

The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal legal requirements regarding the qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (P.L. 107-110, Section 1119)

Parental Notification

At the beginning of each school year, parents/guardians shall be notified that they may request information regarding whether their children are provided services by paraprofessionals and, if so, their qualifications. (P.L. 107-110, Section 1111)

(cf. 5145.6 - Parental Notifications)

Adopted:
Q:4000b\ar4222

Personnel

TEACHER AIDES/PARAPROFESSIONALS

ATTESTATION REGARDING TITLE I PARAPROFESSIONALS

The following certification must be annually completed and signed by each principal in a school that operates a Title I program pursuant to P.L. 107-110, Section 1114 (schoolwide programs) and P.L. 107-110, Section 1115 (targeted assistance schools).

School:_____ Principal:_____

1. I certify that every paraprofessional hired after January 8, 2002, and working in a program supported by Title I funds, unless he/she is exempted by law, has received a high school diploma or its equivalent and has met at least one of the following criteria pursuant to P.L. 107-110, Section 1119:

   a. Completed at least two years of study at an institution of higher education

   b. Obtained an associate's or higher degree

   c. Met a rigorous standard of quality and demonstrated, through a formal state or local academic assessment, knowledge of and the ability to assist in instructing either reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness.

2. All paraprofessionals working in a Title I program are performing duties consistent with Section 1119.

_____

Signature of Principal

Adopted:
Q:4000(B)\E4222

7.5.6

Students
STUDENT AND FAMILY PRIVACY RIGHTS

The Governing Board believes that personal information concerning district students and their families should be kept private in accordance with law.

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)
(cf. 5020 - Parent Rights and Responsibilities
(cf. 5021 - Noncustodial Parents)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6000 - Concepts and Roles)
(cf. 6162.8 - Research)

The Superintendent or designee shall consult with school site Site Based Leadership Teams regarding this policy.

Collection of Personal Information for Marketing Purposes

The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

Legal Reference:
EDUCATION CODE
49450-49457 Physical examinations
49602 Confidentiality of pupil information
51513 Personal beliefs
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of pupil rights

Management Resources:
WEB SITES
CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov
USDOE, Family Policy Compliance Office: http://www.ed.gov/offices/OM/fpco/

Adopted:

Q:5000a\bp5022

7.5.7

Students
STUDENT AND FAMILY PRIVACY RIGHTS

Definition

Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student submits to a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family

2. Mental or psychological problems of the student or his/her family

3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality

4. Illegal, anti-social, self-incriminating or demeaning behavior

5. Critical appraisals of other individuals with whom students have close family relationships

6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers

7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian

8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.51 - Standardized Testing and Reporting Program)

7.5.8

Students
STUDENT AND FAMILY PRIVACY RIGHTS

(cf. 6162.8 - Research)

Exceptions to Collection of Personal Information

Any district restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment

2. Book clubs, magazines, and programs providing access to low-cost literary products

3. Curriculum and instructional materials used by elementary and secondary schools

4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

Parent/Guardian Access to Surveys and Instructional Materials

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time (10 working days) of receiving a request, the principal or designee shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

7.5.1

Students
STUDENT AND FAMILY PRIVACY RIGHTS

1. Upon request, inspect that survey or instrument before it is administered or distributed to his/her child or any instructional material used as part of his/her child's educational curriculum.

2. Refuse to allow his/her child to participate in the activity

Students whose parents/guardians exercise this option shall not be penalized by the district. (20 USC 1232h)

Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)
(cf. 5141.3 - Health Examinations)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy

2. The process to opt their children out of participation in any activity described in this policy and administrative regulation

3. The specific or approximate dates during the school year when the following activities are scheduled:

   a. Survey requesting personal information

   b. Physical exams or screenings

7.5.10

Students
STUDENT AND FAMILY PRIVACY RIGHTS

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Adopted:

Q:5000a\ar5022

7.5.11

Cal-SAFE Program

The district shall provide child care and development services on or near the school site for the children of teen parents enrolled in the district's California School Age Families Education (Cal-SAFE) program. Such services shall be available whenever enrolled teen parents are participating in a school-approved activity during or outside the school day. (Education Code 54743, 54745, 54746)

(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5148 - Child Care and Development Services)

Participation in the child care and development services shall be voluntary. (Education Code 54746)

No fees shall be assessed for child care and development services provided through the Cal-SAFE program. (Education Code 54745)

Children of teen parents shall be eligible for enrollment from birth to age five years or until they enroll in kindergarten, whichever occurs first, as long as the teen parent is enrolled in the district's Cal-SAFE program. If the teen parent is enrolled in a summer school program or a school program operating more than 180 days, eligibility shall be determined by the parent's hours of enrollment and only for those hours necessary to further the completion of the parent's educational program. (Education Code 54746, 54749)

Before a child is enrolled in the program or allowed on the school campus, he/she shall have a health evaluation form signed by a physician or the physician's designee. Health screening and immunizations shall not be required when the child's parent/guardian annually files a written request pursuant to Education Code 49451 or Health and Safety Code 120365. (Education Code 54746)

(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)

7.5.12

Child Care Services for Parenting Students

The Superintendent or designee shall complete an intake procedure regarding each child upon entry into the program, and periodically as needed thereafter, and shall maintain a developmental profile for each child in order to design a program that meets the child's developmental needs. (Education Code 54746)

Child care and development services shall operate pursuant to applicable sections of Education Code 8200-8498, the Child Care and Development Services Act and shall meet the health and safety requirements of 22 CCR 101151-10123.92 and 101351-101439.1. (Education Code 54746)

The child care site shall be available as a laboratory for parenting or related courses, with priority given to teen parents enrolled in the district's Cal-SAFE program. (Education Code 54746)

Legal References:
EDUCATION CODE
8200-8498 Child Care and Development Services Act
49451 Exemption from physical examination
54740-54749 Cal-SAFE program for pregnant/parenting students and their children
HEALTH AND SAFETY CODE
101151-101239.2 General licensing requirements for child care centers
101351-101439.1 Infant care centers
120365 Exemption from immunization

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

Adopted:

Q:5000a\ar5148.1

7.5.13

INSTRUCTION
School Day

Kindergarten

The minimum school day for kindergarten students shall be 180 minutes, excluding noon intermissions but including recesses. (Education Code 46115, 46117)

The maximum school day for kindergarten students shall be four hours (240 minutes) excluding recesses. (Education Code 46111)

Elementary Schools

The minimum school day for students in elementary schools shall be:

1. 230 minutes for students in grades 1 through 3 (Education Code 46112)

2. 240 minutes for students in grades 4 through 8 (Education Code 46113)

For students in grades 1 through 8, the minimum school day excludes both noon intermissions and recesses. (Education Code 46115)

The above minimum days do not apply to situations in grades 1 through 3 in which the Board has prescribed a shorter school day because of lack of school facilities requiring double sessions. (Education Code 46112, 46113)

Secondary Schools

The minimum school day for junior high and high school students (charter school, or not) shall be 240 minutes unless otherwise provided by law. (Education Code 46141-46147)

The minimum school day shall be 180 minutes for students enrolled in a continuation high school, continuation education classes, opportunity school or classes, adult education classes, special day or Saturday vocational training program, or specified work experience program. (Education Code 46144, 46170, 46180, 46190)

Adopted:

Q:6000\ar6112

7.5.14

Facilities
CHARTER SCHOOL FACILITIES

Definitions

In-district students are those charter school students who are entitled to attend a district school. Students eligible to attend district schools based on an interdistrict attendance agreement or parent employment shall be considered students of the district where they reside. (5 CCR 11969.2)

(cf. 5117.1 - Interdistrict Attendance Agreements)
(cf. 5111.1 - District Residency)

An eligible charter school operating in the district is one that is either currently providing public education to in-district students or has identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year, regardless of whether the district is or is proposed to be the chartering entity and whether the charter school has a facility inside the district's boundaries. (Education Code 47614; 5 CCR 11969.2)

Contiguous facilities are contained on the school site or immediately adjacent to the school site. If the charter school's students cannot be accommodated on any single district school site, contiguous facilities also include facilities located at more than one site, provided that the district minimizes the number of sites assigned and considers student safety. (5 CCR 11969.2)

Reasonably equivalent conditions shall be determined on the basis of: (5 CCR 11969.3)

1. A comparison group of district schools with similar grade levels, selected in accordance with 5 CCR 11969.3

2. Capacity, including equivalency of the ratio of teaching stations to average daily attendance, allocation of specialized classroom space and access to nonteaching station space

3. Condition of facilities, including:

    a. School site size

    b. Condition of interior and exterior surfaces

    c. Condition of mechanical, plumbing, electrical and fire alarm systems

9.5.15

Facilities
CHARTER SCHOOL FACILITIES

d. Conformity of mechanical, plumbing, electrical and fire alarm systems to applicable codes

e. Availability and condition of technology infrastructure

f. Suitability of the facility as a learning environment, including but not limited to lighting, noise mitigation, and size for intended use

g. The manner in which the facility is furnished and equipped

(cf. 7111 - Evaluating Existing Buildings)

Provision of Facilities by District

As of November 8, 2003, or on the first day of July following the passage of a local school bond measure, any charter school operating in the district shall be entitled to receive district facilities sufficient for the charter school to accommodate all of its in-district students in conditions reasonably equivalent to those in other district schools. Facilities provided to charter schools shall be contiguous and shall be furnished and equipped as necessary to conduct classroom-based instruction. Facilities, furnishings and equipment provided to a charter school by the district shall remain the property of the district. (Education Code 47614; 5 CCR 11969.2, 11969.4)

(cf. 0420.4 - Charter Schools)
(cf. 7110 - Facilities Master Plan)

If a charter school was established through the conversion from an existing public school, the condition of the facility previously used by the district shall be considered to be reasonably equivalent for the first year the charter school uses the facility. (5 CCR 11969.3)

Procedures for requesting facilities shall include the following steps: (5 CCR 11969.9)

1. The charter school shall submit a written facilities request to the Governing Board in accordance with the timelines specified in 5 CCR 11969.9.

In submitting a facilities request, the charter school shall use a form available through the California Department of Education. The charter school shall distribute, or otherwise make available for review, the written request to interested parties, including but not limited to parents/guardians and school staff.

9.5.16

Facilities
CHARTER SCHOOL FACILITIES

2. The Board shall review the charter school's projections of in-district and total average daily attendance and in-district and total classroom average daily attendance, and shall provide the charter school a reasonable opportunity to respond to any concerns raised by the district.

3. The Board shall prepare a preliminary proposal regarding the space to be allocated to the charter school and the pro rata share amount, and shall provide the charter school a reasonable opportunity to review and comment on the proposal.

4. The Board shall provide a final notification of the space offered to the charter school by April 1 preceding the fiscal year for which facilities are requested. The notification shall identify:

   a. The teaching station and nonteaching station space offered for the exclusive use of the charter school and that to be shared with district-operated programs

   b. Arrangements for sharing any shared space

   c. The assumptions of in-district classroom average daily attendance upon which the allocation is based, and a written explanation of the reasons for any differences than those submitted by the charter school

   d. The pro rata share amount

   e. The payment schedule for the pro rata amount, which shall take into account the timing of revenues from the state and from local property taxes

5. The charter school shall provide written notification to the Board, by May 1 or within 30 days after the district notification, whichever is later, whether or not it intends to occupy the offered space.

The district and charter school shall negotiate an agreement regarding the use of and payment for the space. The agreement shall contain the information included in item #4 above. (5 CCR 11969.9)

The agreement also shall provide that the charter school shall maintain liability insurance naming the district as an additional insured in order to indemnify the district for damage and losses for which the charter school is liable, and that the charter school shall comply

7.5.17

with Board policies regarding the operations and maintenance of school facilities, furnishings and equipment.

(cf. 3530 - Risk Management/Insurance)

The space allocated to the charter school shall be furnished, equipped and available for occupancy at least seven days prior to the first day of instruction of the charter school. (5 CCR 11969.9)

The district may charge the charter school a pro rata share of its facilities costs that the district pays with unrestricted general fund revenues. (Education Code 47614; 5 CCR 11969.7)

Each year, any charter school desiring district facilities shall provide the district with a reasonable projection of its average daily classroom attendance by in-district students for the following year, and the district shall allocate facilities on the basis of this projection.

If the charter school generates less average daily attendance than projected, the charter school shall reimburse the district for the over-allocated space at rates set by the State Board of Education. (Education Code 47614; 5 CCR 11969.8)

The ongoing operations and maintenance of facilities, furnishings and equipment shall be the responsibility of the charter school. The district shall be responsible for projects eligible to be included in the district's deferred maintenance plan and the replacement of district-provided furnishings and equipment in accordance with district schedules and practices. (5 CCR 11969.4)

Space allocated for use by the charter school shall not be sublet or used for purposes other than those that are consistent with Board policies and district practices without permission of the Superintendent or designee. (5 CCR 11969.5)

(cf. 1330 - Use of School Facilities)

Funding for New Construction

Applications for facilities funding for new construction pursuant to Education Code 17078.50-17078.62 may be submitted by either: (Education Code 17078.53)

1. The district on behalf of a charter school that is physically located within the geographical boundaries of the district

9.5.18

Facilities
CHARTER SCHOOL FACILITIES

2. A charter school on its own behalf, if the charter school has provided written notification of its intent to both the Board and Superintendent at least 30 days prior to submitting the preliminary application

Any project applying for such funding shall: (Education Code 17078.54)

1. Meet all the requirements for public school construction, including Field Act, plan approvals, toxic substance review, site selection and site approval that apply to noncharter school projects

(cf. 7150 - Site Selection and Development)

2. Fund only new construction to be physically located within the geographical jurisdiction of the district

If a charter school ceases to use any facilities funded through this program, the facility may be used for other purposes in accordance with the priorities established in Education Code 17078.62.

Zoning Ordinances

Upon a two-thirds vote, the Board may render a city or county ordinance inapplicable to a charter school facility only if the facility is physically located within the district's geographical jurisdiction. (Government Code 53097.3)

(cf. 9323.2 - Actions by the Board)

Legal Reference:
EDUCATION CODE
17070.10-17080 Leroy F. Greene School Facilities Act of 1998, including:
17078.50-17078.62 Charter schools facility funding; state bond proceeds
17280-17317 Field Act
47600-47616.5 Charter Schools Act of 1992, as amended
GOVERNMENT CODE
53094 Authority to render zoning ordinance inapplicable
53097.3 Charter school ordinances
CODE OF REGULATIONS, TITLE 5
11969.1-11969.9 Charter school facilities
ATTORNEY GENERAL OPINIONS
80 Ops.Cal.Atty.Gen. 52 (1997)

7.5.19

Facilities
CHARTER SCHOOL FACILITIES

Management Resources:
WEB SITES
CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov
Office of Public School Construction: http://www.opsc.dgs.ca.gov
Coalition for Adequate School Housing: http://www.cashnet.org

Adopted:

Q:7000a\ar7160

7.5.22

ITEMS LISTED UNDER BOARD OF TRUSTEE COMMENTS

MISSION STATEMENT: Empower Students with the Skills, Knowledge, and Attitudes for Success in an Ever Changing World	
BOARD OF TRUSTEE GLOBAL DISTRICT GOALS	*COMPLIANCE CHECK LIST*
1. Develop and continually upgrade a well articulated K-12 academic program that challenges all students to achieve their highest potential.	Complies with Board Policy ___ Complies with Site Plan (LIP)___
2. Fosters a safe, caring environment where individual differencesare valued and respected.	Complies with Governance & Management Document ___ Complies with Mission Statement ___
3. Provide facilities for all district programs and functions that are suitable in terms of function, space, cleanliness and attractiveness.	Funding Sign-Off by J. Stewart___
4. Promote the involvement of the community, localgovernment, business, service organizations, etc. as partners in the education of our students.	Personnel Sign-Off by B. Noyes___ Program Sign Off by S. Leaman___
	SBLT Involvement ___ Initial

WESTERN PLACER UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEE MEETING
FACT SHEET

SUBJECT:
Board Member Resignation
Timeline and Procedure
BB 9223 Filling Vacancies

AGENDA ITEM AREA:
COMMENTS – BOARD OF TRUSTEES

REQUESTED BY:
Roger R. Yohe, Superintendent

ENCLOSURES:
Bylaw

MEETING DATE:
August 5, 2003

BACKGROUND:

- The Board of Trustees will review Board Bylaw 9223 Filling Vacancies in regard to the resignation of Board Member Nels Tahti.

SUPERINTENDENT'S RECOMMENDATION:

Administration recommends the Board of Trustees review and discuss this issue.

Eva\h:\wpfiles\Board\format8

8.2

WESTERN PLACER UNIFIED SCHOOL DISTRICT

BB 9223(a)

BYLAWS OF THE BOARD

Filling Vacancies

A vacancy on the Governing Board may occur for any of the events specified in Government Code 1770 or by a failure to elect. *(Education Code 5090)* Removal by recall election shall also create a vacancy on the Board. *(Elections Code 27344)*

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

If a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. *(Education Code 5093)*

1. If a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described below. *(Education Code 5091)*

Mandated Special Elections

If a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. *(Education Code 5093)*

Provisional Appointments

2. When the special election described above is not required, the Board may make a provisional appointment. *(Education Code 5031,5093)* in order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations.

3. Individual Board members shall screen the applicants and announce the names of the candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)

8.2.1

(cf. 9220 - Governing Board Elections
(cf. 9323.2 - Actions by the Board)

Notice and Duration of Provisional Appointment

4. Within 10 days after the appointment is made, the Board shall post notices of the vacancy or resignation and the provisional appointment. The notice shall be published in the local newspaper and posted in at least three public places within the district. *(Education Code 5092)*

The notice shall contain: *(Education Code 5092)*

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation

2. The full name of the appointee

3. The date of appointment

4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. *(Education Code 5091)*

Legal Reference:

EDUCATION CODE
5012 Declaration candidacy or nomination; withdrawal
5019-5019.5 Trustee areas
5090 Definition (vacancy)
5091 Special election or provisional appointment
5092 Public notice of vacancy and provisional appointment
5093 Re vacancies occurring near end of term and incumbent not reelected
5094 Power of president of county board of education when majority of offices vacant
5095 Powers of remaining board members and new electees or appointees
5200 Districts governed by boards of education
5304 Duties of the governing board (re school district elections)
5325 Publication of information regarding district elections

8.2.2

5420-5426 Cost of elections, especially:
5424 Expenses of conducting legal recall election
35107 Eligibility
35178 Resignation with deferred effective date
ELECTIONS CODE
27344 Vacancy in office if majority vote for recall
GOVERNMENT CODE
1064 Absence from state
1770 Vacancies; definition
6061 One time
3060-3074 Removal other than by impeachment
54950-54962 The Ralph M. Brown Act, especially
54953 Meetings open and public; secret ballots
58 Ops.Cal.Atty.Gen. 888 (1975)

Adopted: 4/11/83
Revised: 8/1/95, 5/20/97
1994/1995 School Year (Total District Policy Book Review)
MSWORD\POLICIES\DISK #7\BP9223

8.3.3

WESTERN PLACER UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEE MEETING FACT SHEET

MISSION STATEMENT: The Western Placer Unified School District is committed to the pursuit of excellence in all of its endeavors.
BOARD OF TRUSTEES/GLOBAL DISTRICT 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.

AGENDA ITEM:

Approve Resolution 03/04.05 of the Board of Trustees of Western Placer Unified School District Authorizing the Issuance of 2003 Tax and Revenue Anticipation Notes for Said District and Requesting the Board of Supervisors of Placer County to Issue Said Notes.

SUBJECT AREA:

Discussion/Action

REQUESTED BY:

Jay M. Stewart
Assistant Superintendent, Business Services

ENCLOSURES:

Yes

BOARD MEETING DATE:

August 05, 2003

BACKGROUND:

Tax and Revenue Notes (TRANS) are a short-term borrowing strategy used to finance and eliminate cash flow deficits or potential deficits in the General Fund. It is not unusual for school districts to experience cash flow deficits in the months just prior to the receipt of property tax revenues.

Since 1990, the District has borrowed between $1.2 and $4.0 million a year to cover its operating costs.

SUPERINTENDENT'S RECOMMENDATION:

Administration recommends the Board of Trustees approve Resolution 03/04.05 of the Board of Trustees of Western Placer Unified School District authorizing the issuance of 2003 Tax and Revenue Anticipation Notes for said District and requesting the Board of Supervisors of Placer County to issue said notes.

RESOLUTION NO. 03/04.05

RESOLUTION OF THE BOARD OF TRUSTEES OF WESTERN PLACER UNIFIED SCHOOL DISTRICT AUTHORIZING THE ISSUANCE OF 2003 TAX AND REVENUE ANTICIPATION NOTES FOR SAID DISTRICT AND REQUESTING THE BOARD OF SUPERVISORS OF PLACER COUNTY TO ISSUE SAID NOTES

WHEREAS, pursuant to Sections 53850 *et seq.* of the Government Code of the State of California (the "Act") contained in Article 7.6 thereof, entitled "Temporary Borrowing," on or after the first day of any fiscal year (being July 1), the Western Placer Unified School District (the "District") may borrow money by issuing notes for any purpose for which the District is authorized to expend moneys, including but not limited to current expenses, capital expenditures, investment and reinvestment and the discharge of any obligation or indebtedness of the District; and

WHEREAS, Section 53853 of the Act provides that such notes must be issued in the name of a school district by the board of supervisors of the county, the county superintendent of which has jurisdiction over said district, as soon as possible following the receipt of a resolution of the governing board of the district requesting the borrowing; and

WHEREAS, the County Superintendent of Schools of the County of Placer (the "County") has jurisdiction over the District, and this Board of Trustees (the "District Board"), being the governing board of the District, hereby requests the borrowing of not to exceed $5,000,000 at an interest rate not to exceed seven percent (7%), through the issuance by the Board of Supervisors of the County (the "County Board") of 2003 Tax and Revenue Anticipation Notes (the "Notes") in the name of the District; and

WHEREAS, pursuant to federal tax restrictions, such Notes shall be payable no more than thirteen (13) months after their date of delivery which is during the fiscal year succeeding the fiscal year 2003-2004 in which such Notes were issued and pursuant to Section 53854 of the Act, such Notes shall be payable only from revenue received or accrued during the fiscal year 2003-2004 in which issued ; and

WHEREAS, pursuant to Section 53856 of the Act, the District may pledge any taxes, income, revenue, cash receipts or other moneys deposited in inactive or term deposits (but excepting certain moneys encumbered for a special purpose); and this Resolution specifies that certain unrestricted revenues which will be received by the District for the general fund of the District during or allocable to fiscal year 2003-2004 are pledged for the payment of the Notes; and

WHEREAS, the Notes shall be a general obligation of the District, and to the extent not paid from the taxes, income, revenue, cash receipts and other moneys of the District pledged for

the payment thereof shall be paid with interest therein from any other moneys of the District lawfully available therefor, as required by Section 53857 of the Act; and

WHEREAS, the Notes shall be in denominations of $5,000, or integral multiples thereof, as permitted by Section 53854 of the Act; shall be issued on the date designated by the County Board therefor, as permitted by Section 53853 of the Act; and shall be in the form and executed in the manner prescribed in this Resolution, as required by Section 53853 of the Act; and

WHEREAS, the District Board has found and determined that said $5,000,000 maximum principal amount of Notes to be issued by the County Board in fiscal year 2003-2004, when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue (including but not limited to revenue from state and federal governments), cash receipts and other moneys of the District which will be available for the payment of the Notes and interest thereon, as required by Section 53858 of the Act; and

WHEREAS, the Notes will not be outstanding after a period ending thirteen months after the date on which such Notes are issued and will not be issued in an amount greater than the maximum anticipated cumulative cash flow deficit to be financed by the anticipated tax or other revenue sources for the period for which such taxes or other revenues are anticipated and during which such notes are outstanding, all as provided in the Income Tax Regulations of the United States Treasury promulgated under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code");

NOW, THEREFORE, the Board of Trustees of the Western Placer Unified School District hereby resolves as follows:

Section 1. Authorization of Issuance of Notes; Terms Thereof; Paying Agent. The District Board hereby requests the County Board to issue in the name of the District, an amount not to exceed $5,000,000 principal amount of Notes under Sections 53850 *et seq.* of the Act, designated "Western Placer Unified School District, County of Placer, State of California, 2003 Tax and Revenue Anticipation Notes" (the "Notes"); to be numbered from 1 consecutively upward in order of issuance (if more than one Note is registered); to be in the denominations of $5,000, or integral multiples thereof, as determined by the purchaser thereof; to be dated the date of delivery thereof; to mature (without option of prior redemption) within thirteen (13) months of the dated date; and to bear interest, payable at maturity and computed on a 30-day month/360-day year basis, at the rate or rates determined at the time of sale thereof, but not in excess of seven percent (7%) *per annum*; provided that if the Notes will mature more than twelve (12) months after the date of issuance thereof, an additional interest payment date on or before the one year anniversary of the issuance of the Notes shall be selected, such selection to be conclusively evidenced by the execution of the Notes. Both the principal of and interest on the Notes shall be payable, only upon surrender thereof, in lawful money of the United States of America at the office of Treasurer–Tax Collector of the County or such other paying agent as the District or County may appoint (the "Paying Agent") which is hereby designated to be the paying agent on the Notes. This Board hereby approves the payment of the reasonable fees and expenses of the Paying Agent as they shall become due and payable.

7.6.2

Section 2. Form of Notes. The Notes shall be issued in registered form and shall be substantially in the form and substance set forth in the resolution of the County approving the Notes, the blanks in said form to be filled in with appropriate words and figures as authorized herein and in the resolution of the County. The Notes shall be initially registered in the name of "Cede & Co." as nominee of The Depository Trust Company, and shall be evidenced by one note in the full principal amount of the Notes. There shall accompany the Notes, the legal opinion of Sidley Austin Brown & Wood LLP respecting the validity of said Notes.

Section 3. Deposit of Note Proceeds. The moneys so borrowed shall be deposited in the general fund of the District.

Section 4. Payment of Notes.

(A) Source of Payment. The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the District during fiscal year 2003-2004 and which are available therefor. The Notes shall be a general obligation of the District, and to the extent the Notes are not paid from the Pledged Revenues defined below, the Notes shall be paid with interest thereon from any other moneys of the District lawfully available therefor, as provided herein and by law.

(B) Pledged Revenues. As security for the payment of the principal of and interest on the Notes, the District hereby pledges an amount equal to fifty percent (50%) of the principal amount of the Notes from the unrestricted revenues received by the District in the month ending January 31, 2004; an amount equal to fifty percent (50%) of the principal amount of the Notes from the unrestricted revenues received by the District in the month ending April 30, 2004; plus an amount sufficient to pay interest on the Notes and any deficiency in the amount required to be deposited during any prior month, from unrestricted revenues received by the District in the month ending May 31, 2004 (such pledged amounts being herein called the "Pledged Revenues"). The term "unrestricted revenues" shall mean taxes, income, revenue, cash receipts, and other moneys of the District as provided in Section 53856 of the Act, which are intended as receipts for the general fund of the District and which are generally available for the payment of current expenses and other obligations of the District.

The principal of the Notes and the interest thereon shall be a first lien and charge against and shall be payable from the first moneys received by the District from such Pledged Revenues, as provided by law.

In the event that there are insufficient unrestricted revenues received by the District to permit the deposit into the Repayment Fund, as hereinafter defined, of the full amount of Pledged Revenues to be deposited from unrestricted revenues in a month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the District lawfully available for the repayment of the Notes and the interest thereon.

(C) Covenant Regarding Additional Short-term Borrowing. The District hereby covenants and warrants that it will not request the County of Placer Treasurer–Tax Collector (in such capacity, the "Treasurer") to make temporary transfers of funds in the custody of the Treasurer to meet any obligations of the District during the 2003-2004 fiscal year pursuant

7.6.3

to the authority of Article XVI, Section 6 of the Constitution of the State of California or any other legal authority.

(D) Deposit of Pledged Revenues in Repayment Fund. The Pledged Revenues shall be deposited with and held by the Paying Agent in a special fund designated as the "Western Placer Unified School District, County of Placer, State of California, 2003 Tax and Revenue Anticipation Notes Repayment Fund" (herein called the "Repayment Fund") and applied as directed in this Resolution. Any moneys placed in the Repayment Fund shall be for the benefit of the holders of the Notes, and until the Notes and all interest thereon are paid or until provision has been made for the payment of the Notes at maturity with interest to maturity, the moneys in the Repayment Fund shall be applied only for the purposes for which the Repayment Fund is created.

(E) Disbursement and Investment of Moneys in Repayment Fund. From the date this Resolution takes effect, all Pledged Revenues shall, when received, be deposited in the Repayment Fund. After such date as the amount of Pledged Revenues deposited in the Repayment Fund shall be sufficient to pay in full the principal of and interest on the Notes, when due, any moneys in excess of such amount remaining in or accruing to the Repayment Fund shall be transferred to the general fund of the District upon the request of the District. On the maturity date of the Notes, the moneys in the Repayment Fund shall be used, to the extent necessary, to pay the principal of and interest on the Notes.

Moneys in the Repayment Fund, to the greatest extent possible, shall be invested at the request of the District in investment securities by the Paying Agent, as permitted by applicable California law, as it is now in effect and as it may be amended, modified or supplemented from time to time; provided that no such investments shall have a maturity date later than the maturity date of the Notes.

Section 5. Execution of Notes. The County Chairperson, or a designee thereof (the "Chairperson"), is hereby authorized to sign the Notes manually or by facsimile signature and the Clerk of the County Board (the "Clerk") is hereby authorized to countersign the Notes by use of his or her manual or facsimile signature, and said Clerk is hereby authorized to affix the seal of the County thereto by facsimile impression thereof, and said officers are hereby authorized to cause the blank spaces thereof to be filled in as may be appropriate.

Section 6. Sale of the Notes. The Notes shall be sold to the purchaser at a negotiated sale through a competitive process conducted by the Financial Advisor appointed herein. The form of Contract of Purchase for the Notes, substantially in the form presented to this meeting, is hereby approved. The Chairperson and the Treasurer, or an authorized designee thereof, are hereby requested to execute and deliver the Contract of Purchase, and the Superintendent (the "Superintendent") or the Assistant Superintendent, Business Services (the "Assistant Superintendent") is hereby authorized and requested to acknowledge such Contract of Purchase, if necessary, but with such changes therein, deletions therefrom and modifications thereto as the Chairperson may approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the maximum interest rate on the Notes shall not exceed seven percent (7%) per annum and that the discount not exceed 1% of the par amount of the Notes. The Chairperson and the Treasurer are further authorized to determine the maximum

7.6.4

principal amount of Notes to be specified in the Contract of Purchase for sale by the County Board, up to $5,000,000 and to enter into and execute the Contract of Purchase with the purchaser, if the conditions set forth in this Resolution are satisfied.

Section 7. Appointment of Bond Counsel and Financial Advisor; Authorization of Preliminary Official Statement and Official Statement. Sidley Austin Brown & Wood LLP is hereby appointed as bond counsel to the District in connection with the issuance of the Notes. Government Financial Strategies, Inc. is hereby appointed as the financial advisor to the District in connection with the issuance of the Notes, and is hereby authorized to prepare a Preliminary Official Statement and an Official Statement relating to the Notes, to be used in connection with the offering and sale of the Notes. The Superintendent or the Assistant Superintendent, Business Services, are each hereby authorized and requested to execute and deliver the Official Statement.

Section 8. Delivery of Notes. The proper officers of the County Board are hereby requested to deliver the Notes to the purchaser thereof. All actions heretofore taken by the officers and agents of the District Board with respect to the Notes are hereby approved, confirmed and ratified, and the officers of the District Board are hereby authorized and directed to do any and all things and take any and all actions which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Notes in accordance with this Resolution and resolutions hereafter adopted by the County Board.

Section 9. Authorization to Invest in Investment Agreement and LAIF. Subject to federal tax restrictions, moneys in the funds created hereunder shall be invested at the Treasurer's discretion pursuant to law and the investment policy of the County, unless otherwise directed in writing by the District. Pursuant to Section 53601(1) of the Government Code of the State of California, the following are hereby designated as authorized investments for the proceeds of the Notes and for the moneys in the Repayment Fund: (i) a guaranteed investment agreement meeting the requirements of each rating agency then rating the Notes necessary to maintain the current rating on the Notes and (ii) the Local Agency Investment Fund administered by the State of California.

Section 10. Continuing Disclosure. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of that certain Continuing Disclosure Certificate executed by the District and dated the date of issuance and delivery of the Notes, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Noncompliance with this Section shall not result in acceleration of the Notes.

Section 11. Tax Covenants. The District covenants that it will make no use of the proceeds of the Notes or any other amounts that would cause the Notes to be "arbitrage bonds" under Section 148 of the Code; and, to that end, so long as any of the Notes are outstanding, the District and all of its officers having custody or control of such proceeds agree to comply with all requirements of said Section 148 and the Treasury Regulations promulgated thereunder, including restrictions on the use and investment of proceeds of the Notes and certain other amounts and the rebate of a portion of the investment earnings on certain amounts, including proceeds of the Notes, if required, to the federal government. The District further covenants to do and perform all acts and things within its power and authority necessary to comply with each applicable requirement of Section 103 and Sections 141 through 150 of the Internal Revenue

7.6.5

Code of 1986, as amended. In furtherance of the covenants contained in this Section 11, the District agrees to comply with the Tax Certificate to be provided to the District by bond counsel for execution by the District on the date of issuance and delivery of the Notes (the "Tax Certificate"). The District covenants that it will take no action that would cause the interest on the Notes to be included in gross income for federal income tax purposes, nor will it refrain from taking action required to maintain the exclusion of interest on the Notes from gross income for federal income tax purposes.

Section 12. Covenants and Warranties. It is hereby covenanted and warranted by the District that all representations and recitals contained in this Resolution are true and correct, and that the District, its appropriate officials and the District Board, have duly taken, or will take, all proceedings necessary to be taken by them for the levy, collection and enforcement of the Pledged Revenues in accordance with law for carrying out the provisions of this Resolution and the Notes.

Section 13. Transmittal of Resolution. The Clerk of this Board is hereby directed to send an original certified copy of this Resolution to the County Board, the Treasurer and the County Superintendent of Schools.

Section 14. Recitals. All the recitals in this Resolution above are true and correct and this District Board so finds, determines and represents.

Section 15. Other Actions. All actions heretofore taken by the officers and agents of the District with respect to the sale and issuance of the Notes are hereby approved, confirmed and ratified, and the officers of the District are hereby authorized and directed, for and in the name and on behalf of this District, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Notes in accordance with, and to carry out the intent of, this Resolution.

7.6.6.

PASSED AND ADOPTED by the Board of Trustees of the Western Placer Unified School District this 5th day of August, 2003, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

WESTERN PLACER UNIFIED SCHOOL DISTRICT

_____

President, Board of Trustees

ATTEST:

_____

Clerk, Board of Trustees

7.6.7