

## POLICY GUIDE SHEET

October 2018

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

### BP 0420.42 - Charter School Renewal

(BP revised)

✓ Policy updated to reflect **NEW LAW (AB 1808)** which requires alternative measures for meeting the student achievement criteria for charter renewal in lieu of the Academic Performance Index (API) and **NEW LAW (AB 406)** which prohibits a charter school that is renewed on or after July 1, 2019 from being operated as a for-profit corporation or organization. Policy also clarifies that district boards do not review renewal petitions for charter schools that were authorized by county boards on appeal, and addresses the definition of "receipt" of the petition for purposes of determining the timeline for granting or denying the petition.

### BP 1100 - Communication with the Public

(BP revised)

✓ Policy updated to add definition of the types of mass mailings that cannot be sent at district expense and to reflect law which prohibits certain mass mailings, which are otherwise permissible, from being sent within 60 days preceding an election. Policy also deletes references to repealed Title 2 regulation (Register 2018, No. 12).

### BP 3290 - Gifts, Grants and Bequests

(BP revised)

✓ Policy updated to add new section on "Online Fundraising" addressing considerations for approving a crowdfunding Internet platform to raise funds for district, school, or classroom projects or equipment. Policy also adds a prohibition against accepting any gift, grant, or bequest that promotes the use of non-nutritious foods or beverages and provides that any advertising used by a corporate sponsor meet the standards specified in BP 1325 - Advertising and Promotion.

### AR 3320 - Claims and Actions Against the District

(AR revised)

✓ Regulation updated to reflect **NEW LAW (SB 1053)** which clarifies that districts do not have the authority to use district-established claims procedures for claims of childhood sexual abuse and that such claims are governed by the timelines and procedures of Code of Civil Procedure 340.1.

### AR 3460 - Financial Reports and Accountability

(AR revised)

✓ Regulation updated to add new section on "Report on Expenditures of State Facilities Funds" reflecting state law, as amended by **NEW LAW (AB 1808)**, which requires districts that receive state facilities funding under the Leroy F. Greene School Facilities Act to annually report a list of expenditures for completed facilities projects and conclude an audit within one year of project completion.

### BP 4114 - Transfers

(BP revised)

✓ Policy updated to delete provision regarding a principal's right to refuse a teacher's transfer request for a school ranked in deciles 1-3 on the API, as the API is no longer being calculated. Policy also adds philosophical statement regarding the assignment of staff in an equitable manner that meets the needs of students and each school.

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**BP/AR 5141.6 - School Health Services**

(BP/AR revised)

✓ Policy updated to delete references to the obsolete API, Healthy Start program, and Healthy Families program. Regulation updated to expand section on "Types of Health Services" to include additional services for which districts can receive Medi-Cal reimbursement. Regulation also includes the requirement for employees to complete a random-moment time study for the Medi-Cal Administrative Activities program and reflects **NEW LAW (AB 3192)** which requirements the Department of Health Care Services to develop a program guide for the LEA Medi-Cal Billing Option.

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

(BP/AR revised)

✓ Policy and regulation updated to reflect **NEW LAW (AB 752, 2017)** which prohibits the expulsion of a child enrolled in a California State Preschool Program (CSPP) unless the district has taken specified steps and the child's continued enrollment presents a serious safety threat to the child or other enrolled children. Policy also adds data collection on the type of firearm involved in any expulsion for firearm possession, in accordance with federal law. Regulation also revises section on "Final Action by the Board" to correct the location in policy where acts requiring "mandatory recommendation and mandatory expulsion" are listed.

**BP/AR 5148.3 - Preschool/Early Childhood Education**

(BP/AR revised)

✓ Policy updated to reflect **NEW LAW (AB 1808)** which (1) exempts CSPP programs from specified licensure and regulation requirements if they are operated in a school building and (2) requires that the district's Williams uniform complaint procedures be used to resolve allegations of deficiencies related to health and safety requirements in license-exempt CSPP programs. Policy and regulation reflect a provision of AB 1808 which allows districts to commingle 4-year-old children enrolled in a CSPP program with children enrolled in a transitional kindergarten (TK) program under specified conditions. Regulation also reflects **NEW LAW (AB 2626)** which changes the birthdate by which children are eligible for CSPP programs, **NEW LAW (AB 273, 2017)** which revises eligibility criteria for CSPP preschool to include parents/guardians engaged in an educational program for English learners or for attainment of a high school diploma or general educational development certificate, and **NEW LAW (AB 752, 2017)** which prohibits the expulsion or unenrollment of a child enrolled in a CSPP program unless the district has taken specified steps and the child's continued enrollment presents a serious safety threat to the child or other enrolled children.

**BP 6142.3 - Civic Education**

(BP revised)

✓ Policy updated to add new section on "Student Voter Registration" containing material formerly in BP 1400 - Relations Between Governmental Agencies and the Schools. Policy also reflects **NEW LAW (AB 24, 2017)** which establishes the State Seal of Civic Engagement to recognize high school graduates who have demonstrated excellence in civic education and participation based on criteria to be approved by the State Board of Education by January 31, 2021. Examples of activities that link civic knowledge to practical experience expanded to reflect additional concepts in the state curriculum framework.

**BP/AR 6145.2 - Athletic Competition**

(BP/AR revised)

✓ Policy updated to reflect **NEW LAW (AB 2009)** which requires any district that offers an interscholastic athletic program to develop a written emergency action plan to be followed in the event of sudden cardiac arrest or other medical emergency. Regulation updated to reflect requirement of AB 2009 to make an automated external defibrillator available at athletic events. Regulation also includes new section on "Heat

Illness" reflecting **NEW LAW (AB 2800)** which requires coaching education programs to include training on the signs and symptoms of, and appropriate response to, heat illness.

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### **BP/AR 6152.1 - Placement in Mathematics Courses**

(BP revised; AR added)

✓ Policy updated to clarify which policy components are mandated and to expand program evaluation to include a report on the percentage of students who have successfully completed mathematics courses that satisfy the requirements for entrance to the University of California and California State University. New regulation includes material formerly in BP, including the appeals process, the requirement to post the policy on the district's web site, and circumstances under which staff recommendations may be considered in course placement. Regulation also includes examples of objective academic measures that may be used to place students in mathematics courses.

### **BP 6170.1 - Transitional Kindergarten**

(BP revised)

✓ Policy updated to reflect **NEW LAW (AB 1808)** which allows districts to place 4-year-old children enrolled in a CSPP program into a TK program and to commingle children from both programs into the same classroom under specified conditions.

### **BP/AR 6178 - Career Technical Education**

(BP/AR revised)

✓ Policy updated to reflect **NEW FEDERAL LAW (P.L. 115-224)** which reauthorizes the Carl D. Perkins Career and Technical Education Act, retitled as the Strengthening Career and Technical Education for the 21st Century Act, and **NEW LAW (AB 1808)** which amends the California Career Technical Education Incentive Grant Program. Material regarding activities for special populations and consultation with private school representatives moved to AR. Material on program evaluation revised to add requirement to review measures of career technical education pathway completion as part of the annual review of progress toward the goals in the local control and accountability plan (LCAP). Regulation revises section on "Federal Grants for Career Technical Education (Perkins)" to reflect P.L. 115-224, including streamlining the uses of grant funds, adding a requirement for a needs assessment, and changing the definition of "special needs populations." Regulation also deletes section on "Tech Prep Programs" as those programs are no longer funded and are repealed by P.L. 115-224. Section on "Linked Learning Programs" deletes Note regarding linked learning pilot program which repealed on its own terms.

### **BP 6190 - Evaluation of the Instructional Program**

(BP revised)

Policy updated to delete references to the obsolete API and add the California School Dashboard as a source for multiple state and local indicators of strengths and areas in need of improvement in each priority area addressed by the LCAP. Section on "Federal Program Monitoring" deleted as the focus of the policy is on program effectiveness rather than compliance with program requirements.

### **BB 9110 - Terms of Office**

(BB revised)

Bylaw updated to reflect **NEW LAW (AB 2449)** which changes the commencement of the term of office of board members from the first Friday in December following their election to the second Friday in December. Bylaw also provides that, if the district chooses or is required to consolidate its board elections with the local municipal or state primary or general elections, elections could occur in even-numbered years and the term of incumbent board members would be extended to align with the next election.



# CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.42(a)

## CHARTER SCHOOL RENEWAL

Note: The following policy is optional. When the term of a charter granted by the Governing Board pursuant to Education Code 47605 (see BP/AR 0420.4 - Charter School Authorization) is due to expire, the charter school must submit a petition for renewal to the Board in accordance with Education Code 47607 and 5 CCR 11966.4.

For a charter that was granted by the State Board of Education (SBE) on appeal after being denied by the district, the renewal petition must be first submitted to the district board that denied the charter, pursuant to Education Code 47605. A petition for the renewal of a charter that was originally granted by the County Board of Education on appeal after being denied by the district must be submitted directly to the County Board as the chartering authority pursuant to 5 CCR 11966.5. Pursuant to Education Code 47605, to renew a charter that was originally granted by the State Board of Education (SBE) on appeal, the charter school must first submit its petition for renewal to the district that initially denied the charter. If the Board denies the renewal, the school may then petition the SBE for renewal.

The Governing Board believes that the ongoing operation of a charter school established within the district should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner. The Board shall consider renewal petitions only of charters originally authorized by the Board itself or by the State Board of Education on appeal after initial denial by the Board.

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 0420.43 - Charter School Revocation)

(cf. 0500 - Accountability)

Note: Education Code 47604, as amended by AB 406 (Ch. 291, Statutes of 2018), prohibits a charter school from being operated by a for-profit corporation or organization effective July 1, 2019. Any charter school that submits a renewal petition on or after that date must demonstrate that it has nonprofit management or it cannot be renewed.

No charter school that submits a renewal petition on or after July 1, 2019 shall be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

Note: The following optional paragraph may be revised to reflect district practice timelines for the submission of charter renewal petitions. Although 5 CCR 11966.4 requires that the Board grant or deny the renewal petition within 60 days of receiving the petition; (see section entitled "Timelines for Board Action" below),—However, it is recommended that charter schools submit their petition six to nine months before the term of the charter is due to expire. The timeline should take into consideration the date by which student achievement data needed for the petition will be available and the amount of

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## CHARTER SCHOOL RENEWAL (continued)

time needed for the Board's deliberations and decision. In the event that the Board denies the renewal, the charter school may need time to appeal to the County Board and then to the SBE and, if the school closes, to allow students of the charter school to transfer to another school. ~~It is recommended that the charter school submit its renewal petition sufficiently early (e.g., as much as nine months before the term of the charter is due to expire) so that, in the event that the Board denies the renewal, the charter school may be able to appeal to the County Board of Education and then to the SBE pursuant to Education Code 47607.5 and, if the school closes, for students of the charter school to transfer to another school.~~

**The Board recommends that a charter school seeking renewal of its charter is encouraged to submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter is due to expire to allow the Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year.**

Each renewal granted by the Board shall be for a period of five years. (Education Code 47607)

### **Submission of Renewal Petition**

~~Note: The following optional paragraph may be revised to reflect district practice 5 CCR 11966.4 requires that the Board grant or deny the renewal petition within 60 days of receiving the petition; see section entitled "Timelines for Board Action" below. However, it is recommended that the charter school submit its renewal petition sufficiently early (e.g., as much as nine months before the term of the charter is due to expire) so that, in the event that the Board denies the renewal, the charter school may be able to appeal to the County Board of Education and then to the SBE pursuant to Education Code 47607.5 and, if the school closes, for students of the charter school to transfer to another school.~~

~~A charter school seeking renewal of its charter is encouraged to submit its petition for renewal to the Board sufficiently early before the term of the charter is due to expire.~~

~~The signature requirement applicable to new charter petitions is not applicable to petitions for renewal. (5 CCR 11966.4)~~

~~The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. The petition also shall include documentation that the charter school meets at least one of the criteria for academic performance specified in Education Code 47607(b), as listed in item #5 in the section "Criteria for Granting or Denying Renewal" below. (Education Code 47607; 5 CCR 11966.4)~~

### **Criteria for Granting or Denying Renewal**

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605, **except that the signature requirement for**

**CHARTER SCHOOL RENEWAL** (continued)

**new petitions is not applicable to petitions for renewal. The Board shall consider the past performance of the charter school's academics, finances, and operations in evaluating the likelihood of future success, along with plans for improvement, if any.** (Education Code 47607; 5 CCR 11966.4)

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

Note: ~~As amended by SB 1290 (Ch. 576, Statutes of 2012), Education Code 47607 requires the Board to consider increases in student achievement for all "numerically significant" student subgroups, as defined in Education Code 52052, as the most important factor in determining whether to grant a charter renewal.~~

In determining whether to grant a charter renewal, the Board shall consider **the past academic, financial, and operational performance of the charter school in evaluating the likelihood of future success, along with any plans for improvement.** Increases in academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, **as shall be** the most important factor. (Education Code 47607; **5 CCR 11966.4**)

Note: Education Code 47607 and **5 CCR 11966.4** establish grounds for denial of charter renewals. See CSBA's publication Charter Schools: A Guide for Governance Teams for additional information about making the determinations specified in items #1-4 **5** below.

The Board shall **not deny a renewal petition only if unless** it makes **a**-written factual findings, **specific to the particular petition**, setting forth specific facts to support one or more of the following grounds: (Education Code 47605, 47607; 5 CCR 11966.4)

1. The charter school presents an unsound educational program for the students enrolled in the school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
4. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).
5. The charter school has failed to **demonstrate that it meets** at least one of the following criteria of academic performance:

## CHARTER SCHOOL RENEWAL (continued)

Note: SB 1290 (Ch. 576, Statutes of 2012) amended Education Code 47607 to revise the criterion related to the attainment of the Academic Performance Index growth target to (1) delete the option to consider attainment of the growth target in the aggregate for the prior three years and (2) require the growth target to be met both schoolwide and for all numerically significant groups of students served by the charter school. Although Education Code 47607 authorizes the use of the Academic Performance Index (API) to demonstrate academic performance for purposes of charter renewal, the API is no longer being calculated. Pursuant to Education Code 52052, as amended by AB 1808 (Ch. 32, Statutes of 2018), alternative measures that show increases in student achievement for all groups of students schoolwide and among numerically significant student subgroups may be used instead. For example, for purposes of meeting the academic criterion for charter renewal, charter schools may use indicators of student achievement and English learner progress available through the state's accountability system, the California School Dashboard.

- a. Attainment of its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both schoolwide and for all numerically significant groups of students served by the charter school as defined in Education Code 52052.
- b. An API ranking in deciles 4-10 in the prior year or in two of the last three years.
- e. An API ranking in deciles 4-10 for a demographically comparable school in the prior year or in two of the last three years.
- a. **Increases in academic achievement for all groups of students schoolwide and among numerically significant student subgroups, as determined using measures identified pursuant to Education Code 52052**

Note: When making a written finding determination based on item #5d-b, Education Code 47607 requires the district to submit copies of supporting documentation and a written summary of the basis for its determination to the Superintendent of Public Instruction (SPI), as provided below. The SPI will review the materials and make recommendations to the district. Those recommendations may be the basis for a revocation of the charter by the SBE.

- d. b. Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school

**Such performance shall be determined based on a review of documented clear and convincing data; student achievement data from assessments, including, but not limited to, state academic achievement tests, for**



**CHARTER SCHOOL RENEWAL (continued)**

**demographically similar student populations in comparison schools; and information submitted by the charter school. The Board shall not grant a renewal until at least 30 days after the submission of any such documentation by the charter school. The Superintendent or designee shall submit to the Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for the Board's determination.**

~~In determining whether the charter school satisfies this criterion, the Board shall base its decision on:~~

- ~~(1) Documented clear and convincing data~~
- ~~(2) Student achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program, for demographically similar student populations in comparison schools~~
- ~~(3) Information submitted by the charter school~~

*(cf. 6162.51 - State Academic Achievement Tests)*

**Note: Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status (DASS) program, which uses modified methods of measurement for accountability indicators when appropriate. Charter schools that participate in the DASS satisfy the academic criterion for charter renewal without being subject to the criteria listed above in item #5a or b.**

- e.c. Qualification for an the state's alternative accountability system established pursuant to Education Code 52052(h) for schools that serve high-risk students**

**Timelines for Board Action**

**Note: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 47607, the Board must grant or deny the request for renewal within 60 days of receiving the renewal petition. Thus, the Board should establish a timeline for holding a public hearing that will provide sufficient time for the Board to consider public input before taking action on the request.**

**The Education Code does not specifically define when a petition is "received." However, because the Board conducts its business as an entity during public meetings, many education attorneys interpret the 30 days to begin when the petition is presented to the Board at the first Board meeting following the submission of the petition. Others consider the petition to be "received" when it is delivered to the district. Districts with questions regarding when the 30 days begin should consult legal counsel.**

Within 30 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input.

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**CHARTER SCHOOL RENEWAL (continued)**

If the charter school submits documentation pursuant to item #5d in the section "Criteria for Granting or Denying Renewal" above, the Board shall not grant a renewal until at least 30 days after the submission of such documentation. (Education Code 47607)

Within 60 days of receiving the renewal petition, or within 90 days if extended by mutual written agreement of the Board and the charter school, the Board shall either grant or deny the request to renew the charter. (Education Code 47607; 5 CCR 11966.4)

If the Board fails to make a written factual finding pursuant to items #1-5 in the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board of Education within 30 days of the Board's written factual findings supporting the denial. If the County Board then fails to deny or grant the petition within 60 days of receiving the petition, or within 90 days if extended by written mutual agreement of the charter school and the County Board, the charter school may submit the petition to the State Board of Education. (Education Code 47605, 47607.5)

Note: Pursuant to Education Code 47604.32, if a charter school ceases operation for any reason, including denial of its renewal, the district must notify the California Department of Education; see BP 0420.41 - Charter School Oversight. In addition, the district and/or charter school must implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962; see AR 0420.4 - Charter School Authorization.

*Legal Reference: (see next page)*

**CHARTER SCHOOL RENEWAL (continued)**

*Legal Reference:*

EDUCATION CODE

47600-47616.7 *Charter Schools Act of 1992*

52052 ~~Alternative accountability system; d~~Definition of numerically significant student subgroup

56145-56146 *Special education services in charter schools*

60600-60649 *Assessment of academic achievement*

CODE OF REGULATIONS, TITLE 5

11960-11969 *Charter schools*

UNITED STATES CODE, TITLE 20

7223-7225 *Charter schools*

*Management Resources:*

CSBA PUBLICATIONS

*The Role of the Charter School Authorizer, Online Course*

*Charter Schools: A Guide for Governance Teams, rev. 2016*

WEB SITES

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

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

U.S. Department of Education: <http://www.ed.gov>

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# CSBA Sample Board Policy

Community Relations

BP 1100(a)

## COMMUNICATION WITH THE PUBLIC

Note: The following optional policy may be revised to reflect district practice.

The Governing Board recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and district and to be responsive to the concerns and interests of the community. The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 9000 - Role of the Board)*

Note: Protocols for media relations, including the identification of Governing Board and staff spokespersons designated to meet with the media on behalf of the district, are addressed in BP 1112 - Media Relations. The district may choose to establish additional protocols for communications with other segments of the public.

The Superintendent or designee shall provide the Board and staff with communications protocols and procedures to assist the district in presenting a consistent, unified message on district issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of the district, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

*(cf. 1112 - Media Relations)*  
*(cf. 1340 - Access to District Records)*  
*(cf. 2111 - Superintendent Governance Standards)*  
*(cf. 3580 - District Records)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*  
*(cf. 9005 - Governance Standards)*  
*(cf. 9010 - Public Statements)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

The Superintendent or designee shall utilize a variety of **communications** methods **in order** to provide **information to** the public with access to information. Such methods may include, but are not limited to, district and school newsletters, web sites, social **networking pages** **media**, **or other online communications technologies**, **direct email** **electronic** communications, mailings, notices sent home with students, recorded telephone messages for parent/guardian information, community forums and public events, news releases, meetings with education reporters and editorial boards, presentations at parent organization meetings, and meetings with representatives of local governments, community organizations, and businesses.

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## COMMUNICATION WITH THE PUBLIC (continued)

- (cf. 0510 - School Accountability Report Card)*
- ~~*(cf. 1020 - Youth Services)*~~
- (cf. 1113 - District and School Web Sites)*
- (cf. 1114 - District-Sponsored Social Media)*
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*
- (cf. 1700 - Relations Between Private Industry and the Schools)*

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of those students must also be written in that primary language. In addition, the Americans with Disabilities Act (28 CFR 35.130 and 35.160) requires districts to provide services and aids to ensure that a disabled individual is not excluded from participation or denied a benefit, service, or program on the basis of a disability. See BP 0410 - Nondiscrimination in District Programs and Activities.

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public, including individuals with disabilities and those whose primary language is not English.

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

The Superintendent or designee shall ensure that staff members are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff members with professional development in their "customer service" role as needed to assist them in effectively responding to requests for information or assistance by parents/guardians or members of the public.

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

The Superintendent or designee shall provide multiple avenues and opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to become involved in school activities, participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, and use the district's complaint procedures as appropriate.

- (cf. 0460 - Local Control and Accountability Plan)*
- (cf. 1220 - Citizen Advisory Committees)*
- (cf. 1230 - School-Connected Organizations)*
- (cf. 1240 - Volunteer Assistance)*
- (cf. 1250 - Visitors/Outsiders)*
- (cf. 1260 - Educational Foundation)*
- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 1312.3 - Uniform Complaint Procedures)*
- (cf. 1312.4 - Williams Uniform Complaint Procedures)*
- (cf. 3555 - Nutrition Program Compliance)*

## COMMUNICATION WITH THE PUBLIC (continued)

(cf. 6020 - Parent Involvement)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

### **Prohibition Against Mass Mailings at Public Expense**

Note: Education Code 7054 and 2 CCR 18901.1 prohibit the use of public funds for a mass mailing that (1) expressly advocates the election or defeat of a candidate or the qualification, passage, or defeat of a ballot measure or (2) if taken in context, unambiguously urges an election result. Violation of these provisions could result in an enforcement action by the Fair Political Practices Commission. See BP 1160 - Political Processes for language regarding the use of district funds for activities related to ballot measures, candidates, or lobbying.

Any newsletters or mass mailings regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board policy.

(cf. 1160 - Political Processes)

Note: Government Code 82041.5, and 89001, and 89002 and 2 CCR 18901 prohibit the use of public funds for a mass mailing which features a Board member or includes the name, signature, or photograph of a Board member, except as specifically allowed by law. "Mass mailing" is defined as over 200 substantially similar pieces of mail sent in a single calendar month or course of an election. A "mass mailing" does not include form letters or mail sent in response to an unsolicited request, letter, or other inquiry, or permissible informational materials otherwise authorized by law Government Code 89002. Because these laws are very complex, with complicated definitions and numerous exceptions, districts should consult with legal counsel if there is a question about the appropriateness of a planned mailing.

In addition, Education Code 7054 and 2 CCR 18901.1 prohibit the use of public funds for a mass mailing that (1) expressly advocates the election or defeat of a candidate or the qualification, passage, or defeat of a ballot measure or (2) if taken in context, unambiguously urges an election result. Violation of these provisions could result in an enforcement action by the Fair Political Practices Commission. See BP 1160 - Political Processes for language regarding the use of district funds for activities related to ballot measures, candidates, or lobbying. Because these laws are very complex, with complicated definitions and numerous exceptions, districts should consult with legal counsel if there is a question about the appropriateness of a planned mailing.

No newsletter or other mass mailing, as defined in Government Code 82041.5 and 2 CCR 18901 shall be sent by the district at public expense if such material aggrandizes one or more Board members. The name, signature, or photograph of a Board member may be included in such materials only as permitted by 2 CCR 18901. (Government Code 82041.5, 89001; 2 CCR 18901)

Any newsletter or mass mailing regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board policy.

**COMMUNICATION WITH THE PUBLIC (continued)**

*(cf. 1160—Political Processes)*

**A mass mailing is prohibited if all of the following criteria are met: (Government Code 89001-89002)**

- 1. The mailing involves sending a tangible item, such as a videotape, record, button, or written document, which is delivered by any means to recipients at their residence, place of employment or business, or post office box**
- 2. The item features a Board member or includes the name, office, photograph, or other reference to a Board member and is prepared or sent in cooperation, consultation, coordination, or concert with the Board member.**
- 3. The costs of distribution, or any costs of design, production, and printing exceeding \$50, are paid with district funds.**
- 4. More than 200 substantially similar items, as defined in Government Code 89002, are sent in a single calendar month.**

**The above prohibition does not apply to the types of mass mailings specified in Government Code 89002(b), including, but not limited to: (Government Code 89002)**

- 1. An item in which the Board member's name appears only in a roster containing the names of all Board members or in the letterhead or logotype of the stationery, forms, and envelopes of the district, a district committee, or the Board member**
- 2. An announcement including only a single mention of the Board member's name which concerns a public meeting related to the Board member's duties or any official district event(s) for which the district is providing the use of its facilities, staff, or other financial support**
- 3. A business card that contains only one mention of the Board member's name and no photograph of the Board member**

**However, any of the excepted mailings listed in items #1-3 above that meets the criteria for prohibited mass mailings shall not be sent within 60 days preceding an election in which a Board member to whom the mailing relates will appear on the ballot as a candidate. (Government Code 89003)**

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## COMMUNICATION WITH THE PUBLIC (continued)

### Comprehensive Communications Plan

Note: **The following optional section may be revised to reflect district practice.** A comprehensive district communications plan may include strategies for internal and external communications on issues that are important to the district and community. The plan also may incorporate specific communications strategies required by other Board policies and administrative regulations. For example, see AR 0450 - Comprehensive Safety Plan, BP 1112 - Media Relations, AR 3516 - Emergencies and Disaster Preparedness Plan, and BP/AR 6020 - Parent Involvement.

The Superintendent or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for district programs and issues. The plan shall identify specific communications goals aligned with the district's vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the district achieve its goal, strategies tailored to each target audience, timelines, persons responsible for each activity, and budget implications.

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

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, community leaders, state or federal legislators or agencies, and/or other segments of the public.

The plan shall incorporate strategies for effective communications during a crisis or other emergency situation that may arise.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

The Superintendent or designee shall periodically evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

*Legal Reference: (see next page)*

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**COMMUNICATION WITH THE PUBLIC (continued)**

*Legal Reference:*

EDUCATION CODE

7054 *Use of district property or funds re: ballot measures and candidates*

35145.5 *Board meetings, public participation*

35172 *Promotional activities*

38130-38138 *Civic Center Act*

48980-48985 *Parental notifications*

GOVERNMENT CODE

54957.5 *Meeting agendas and materials*

82041.5 *Mass mailing*

89001-89003 *Newsletter or mass mailing*

CODE OF REGULATIONS, TITLE 2

~~18901~~ *Mass mailings sent at public expense*

18901.1 *Campaign-related mailings sent at public expense*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

*Management Resources:*

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

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# CSBA Sample Board Policy

**Business and Noninstructional Operations**

BP 3290(a)

## **GIFTS, GRANTS AND BEQUESTS**

Note: Education Code 41032 authorizes the Governing Board to accept gifts on behalf of the district and to prescribe conditions for their acceptance. Criteria listed in this optional policy may be revised to reflect district practice.

The Governing Board may accept any gift, grant, or bequest of money, property, or service to the district from any individual, private agency or organization, foundation, or other public or private agency that desires to support the district's educational program. While greatly appreciating suitable donations, the Board shall reject any gift which may directly or indirectly impair its authority to make decisions in the best interest of district students or its ability or commitment to provide equitable educational opportunities.

*(cf. 0100 - Philosophy)*

*(cf. 0200 - Goals for the School District)*

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

*(cf. 0415 - Equity)*

*(cf. 1260 - Educational Foundation)*

*(cf. 9270 - Conflict of Interest)*

Note: A donor may impose restrictions and conditions on the use of a gift. Unless the conditions are illegal, the district will be subject to those conditions if it accepts the gift.

Before accepting any gift, grant, or bequest, the Board shall carefully consider any conditions or restrictions imposed by the donor to ensure their consistency with the district's vision, philosophy, and operations. If the Board believes the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

*(cf. 0000 - Vision)*

*(cf. 0100 - Philosophy)*

In addition, the Board shall ensure that acceptance of the gift, grant, or bequest does not:

1. Involve creation of a program which the Board would be unable to sustain when the donation is exhausted
2. Entail undesirable or excessive costs
3. Promote the use of violence, drugs, tobacco, or alcohol or the violation of any law or district policy

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.62 - Tobacco)*

**GIFTS, GRANTS AND BEQUESTS (continued)**

**4. Advertise or endorse the use of non-nutritious food or beverages during the school day**

*(cf. 5030 - Student Wellness)*

**5. Encourage or enable the violation of any law or district policy**

**4-6. Imply endorsement of any business or product or unduly commercialize or politicize the school environment**

*(cf. 1325 - Advertising and Promotion)*

Any gift of books **and or** instructional materials **shall may only** be accepted **only** if they meet **regular** district criteria for selection of instructional materials.

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*

All gifts, grants, and bequests shall become district property. Donors are encouraged to donate all gifts to the district rather than to a particular school, **classroom, or teacher**. At the Superintendent or designee's discretion, a gift may be used at a particular school **or classroom**.

Note: Education Code 41030 allows districts to invest monies gifted to them when not immediately needed. Education Code 41031 requires that such funds be placed in a district special fund in the county treasury and designated as the Foundation Fund. Funds donated for specific purposes must be placed in a separate account in that fund. **Pursuant to Education Code 41035-41038, districts Boards** that place money in a foundation fund pursuant to these laws must adopt related rules and regulations and appoint an advisory committee to advise the board about investments to be made. ~~(Education Code 41035-41038)~~

When any gift of money received by the district is not immediately used, it shall be placed in the county treasury in accordance with law. (Education Code 41030-41031)

*(cf. 3430 - Investing)*

The Superintendent or designee shall annually provide a report to the Board indicating the gifts, grants, and/or bequests received on behalf of the district in the preceding fiscal year. The report shall include a statement of account and expenditure of all gifts of money and an inventory of all gifts of physical assets.

*(cf. 3440 - Inventories)*  
*(cf. 3460 - Financial Reports and Accountability)*

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**GIFTS, GRANTS AND BEQUESTS (continued)****Appreciation**

The Board may show appreciation for any donation to the district in any manner it deems appropriate. Such appreciation may take the form of letters of recognition or Board resolutions; plaques, commendations, or awards; planting of commemorative trees or gardens; or naming or renaming of buildings, grounds, or facilities. Conferment of any such honor shall be in accordance with applicable Board policy.

*(cf. 1150 - Commendations and Awards)*  
*(cf. 7310 - Naming of Facility)*

**Corporate Sponsorship**

Note: **Under the general authority granted to boards** Pursuant to Education Code 35160, the Board is authorized to enter into **an a corporate sponsorship** agreement with an outside entity including for-profit and nonprofit corporations. In exchange for funds, products, and services provided by such entities, the Board may allow them to advertise and/or promote their products and services within district buildings or facilities. The Board may set guidelines for entering into such agreements to ensure that they are limited to appropriate matters. Standards related to advertising and promotions are addressed in BP 1325 - Advertising and Promotion. The Board may revise the following optional section to ensure consistency with those standards.

The Board may enter into an agreement or arrangement with an outside entity for the sponsorship of an educational, athletic, or other program or activity. When appropriate, the agreement may allow the outside entity to advertise or promote its business, product, or service in district publications or on district property or web sites.

*(cf. 1113 - District and School Web Sites)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*  
*(cf. 3312 - Contracts)*  
*(cf. 6145.2 - Athletic Competition)*

Every sponsorship agreement shall be in writing and shall be approved by the Board. The Board shall ensure that the district's relationship and arrangement with the sponsor are consistent with the district's mission, values, and goals. Any advertising or promotional message, image, or other depiction to be used by the sponsor shall meet the standards set for commercial advertising on district property and in district-sponsored publications **in accordance with BP 1325 - Advertising and Promotion. No message, image, or other depiction that promotes the use of obscene language, pornography, alcohol, tobacco, or prohibited drugs or that advocates unlawful discrimination, use of violence, or the violation of law or district policy shall be allowed.**

Each sponsorship agreement shall contain statements including, but not limited to:

1. The purpose of the relationship with the sponsor, details of the benefits to the district, and how the benefits will be distributed;

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**GIFTS, GRANTS AND BEQUESTS (continued)**

2. The duration of the agreement and the roles, expectations, rights, and responsibilities of the district and the sponsor, including whether and to what extent the sponsor is allowed to advertise or promote its products and/or services.
3. The authority of the Board to retain exclusive right over the use of the district's name, logo, and other proprietary information **and the requirement that the sponsor obtain prior approval of the Board before using such information.** ~~The sponsor's use of such information shall require prior approval of the Board.~~
- ~~5. 4.~~ The prohibition against the collection **or distribution** of students' personal information except as allowed by law.
- ~~4. 5.~~ The authority of the Board to terminate the agreement without any penalty or sanction to the district if the sponsor's message, business, or product becomes inconsistent with **the district's** vision, mission, or goals or the sponsor engages in any prohibited activity.
- ~~5.~~ ~~The prohibition against the collection of students' personal information except as allowed by law.~~

*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 5125 - Student Records)*

**Online Fundraising**

**Note: The following optional section addresses the practice of using a crowdfunding Internet platform (e.g., GoFundMe, PledgeCents, Donors Choose, etc.) to raise funds for district, school or classroom projects or equipment and may be revised to reflect district practice.**

**Any person or entity who wishes to conduct an online fundraising campaign, including a crowdfunding campaign, for the benefit of the district, a school, or a classroom shall submit a written request for prior approval to the Superintendent or designee. Approval of requests shall take into consideration compatibility with the district's vision and goals, core beliefs, instructional priorities, and infrastructure; the manner in which donations are collected and distributed; equity of the use of funds; and any other factors deemed relevant or appropriate by the district.**

**Any person or entity approved to conduct an online fundraising campaign shall comply with relevant district policies and procedures, including ensuring financial transparency in describing the purpose and use of the funds and protecting student privacy as applicable. Such person or entity shall specify that the district, rather than a staff member, classroom, or school, will own the funded resources.**

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**GIFTS, GRANTS AND BEQUESTS (continued)**

**Funds raised by an online fundraising campaign and donated to the district shall be subject to the same terms, criteria for acceptance, and accountability measures as any other donation as specified in this policy.**

**Appreciation**

The Board may show appreciation for any donation to the district in any manner it deems appropriate. Such appreciation may take the form of letters of recognition or Board resolutions; plaques, commendations, or awards; planting of commemorative trees or gardens; or naming or renaming of buildings, grounds, or facilities. Conferment of any such honor shall be in accordance with applicable Board policy.

*(cf. 1150 - Commendations and Awards)  
(cf. 7310 - Naming of Facility)*

*Legal Reference:*

EDUCATION CODE

- 1834 Acquisition of materials and apparatus*
- 35160 Powers and duties*
- 35162 Power to sue, be sued, hold and convey property*
- 41030 School district may invest surplus monies from bequest or gifts*
- 41031 Special fund or account in county treasury*
- 41032 Authority of school board to accept gift or bequest; investments; gift of land requirements*
- 41035 Advisory committee*
- 41036 Function of advisory committee*
- 41037 Rules and regulations*
- 41038 Applicability of other provisions of chapter*

*Management Resources:*

WEB SITES

*California Consortium of Education Foundations: <http://www.cceflink.org>*

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# CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3320(a)

## CLAIMS AND ACTIONS AGAINST THE DISTRICT

Note: The Government Claims Act (Government Code 810-996.6) sets forth prelitigation requirements and deadlines for claims against public entities, including school districts, ~~as well as statute of limitations and other requirements for lawsuits.~~ In *City of Stockton v. Superior Court*, the California Supreme Court held that the claim requirements in Government Code 900-915.4 also apply to claims for breach of contract.

Because a district's insurance carrier or joint powers authority (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, it is strongly recommended that this administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.

### Time Limitations

Note: Items ~~#1-3-4~~ below list timelines for ~~presentation of~~ claims pursuant to the Government Claims Act ~~and other applicable statutes.~~ If a claimant misses a deadline for a claim required to be submitted in accordance with item #1 or #3 below, he/she may present an application to present a late claim pursuant to Government Code 911.4; see section below entitled "Late Claims." As amended by SB 1053 (Ch. 153, Statutes of 2018), Government Code 935 clarifies that the authority of a district to adopt local claims presentation procedures for causes of action which are excepted from the Government Claims Act by Government Code 905 and are not governed by other statutes or regulations does not apply to childhood sexual abuse. Rather, claims for childhood sexual abuse are governed by the timelines and procedures specified in Code of Civil Procedure 340.1.

The following time limitations apply to claims against the district:

1. **Claims for money or damages relating to any cause of action which is governed by a statute or regulation, including childhood sexual abuse and other causes of action specifically excepted from the Government Claims Act by Government Code 905, shall be filed in accordance with the governing statute or regulation. (Government Code 905, 935)**
1. ~~Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the Governing Board not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)~~
2. ~~Claims for money or damages as authorized in Government Code 905 and not included in item #1 above shall be filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)~~

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## CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

Note: Pursuant to Government Code 935, a district may establish its own procedure for the presentation of those claims which are excluded from the Government Claims Act as specified in Government Code 905. **Optional item #3 #2** below is for use by any district whose board has chosen to exercise the authority to establish district procedures for such claims; see the accompanying Board policy. Item #3 #2 provides six months as the time limitation for filing such claims, which is consistent with the requirement in Government Code 935 that the district's procedure not require a shorter time for presentation of a claim than the time specified in Government Code 911.2. However, the Governing Board has the discretion to adopt a more flexible time limitation and may increase the amount of time allowed for filing such claims. If the Board adopts a more flexible time limitation, ~~the following paragraph~~ **item #2** should be revised accordingly. ~~In Big Oak Flat Groveland Unified School District v. Superior Court of Tuolumne County, the appellate court ruled that a claim of childhood sexual abuse, which is excepted from the Government Claims Act pursuant to Government Code 905, should have been presented to the district under the district procedures established pursuant to Government Code 935 prior to the filing of the lawsuit on that claim.~~

If a claimant misses a deadline for a claim required to be submitted in accordance with item #1 #2 or #3 below, he/she may present an application to present a late claim pursuant to Government Code 911.4; see section below entitled "Late Claims."

- 3.2.** In accordance with the Board's authority pursuant to Government Code 935, claims for money or damages which **are relate to any cause of action specifically exempted excepted** from the Government Claims Act by Government Code 905 **and but which** are not governed by any other claims presentation statute or regulation shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, ~~911.2~~, 935)
- ~~1.~~ **3.** Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the Governing Board not later than six months after the accrual of the cause of action. (Government Code ~~905~~, 911.2)
- ~~2.~~ **4.** Claims for money or damages ~~as authorized in Government Code 905 and not included in item #1 above~~ **relating to any other cause of action** shall be filed not later than one year after the accrual of the cause of action. (Government Code ~~905~~, 911.2)

### Receipt of Claims

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the district office or deposited in a post office, mailbox, sub-post office, substation, mail chute, or other similar facility maintained by the U.S. government, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

Note: In most circumstances, a district's insurance provider or JPA **is** responsible for claims management, including investigating, defending, and managing a ~~district's~~ response to a claim presented under the

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**CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)**

Government Claims Act. The following paragraph requires the Superintendent or designee to immediately forward any claims received to the district's JPA or insurance provider in order to help ensure compliance with any conditions of coverage.

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's joint powers authority or insurance carrier in accordance with the applicable conditions of coverage.

**Review of Contents of the Claim**

Note: Most JPAs and insurance carriers provide a claim form. The person submitting the claim need not use the claim form provided by the district, but, pursuant to Government Code 910 and 910.2, the claim must contain a signature and all of the information listed below.

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the district employee(s) causing the injury, damage, or loss if known
6. The amount claimed if it totals less than \$10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case.
7. The signature of the claimant or the person acting on his/her behalf

**Notice of Claim Insufficiency**

Note: Pursuant to Government Code 911, if the district, or the JPA or insurance carrier acting on the district's behalf, fails to give notice that the claim is insufficient, as specified below, then the district may not later raise that issue as a defense to the claim.

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**CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)**

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

Note: Districts should be cautious before rejecting a claim because of insufficiency of information and consult legal counsel and/or the district's JPA or insurance provider, as appropriate. Courts have held that a claim is sufficient as long as enough information is disclosed to allow the district to adequately conduct an investigation of the claim's merits.

The Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

**Amendment to Claims**

Within the time limits provided in the section "Time Limitations" above or prior to final action by the Board, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

**Late Claims**

Note: The reference to item #3 #2 in the following paragraph should be deleted if the district has not established district procedures pursuant to Government Code 935 for claims that are specifically exempted in Government Code 905 or adopted a time limitation that is not less than one year (see the accompanying Board policy and item #3 #2 in the section "Time Limitations" above).

For claims under items #1 #2 and #3 in the section "Time Limitations" above, any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, an application to present a late claim. Such claim and the application to present a late claim shall be presented not later than one year after the accrual of the cause of action. (Government Code 905, 911.4)

Note: If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its agent should notify the claimant that "no action" was taken because the claim was presented late. If the Board were to state that the claim was "rejected," this would indicate that the Board had accepted the filing of the late claim and taken action to reject it.

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee may, within 45 days, give written notice that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

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**CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)**

The Board shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8. (Government Code 911.8)

If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

**Action on Claims**

<p>Note: If the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action, the claim is considered to be rejected, but the claimant then has two years to initiate a suit against the district. The notice of rejection must comply with the notification requirements of Government Code 913 unless the claim has no address on it.</p> <p>Although the Board takes final action on claims as specified below, such action is based on the evaluation of the claim by the district's insurance provider or JPA.</p>
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Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the district and the

**CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)**

claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.
5. If the Board takes no action on the claim, the claim shall be deemed rejected.

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

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# CSBA Sample Administrative Regulation

**Business and Noninstructional Operations**

AR 3460(a)

## **FINANCIAL REPORTS AND ACCOUNTABILITY**

### **Interim Reports**

Note: Education Code 42130 requires that the district issue two interim fiscal reports; see the accompanying Board policy for information about the use of these reports to certify whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and, based on current forecasts, for the two subsequent fiscal years.

Each interim fiscal report developed pursuant to Education Code 42130 shall include an assessment of the district budget as revised to reflect current information regarding the adopted state budget, district property tax revenues, if any, and ending balances for the preceding fiscal year. (Education Code 42130, 42131)

Note: Interim reports must be based on the criteria and standards adopted by the State Board of Education (SBE) pursuant to Education Code 33127. These criteria and standards are specified in 5 CCR 15453-15464 and address the areas listed below.

The interim reports shall be based on State Board of Education (SBE) criteria and standards which address fund and cash balances, reserves, deficit spending, estimation of average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected local control funding formula (LCFF) revenue, salaries and benefits, other revenues and expenditures, and facilities maintenance. For purposes of assessing projections of LCFF revenue, the first interim report shall be compared to the adopted district budget, and the second interim report shall be compared to the projections in the first interim report. (Education Code 42130; 5 CCR 15453-15464)

*(cf. 3100 - Budget)*

*(cf. 3220.1 - Lottery Funds)*

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3314 - Payment for Goods and Services)*

The report shall also provide supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, contingent revenues, contributions (i.e., projected contributions from unrestricted general fund resources to restricted general fund resources, projected transfers to or from the general fund to cover operating deficits in the general fund or any other fund, and capital project cost overruns that may impact the general fund budget), long-term commitments, unfunded liabilities, temporary interfund borrowings, the status of labor agreements, and the status of other funds. (Education Code 42130; 5 CCR 15453, 15464)

*(cf. 3110 - Transfer of Funds)*

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**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)****Audit Report**

Note: Pursuant to Education Code 41020, each year the district is required to arrange for an independent audit of all the district's funds. The audit must be approved by the Governing Board and submitted to the County Superintendent of Schools, California Department of Education (CDE), and State Controller within specified timelines. See the accompanying Board policy.

The Superintendent or designee shall establish a timetable for the completion and review of the annual audit within the deadlines established by law.

Note: The following paragraph is **optional**. Governmental Accounting Standards Board (GASB) Statement 34 contains requirements for the contents of the district's annual audited financial reports.

The Superintendent or designee shall provide the necessary financial records and cooperate with the auditor selected by the Governing Board to ensure that the audit report contains all information required by law and the Governmental Accounting Standards Board (GASB).

Note: Pursuant to Education Code 41020, the audit must include an audit of income and expenditures for all district funds, as provided below. Additionally, Education Code 41020 requires that the audit include a determination of whether funds were expended in accordance with the district's local control and accountability plan (LCAP). Pursuant to Education Code 52061, the annual update to the LCAP must list expenditures for specific actions to be taken to achieve the goals in the LCAP, including expenditures for services to English learners, foster youth, and students eligible for free and reduced-price meals. See BP/AR 0460 - Local Control and Accountability Plan for requirements pertaining to the LCAP.

The audit shall include an audit of income and expenditures by source of funds for all funds of the district, including the student body and cafeteria funds and accounts, state and federal grant funds, and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. The audit shall also include a determination of whether LCFF funds were expended in accordance with the district's local control and accountability plan or an approved annual update of the plan. (Education Code 41020)

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

*(cf. 3230 - Federal Grant Funds)*

*(cf. 3430 - Investing)*

*(cf. 3451 - Petty Cash Funds)*

*(cf. 3452 - Student Activity Funds)*

*(cf. 3551 - Food Service Operations/Cafeteria Fund)*

Note: The following **optional** paragraph is for use by districts that elect to participate in the school district of choice program (Education Code 48300-48316); see BP/AR 5117 - Interdistrict Attendance. Pursuant to Education Code 48301, any district that elects to participate in the school district of choice program must ensure that its annual financial audit includes a review of the district's compliance with program requirements to establish a random, unbiased process for student admittance and to provide appropriate and factually accurate parent/guardian communications. A summary of any audit exceptions found by the auditor must be included in reports to each geographically adjacent school district, the county office of education, CDE, and Department of Finance as required by Education Code 48313.

## FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

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If the district participates in the school district of choice program to accept interdistrict transfers, the Superintendent or designee shall notify the auditor, prior to the commencement of the audit, that the audit must include a review of the district's compliance with specified program requirements. (Education Code 48301)

(cf. 5117 - Interdistrict Attendance)

Note: Pursuant to Education Code 41344 and 41344.1, the district may appeal to the Education Audit Appeals Panel (EAAP) when an audit finding requires the district to repay an apportionment or pay a penalty. If the EAAP finds that there has been substantial compliance with the law, it may waive or reduce repayments or order other remedial measures to induce future compliance.

If an audit finding results in the district being required to repay an apportionment or pay a penalty, the district may appeal the finding to the Education Audit Appeals Panel by making an informal summary appeal within 30 days of receiving the final audit report or initiating a formal appeal within 60 days of receiving the report. (Education Code 41344, 41344.1)

While a public accounting firm is performing the audit of the district, it shall not provide any nonauditing, management, or other consulting services for the district except as provided in Government Auditing Standards, Amendment #3, published by the U.S. Government Accountability Office. (Education Code 41020)

### Report on Expenditures of State Facilities Funds

Note: Pursuant to Education Code 41024, as added by AB 99 (Ch. 15, Statutes of 2017) and amended by AB 1808 (Ch. 32, Statutes of 2018), districts that receive state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30) must annually report a detailed list of all expenditures of state funds, including interest, and of the district's matching funds for completed projects. Education Code 41024 requires that an audit of completed facilities projects be submitted within one year of project completion.

Education Code 41024 requires CDE to provide the Office of Public School Construction with a copy of the audit identifying any adjustments to be made in grant funding as a result of the audit findings. The district may appeal any finding in accordance with the timelines and process specified in Education Code 41344.

When the district participates in the school facilities program pursuant to Education Code 17070.10-17079.30, the Superintendent or designee shall annually report a detailed list of all expenditures of state facilities funds, including interest, and of the district's matching funds for completed projects until all such funds are expended. The report shall identify expenditures on a project-by-project basis, reflect completed projects that were reimbursed within that fiscal year, and clearly indicate the list of projects that have been completed. (Education Code 41024; 2 CCR 1859.104)

FYI - we are not a part of this program

MB

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

**Audits of facilities projects shall be concluded within one year of project completion, and shall be included as part of the district's audit for the fiscal year in which the project is reported as completed. A project shall be deemed completed when any of the following conditions is met: (Education Code 41024; 2 CCR 1859.104)**

- 1. When the notice of completion for the project has been filed, all outstanding invoices, claims, and change orders have been satisfied, and the facility is currently in use by the district**
- 2. Three years from the date of the final fund release for an elementary school project**
- 3. Four years from the date of the final fund release for a middle or high school project**

**Fund Balance**

Note: The following optional section reflects GASB Statement 54, which addresses the manner in which fund balances in the general fund must be reported in external financial reports. Pursuant to GASB 54, the Board has sole authority to specify purposes of committed funds (item #3 below) and also must express, or **delegate** the authority to express, intended purposes of resources resulting in the assigned fund balance (item #4 below); see BP 3100 - Budget.

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact
2. Restricted fund balance, including amounts constrained to specific purposes by their providers or by law
3. Committed fund balance, including amounts constrained to specific purposes by the Board
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose
5. Unassigned fund balance, including amounts that are available for any purpose



**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)****Negative Balance Report**

Note: When applicable, Education Code 42127.5 requires districts to report the reasons for a negative unrestricted fund balance or negative cash balance. "Unrestricted funds" are any funds that are not constrained by law to be spent on specific purposes and which therefore may be spent as the Board deems appropriate. Such funds may be reported in the committed fund balance, assigned fund balance, or unassigned fund balance as provided in items #3-5 in the section "Fund Balance" above.

Whenever the district reports a negative unrestricted fund balance or a negative cash balance in its annual budget or annual audit report, it shall include in the budget a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Education Code 42127.5)

**Non-Voter-Approved Debt Report**

Note: The following section addresses notices regarding the issuance of revenue bonds, certificates of participation, and other non-voter-approved debts. Pursuant to Education Code 17150 and 17150.1, the County Superintendent and county auditor may, within 15 days of receiving these notices from the district, comment publicly to the Board regarding the capability of the district to repay the debt obligation.

Pursuant to Education Code 42133, a district that has a qualified or negative certification in any fiscal year cannot issue non-voter-approved debt in that fiscal year or in the next fiscal year unless the County Superintendent determines that the district's repayment of the debt is probable.

Upon approval by the Board to proceed with the issuance of revenue bonds or any agreement for financing school construction pursuant to Education Code 17170-17199.5, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with related repayment schedules and evidence of the district's ability to repay the obligation. (Education Code 17150)

*(cf. 3470 - Debt Issuance and Management)*  
*(cf. 7214 - General Obligation Bonds)*

When the Board is considering the issuance of certificates of participation and other debt instruments that are secured by real property and do not require the approval of the voters of the district, the Superintendent or designee shall provide notice to the County Superintendent and county auditor no later than 30 days before the Board's approval to proceed with issuance. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent, and the public with information necessary to assess the anticipated effect of the debt issuance, including related repayment schedules, evidence of the district's ability to repay the obligation, and the issuance costs. (Education Code 17150.1)

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## FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

### Other Postemployment Benefits Report

Note: The following section reflects GASB Statement 75, which replaces Statement 45 for fiscal years beginning after June 15, 2017 or sooner at the district's discretion. GASB 75 contains reporting requirements pertaining to "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits for retired employees). Under GASB 75, districts that do not provide OPEB through a trust are required to report the total unfunded liability (i.e., OPEBs that are not prefunded), as calculated in the most recent actuary report, in the district's financial statements. Previously, districts were allowed to amortize the unfunded liability over a period of up to 30 years and report the annual amount in financial statements. The decision of whether to prefund the benefits, and by how much, is at the Board's discretion; see BP 3100 - Budget.

The SBE's criteria and standards for budget adoption (5 CCR 15440-15451) require districts to estimate unfunded OPEBs as well as the unfunded portion of any self-insured benefits program. Changes to the unfunded liabilities are disclosed at interim reporting periods pursuant to 5 CCR 15453 and 15464. These reports are included in the state's standardized account code structure software used to develop budget and interim reports.

CSBA's OPEB Solutions Program provides access to qualified actuaries and consultants and a GASB 45-75-compliant trust to prefund future obligations. See CSBA's web site for further information.

The following optional section may be revised to reflect district practice and should be deleted by districts that do not provide OPEBs.

In accordance with GASB Statement 75, the district's financial statements shall report the expense of nonpension other postemployment benefits (OPEBs) on an accrual basis over retirees' active working lifetime, as determined by a qualified actuary procured by the Superintendent or designee. To the extent that these OPEBs are not prefunded, the district shall report a liability on its financial statements.

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*  
*(cf. 9250 - Remuneration, Reimbursement and Other Benefits)*

The Superintendent or designee shall annually present the estimated accrued but unfunded cost of OPEBs and the actuarial report upon which those costs are based at a public meeting of the Board. (Education Code 42140)

Note: Pursuant to GASB 75, the district must arrange for an actuary to update the valuation of its OPEB obligations every two years. The exception allowing OPEB plans with fewer than 200 members to perform the actuarial valuation every three years has been eliminated effective June 15, 2017. However, GASB 75 includes an option for the use of a specified alternative method in lieu of an actuarial valuation for purposes of determining the total OPEB liability for benefits provided through an OPEB plan with fewer than 100 members. Such districts may modify the following paragraph to reflect district practice.

The district's financial obligation for OPEBs shall be reevaluated every two years in accordance with GASB 75.

**FINANCIAL REPORTS AND ACCOUNTABILITY (continued)**

**Workers' Compensation Claims Report**

Note: The following **optional** section is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See BP 3100 - Budget for provisions related to funding the estimated accrued cost of workers' compensation claims.

Delete

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers' compensation claims. The estimate of costs shall be based on an actuarial report completed at least every three years by a qualified actuary. (Education Code 42141)

(4/14 9/16) 10/18

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# CSBA Sample Board Policy

Certificated Personnel

BP 4114(a)

## TRANSFERS

Note: The following optional policy is subject to collective bargaining agreements and should be revised to reflect district practice. is for use by those districts that do not have transfer provisions included in the collective bargaining agreement with certificated employees. Those districts that have such provisions in the bargaining agreement may use and modify the following paragraph for consistency with the agreement.

The Governing Board desires that certificated staff be assigned in a manner that equitably distributes highly qualified and experienced teachers, meets the needs of district students, and satisfies staffing requirements at each school. The Superintendent or designee is authorized to assign certificated staff in accordance with district policy and/or the collective bargaining agreement as applicable.

(cf. 0415 - Equity)  
(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4113 - Assignment)  
(cf. 4141/4241- Collective Bargaining Agreement)

No change - Ed Code

Subject to the approval of the Governing Board, the Superintendent or designee may transfer a teacher from one district school to another when he/she determines the transfer is in the best interest of the district. (Education Code 35035)

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4113 - Assignment)

Such transfers shall be determined in accordance with the district's collective bargaining agreement with certificated employees.

(cf. 4141/4241 - Collective Bargaining Agreement)

## Voluntary Transfers

The Superintendent or designee may establish processes and deadlines for the submission of transfer requests to facilitate staff assignments with minimal disruption to the educational program.

Upon receipt of a written transfer request by a teacher, the Superintendent or designee may consider the input of the principals at the current school and the requested school, alignment of the teacher's qualifications with needs of students and the school(s), the academic performance of the requested school, and opportunities for the professional growth of the teacher.

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## TRANSFERS (continued)

*(cf. 4112.2 - Certification)*  
*(cf. 4112.22 - Staff Teaching English Learners)*  
*(cf. 4112.23 - Special Education Staff)*

Note: SB 1655 (Ch. 518, Statutes of 2006) added Education Code 35036 to allow principals of schools ranked in deciles 1-3 on the Academic Performance Index to refuse a request of a teacher to transfer into the school, as specified below.

In addition, Education Code 35036, as added by SB 1655 (Ch. 518, Statutes of 2006), prohibits the Board from adopting a policy or regulation or entering into a collective bargaining agreement that, after April 15 prior to the school year that a transfer would become effective, assigns priority to a teacher who requests to be transferred to another school over other qualified teachers who have applied for positions requiring certification qualifications at that school.

If either of these provisions of Education Code 35036 conflicts with the terms of a collective bargaining agreement in effect on January 1, 2007, the provisions become operative upon the expiration of the agreement.

However, if the principal of a school ranked in deciles 1-3 on the Academic Performance Index refuses to accept a transfer request, the Superintendent or designee shall not transfer the teacher. (Education Code 35036)

*(cf. 0500 - Accountability)*

After April 15 prior to the school year that a transfer would become effective, no teacher who requests to be transferred to another school shall have priority over other qualified teachers who have applied for positions requiring certification qualifications at that school. (Education Code 35036)

### Involuntary Transfers

Involuntary transfers may become necessary when programs are reduced or cancelled, when schools are closed, or when otherwise required in order to accommodate the school's staffing needs.

*(cf. 4117.3 - Personnel Reduction)*

If a teacher objects to a transfer, he/she may request a meeting with the Superintendent or designee and the principal. If dissatisfied with the results of this meeting, the teacher may appeal to the Board. The Board's decision shall be final.

*Legal Reference: (see next page)*

AB

**TRANSFERS (continued)**

*Legal Reference:*

EDUCATION CODE

*35035 Additional powers and duties of superintendent, transfer authority*

*35036 Voluntary transfers*

*35186 Complaint process, teacher vacancy or misassignment*

*37616 Assignment of teachers to year-round schools*

GOVERNMENT CODE

*3543.2 Scope of representation*

(11/06) 10/18

**Policy Reference UPDATE Service**

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# CSBA Sample Board Policy

Students

## SCHOOL HEALTH SERVICES

N/A

BP 5141.6(a)

Note: The following **optional** policy should be revised to reflect district practice. This policy addresses the provision of health services at or near school sites, ~~such as through~~ (e.g., a school-based or school-linked health center or mobile van) **through the employment of or contract with health care professionals or community health centers**. Districts maintaining or planning to establish school health services are encouraged to ~~read~~ **review** CSBA's policy brief entitled Expanding Access to School Health Services: Policy Considerations for Governing Boards.

Other CSBA sample policies and/or administrative regulations address specific health requirements and services for students. For example, see BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions, AR 5141.24 - Specialized Health Care Services, BP/AR 5141.3 - Health Examinations, and AR 5141.32 - Health Screening for School Entry.

The Governing Board recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The district may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses.

The Board and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in district schools and the community. Based on the results of this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the district.

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

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.61 - Drug Testing)*

*(cf. 5131.62 - Tobacco)*

*(cf. 5131.63 - Steroids)*

*(cf. 5141 - Health Care and Emergencies)*

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

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.23 - Asthma Management)*

*(cf. 5141.24 - Specialized Health Care Services)*

*(cf. 5141.25 - Availability of Condoms)*

*(cf. 5141.26 - Tuberculosis Testing)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.31 - Immunizations)*

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

*(cf. 5141.33 - Head Lice)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5141.52 - Suicide Prevention)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6159 - Individualized Education Program)*

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

B

**SCHOOL HEALTH SERVICES** (continued)

Note: School health centers are generally funded by a combination of insurance reimbursements; state, federal, and county grants; district funds; subsidies from community clinics or hospitals; and/or private donations. In some cases, the provision of school health services has been supported by grants provided through the state's Healthy Start program (Education Code 8800-8807) although districts are expected to sustain programs and services after the grant period expires.

Board approval shall be required for any proposed use of district resources and facilities to support school health services. The Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

*(cf. 1260 - Educational Foundation)*

*(cf. 1330.1 - Joint Use Agreement)*

*(cf. 3100 - Budget)*

*(cf. 7000 - Facilities Master Plan)*

Note: The following optional paragraph may be revised to reflect district practice. Health and Safety Code 124174.6 establishes a grant program within the Public School Health Center Support Program to award funds to school health centers, if and when funds are appropriated in the State Budget. Preference for grant funding shall be given in accordance with the priorities specified below.

The Board may prioritize school health services to schools serving students with the greatest need, including schools with medically underserved populations, and/or a high percentage of low-income and uninsured children and youth, large numbers of English learners, Academic Performance Index rankings in deciles 1-3, and/or a shortage of health professionals in the community.

*(cf. 0415 - Equity)*

School health services shall be provided or supervised by under the supervision of a licensed health care professional. The Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

*(cf. 1020 - Youth Services)*

*(cf. 3312 - Contracts)*

If a school nurse is employed by the school or district, he/she shall be involved in planning and implementing the school health services as appropriate.

Note: The following optional paragraph may be revised to reflect district practice. The California Department of Education's Health Framework for California Public Schools recommends a coordinated school health approach which integrates health services, health education, physical education, parent/community involvement, nutrition services, psychological and counseling services, a safe and healthy school environment, and health promotion for staff.

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**SCHOOL HEALTH SERVICES** (continued)

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, nutrition and physical fitness programs, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6164.2 - Counseling/Guidance Services)*

Note: The following optional paragraph is for use by districts that choose to engage in outreach and enrollment efforts to encourage eligible students participation in no-cost or low-cost health coverage programs. **See E 5141.6 for a related sample board resolution.**

Education Code 49557.2 authorizes the district to include on the application for free and reduced-price meals information about the Medi-Cal program and a student's potential eligibility. Pursuant to Education Code 49558, districts may release information on the free and reduced-price meals application to the local agency that determines eligibility under the Medi-Cal program, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information. See BP/AR 3553 - Free and Reduced Price Meals.

**Students who do not qualify for Medi-Cal may be eligible for low-cost insurance through the state Healthy Families program, a part of the federal State Children's Health Insurance Program (SCHIP) (42 USC 1397aa-1397jj), which provides coverage for a variety of health, dental, and vision services, with the exception of early and periodic screening, diagnosis, and treatment services.**

**To further encourage student access to health care services, the Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but are not be limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law and providing students and parents/guardians with information about the low-cost Healthy Families insurance program.**

*(cf. 3553 - Free and Reduced Price Meals)*

**Consent and Confidentiality**

Note: **Parent/guardian consent is generally required prior to providing health services to a minor student. However, Family Code 6920-6929 specify exceptions under which minors do not need parent/guardian consent prior to receiving services, including an exception for. As amended by AB 499 (Ch. 652, Statutes of 2011), Family Code 6926 authorizes a minor age 12 years or older to consent to medical care related to the prevention of a sexually transmitted disease. In addition, Health and Safety Code 124260 allows a minor age 12 or older to consent to outpatient mental health services if, in the opinion of a**

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## SCHOOL HEALTH SERVICES (continued)

professional person, as defined, the minor is mature enough to participate intelligently in the mental health treatment or counseling services. In this case, the child's parent/guardian must be involved unless the professional person determines it would be inappropriate.

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Note: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500-164.534) mandates actions that "covered entities" must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release. Districts with questions about the applicability of HIPAA should consult legal counsel as appropriate.

In addition, 22 CCR 51270 requires districts serving as Medi-Cal providers (see section entitled "Payment/Reimbursement for Services" below) to comply with confidentiality requirements specified in 42 USC 1320c-9, 42 CFR 431.300, Welfare and Institutions Code 14100.2, Education Code 49073-49079, Welfare and Institutions Code 14100.2, and 22 CCR 51009, 42 USC 1320c-9, and 42 CFR 431.300.

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

(cf. 5125 - Student Records)

### Payment/Reimbursement for Services

Note: Some school health services, such as medical and related services specified in an individualized education program for students with disabilities, must be provided free of charge. For other services, districts may charge a fee and are entitled to seek third-party reimbursement from students' private insurance and state or federal programs such as Medi-Cal, the low cost Healthy Families insurance program, and or the Child Health and Disability Prevention program. See the accompanying administrative regulation.

~~The Board desires that costs not be a barrier to student access to services. Services may be provided free of charge or on a sliding scale in accordance with law.~~

The Superintendent or designee ~~shall establish procedures for billing~~ may bill public and private insurance programs and other applicable programs for reimbursement of services as appropriate. ~~Services may be provided free of charge or on a sliding scale in accordance with law.~~

(cf. 5143 - Insurance)

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**SCHOOL HEALTH SERVICES (continued)**

Note: The following optional paragraph is for use by districts that have received approval from the California Department of Health Care Services to serve as Medi-Cal providers. ~~A program that receives funding through the Healthy Start program is required by Education Code 8804 to seek designation as a Medi-Cal provider.~~ Pursuant to Welfare and Institutions Code 14132.06 and 22 CCR 51051 and 51190.1, to the extent that federal funding is available, local educational agencies (LEAs) may receive partial Medi-Cal reimbursement through the LEA Medi-Cal Billing Option for health services provided to an enrolled student under age 22 who is certified for Medi-Cal and/or ~~an eligible~~ a member of ~~his/her~~ the student's family. In addition, pursuant to Welfare and Institutions Code 14132.47, LEAs may be reimbursed through the Medi-Cal Administrative Activities (MAA) program for some of their administrative costs associated with school-based health and outreach activities that are not claimable under the LEA Medi-Cal Billing Option or other programs. See the accompanying administrative regulation.

Districts may receive assistance with Medi-Cal ~~and Medicaid~~ billing through CSBA's Practi-Cal program. See CSBA's web site for further information.

The district shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

Note: ~~The following optional paragraph is for use by districts that choose to engage in outreach and enrollment efforts to encourage eligible students' participation in no-cost or low-cost health coverage programs. See E 5141.6 for a related sample board resolution.~~

~~Education Code 49557.2 authorizes the district to include on the application for free and reduced-price meals information about the Medi-Cal program and a student's potential eligibility. Pursuant to Education Code 49558, districts may release information on the free and reduced-price meals application to the local agency that determines eligibility under the Medi-Cal program, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information. See BP/AR 3553—Free and Reduced Price Meals.~~

~~Students who do not qualify for Medi-Cal may be eligible for low-cost insurance through the state Healthy Families program, a part of the federal State Children's Health Insurance Program (SCHIP) (42 USC 1397aa-1397jj), which provides coverage for a variety of health, dental, and vision services, with the exception of early and periodic screening, diagnosis, and treatment services.~~

~~To further encourage student access to health care services, the Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low to moderate income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but not be limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law and providing students and parents/guardians with information about the low-cost Healthy Families insurance program.~~

~~(cf. 3553—Free and Reduced Price Meals)~~

**Program Evaluation**

In order to continuously improve school health services, the Board shall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

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**SCHOOL HEALTH SERVICES (continued)**

The Superintendent or designee shall provide the Board with periodic reports that may include, but **are** not necessarily **be** limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; **measures of school climate**; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

(cf. 0500 - Accountability)

*Legal Reference:*EDUCATION CODE

8800-8807 **Healthy Start support services for children**

49073-49079 Privacy of student records

49423.5 Specialized physical health care services

49557.2-49558 Eligibility for free and reduced-price meals; sharing information with Medi-Cal

FAMILY CODE

6920-6929 Consent by minor for medical treatment

GOVERNMENT CODE

95020 Individualized family service plan

HEALTH AND SAFETY CODE

104830-104865 School-based application of fluoride or other tooth decay-inhibiting agent

121020 HIV/AIDS testing and treatment; parental consent for minor under age 12

123110 Minor's right to access health records

123115 Limitation on parent/guardian access to minor's health records

123800-123995 California Children's Services Act

124025-124110 Child Health and Disability Prevention Program

124172-124174.6 Public School Health Center Support Program

124260 Mental health services; consent by minors age 12 and older

130300-130317 Health Insurance Portability and Accountability Act (HIPAA)

WELFARE AND INSTITUTIONS CODE

14059.5 Definition of "medically necessary"

14100.2 Confidentiality of Medi-Cal information

14115 Medi-Cal claims process

**14115.8 LEA Medi-Cal Billing Option, program guide**

14124.90 Third-party health coverage

14132.06 Covered benefits; health services provided by local educational agencies

14132.47 Administrative claiming process and targeted case management

CODE OF REGULATIONS, TITLE 10

2699.6500-2699.6905 **Healthy Families Program**

CODE OF REGULATIONS, TITLE 17

2951 Testing standards for hearing tests

6800-6874 Child Health and Disability Prevention Program

*Legal Reference continued: (see next page)*

ND

**SCHOOL HEALTH SERVICES (continued)**

*Legal Reference: (continued)*

CODE OF REGULATIONS, TITLE 22

- 51009 Confidentiality
- 51050-51192 Definitions of Medi-Cal providers and services
- 51200 Requirements for providers
- 51231.2 Wheelchair van requirements
- 51270 Local educational agency provider; conditions for participation
- 51304 Limitations on specified benefits
- 51309 Psychology, physical therapy, occupational therapy, speech pathology, audiological services
- 51323 Medical transportation services
- 51351 Targeted case management services
- 51360 Local educational agency; types of services
- 51491 Local educational agency eligibility for payment
- 51535.5 Reimbursement to local educational agency providers

UNITED STATES CODE, TITLE 20

- 1232g Family Educational Rights and Privacy Act (FERPA)

UNITED STATES CODE, TITLE 42

- 1320c-9 Prohibition against disclosure of records
- 1397aa-1397jimm State Children's Health Insurance Program

CODE OF FEDERAL REGULATIONS, TITLE 42

- 431.300 Use and disclosure of information on Medicaid applicants and recipients

CODE OF FEDERAL REGULATIONS, TITLE 45

- 164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

*Management Resources:*

CSBA PUBLICATIONS

- Expanding Access to School Health Services: Policy Considerations for Governing Boards, Policy Brief, November 2008
- Promoting Oral Health for California's Students: New Role, New Opportunities for Schools, Policy Brief, November 2008
- Providing School Health Services in California: Perceptions, Challenges and Needs of District Leadership Teams, 2008

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

- Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

- California School-Based Medi-Cal Administrative Activities Manual
- LEA Medi-Cal Provider Manual

California School-Based Medi-Cal Administrative Activities Manual

DEPARTMENT OF HEALTH SERVICES POLICY LETTERS

- 00-06 Managed Care Plan Relationships with Local Education Agency Providers, December 11, 2000

CALIFORNIA SCHOOL-BASED HEALTH ALLIANCE PUBLICATIONS

- How to Fund Health Services in Your School District, September 2014
- Documenting the Link Between School-Based Health Centers and Academic Success, May 2014

NATIONAL ASSEMBLY ON SCHOOL-BASED HEALTH CARE PUBLICATIONS

- A Guidebook for Evaluating School-Based Health Centers

Management Resources continued: (see next page)

**SCHOOL HEALTH SERVICES (continued)**

*Management Resources: (continued)*

***NATIONAL CENTER FOR YOUTH LAW PUBLICATIONS***

***Minor Consent, Confidentiality, and Child Abuse Reporting in California, October 2006***

***Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015***

***WEB SITES***

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

***CSBA, Practi-Cal Program: <http://www.csba.org/Services/Services/DistrictServices/PractiCal.aspx>***

***<https://www.csba.org/ProductsAndServices/AllServices/PractiCal>***

***California County Superintendents Educational Services Association: <http://www.ccsesa.org>***

***California Department of Education, Health Services and School Nursing:***

***<http://www.cde.ca.gov/ls/he/hn>***

***California Department of Health Care Services: <http://www.dhcs.ca.gov>***

***California Department of Public Health: <http://www.cdph.ca.gov>***

***California School Health Centers Association **School-Based Health Alliance:*****

***<http://www.schoolhealthcenters.org>***

***California School Nurses Organization: <http://www.csno.org>***

***Center for Health and Health Care in Schools: <http://www.healthinschools.org>***

***Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study:***

***<http://www.cdc.gov/HealthyYouth/shpps>***

***Centers for Medicare and Medicaid Services: <http://www.cms.hhs.gov>***

***Healthy Families Program: <http://www.healthyfamilies.ca.gov>***

***National Assembly on School-Based Health Care: <http://www.nasbhc.org>***

***National Center for Youth Law: <http://www.youthlaw.org>***

# CSBA Sample Administrative Regulation

Students

AR 5141.6(a)

## SCHOOL HEALTH SERVICES

### Types of Health Services

Note: The following optional section may be revised to reflect district practice. Health and Safety Code 124174.6 establishes a grant program within the Public School Health Center Support Program to award funds, if and when funds are appropriated in the State Budget, to school health centers that provide the following services:

In accordance with student and community needs and available resources, school health services offered by the district may include, but are not limited to:

**1. Health screenings, evaluations, and assessments of students' need for health services**

**1-2. Physical examinations, immunizations, and other preventive medical services**

*(cf. 5141.26 - Tuberculosis Testing)*  
*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.31 - Immunizations)*  
*(cf. 5141.32 - Health Screening for School Entry)*

**2-3. First aid and administration of medications**

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

**3-4. Diagnosis and treatment of minor injuries and acute medical conditions**

**4-5. Management of chronic medical conditions**

*(cf. 5141.23 - Asthma Management)*

**5-6. Basic laboratory tests**

**6. Referral to and follow-up for specialty care**

**7. Emergency response procedures**

*(cf. 5141 - Health Care and Emergencies)*

**8. Nutrition services**

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

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**SCHOOL HEALTH SERVICES (continued)**

*(cf. 5030 - Student Wellness)*

9. Oral health services that may include preventive services, basic restorative services, and referral to specialty services

Note: Pursuant to Health and Safety Code 104830-104865, elementary and secondary students must be offered an opportunity each school year to receive a topical application of fluoride or other decay-inhibiting agent by a dentist or dental assistant, under a program organized and operated by the county health officer. Districts are required to cooperate with the county health officer in carrying out the program in any school in their jurisdiction and to provide notification to parents/guardians regarding the availability of the program, as provided below.

The Superintendent or designee shall notify all parents/guardians of the opportunity pursuant to Health and Safety Code 104830-104865 for their child to receive the topical application of fluoride, including fluoride varnish, or other decay-inhibiting agent to the teeth during the school year. ~~This notification may be returned by the parent/guardian to consent to the treatment or to indicate that the student shall not receive treatment because he/she has received the treatment from a dentist or the treatment is not desired.~~ **Such application of fluoride or other decay-inhibiting agent shall only be provided to a student whose parent/guardian returns the notification with an indication consenting to the treatment.** (Health and Safety Code 104830, 104850, 104855)

*(cf. 5145.6 - Parental Notifications)*

10. Mental health services, which may include assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs

*(cf. 1020 - Youth Services)*

*(cf. 5141.52 - Suicide Prevention)*

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

11. Substance abuse prevention and intervention services

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.62 - Tobacco)*

*(cf. 5131.63 - Steroids)*

**12. Vision and audiology services**

**13. Speech therapy**

**14. Occupational therapy**

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**SCHOOL HEALTH SERVICES (continued)**

**15. Physical therapy**

Note: Item #12-16 may be deleted by districts that offer only elementary grades.

**12-16. Reproductive health services**

*(cf. 5141.25 - Availability of Condoms)*

**13. Screening of students to identify the need for physical, mental, and oral health services**

**17. Specialized health care services for students with disabilities**

*(cf. 5141.24 - Specialized Health Care Services)*  
*(cf. 6159 - Individualized Education Program)*

**18. Medical transportation**

**19. Targeted case management**

**14-20. Referrals and linkage to services not offered on-site**

**15-21. Public health and disease surveillance**

**16-22. Individual and family health education**

**17-23. School or districtwide health promotion**

**Medi-Cal Billing**

Note: The following optional section is for use by districts that have contracted with the California Department of Health Care Services (DHCS) in order to provide services as a Medi-Cal provider as authorized by Welfare and Institutions Code 14132.06; see the accompanying Board policy. To the extent that the district contracts with health care practitioners or clinics to provide the services, the practitioner or clinic is considered the provider of services and is the entity billing and receiving Medi-Cal payments for services.

**Welfare and Institutions Code 14115.8, as amended by AB 3192 (Ch. 658, Statutes of 2018), requires DHCS, by January 1, 2020, to develop and distribute a program guide containing information regarding processes, documentation, and the proper submission of claims under the LEA Medi-Cal Billing Option program.**

In order to provide services as a Medi-Cal provider, the district shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

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**SCHOOL HEALTH SERVICES (continued)**

Note: With the exception of health care aides who provide specialized physical health care services pursuant to Education Code 49423.5, any practitioner whom the district employs or with whom it contracts must be credentialed to practice as a physician, registered nurse, psychologist, school counselor, or one of ~~17~~ **the** other professions listed in 22 CCR 51190.3 in order for the district to receive Medi-Cal reimbursement.

The Superintendent or designee shall ensure that all practitioners employed by or under contract with the district possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

Note: ~~Pursuant to Welfare and Institutions Code 14132.06 and 22 CCR 51535.5, r~~Reimbursement under Medi-Cal is limited to the services specified in **Welfare and Institutions Code 14132.06 and 22 CCR 51190.4 and 51360. Also, Medi-Cal will not reimburse providers for services given to Medi-Cal beneficiaries if the same services are offered for free to non-Medi-Cal beneficiaries. Pursuant to Welfare and Institutions Code 14132.06, services may be reimbursable whether or not the student has an individualized education program (IEP) or individualized family service plan (IFSP) or whether those same services are provided at no charge to the beneficiary or to the community at large.**

22 CCR 51360 provides that **services for accompanying a student off campus for off-campus nursing or school health aide services will be reimbursable when specified as medically necessary in an individualized education program (IEP), or individualized family service plan (IFSP), or individualized health and support plan (IHSP); however, the DHCS discontinued reimbursement for IHSP linked services effective July 1, 2001. Its action was based on a decision by the Centers for Medicare and Medicaid Services (CMS) that IHSP services are not covered by the federal Medicaid program. Thus, such services must be specified in an IEP or IFSP to be reimbursable. The district may apply for Medi-Cal reimbursement for medical transportation services for students with or without an IEP or IFSP pursuant to 22 CCR 51323.**

The Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the district provides a **Medi-Cal-eligible student under age 22 and/or a member of his/her the student's family a covered preventive, diagnostic, therapeutic, or rehabilitative service specified in 22 CCR 51190.4 or 51360 to a Medi-Cal-eligible student under age 22 and/or a member of his/her family.** (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

~~(cf. 5141.24 - Specialized Health Care Services)~~  
~~(cf. 6159 - Individualized Education Program)~~

The district shall maintain records and supporting documentation including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270, 51476)

~~(cf. 3580 - District Records)~~  
~~(cf. 5125 - Student Records)~~

Note: ~~22 CCR 51270 requires that districts submit an annual report, as described below, as a condition of continued participation as a Medi-Cal provider. The deadline for this annual report is specified in the program provider participation agreement that districts enter into with DHCS.~~

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**SCHOOL HEALTH SERVICES (continued)**

~~The Superintendent or designee shall submit an annual report to DHCS identifying participants in the community collaborative, containing a financial summary including reinvestment expenditures, and describing service priorities for the future. (22 CCR 51270)~~

Note: 22 CCR 51270 requires federal reimbursements to be reinvested in health and social services for students and their families, as provided below. This requirement does not apply to reimbursements received under the Medi-Cal Administrative Activities (MAA) program described in the following section.

Any federal funds received by the district as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in **approved** services for students and their families ~~as specified in Education Code 8804(g)~~. The Superintendent or designee shall consult with a local school-linked services collaborative group, ~~such as that defined in Education Code 8806~~, regarding decisions on reinvestment of federal funds. (22 CCR 51270)

Note: 22 CCR 51270 requires that districts submit an annual report, as described below, as a condition of continued participation as a Medi-Cal provider. The deadline for this annual report is specified in the program provider participation agreement that districts enter into with DHCS.

~~The Superintendent or designee shall submit an annual report to DHCS to identifying participants in the community collaborative, containing provide a financial summary including reinvestment expenditures, and describing describe service priorities for the future. (22 CCR 51270)~~

**Medi-Cal Administrative Activities**

Note: The following **optional** section is for use by districts that participate in the MAA program administered by ~~the~~ DHCS pursuant to Welfare and Institutions Code 14132.47. Under this program, districts providing Medi-Cal-covered health services may be reimbursed for some of their administrative and outreach costs. ~~School staff is required to complete a time survey indicating the time spent on specified MAA activities.~~ This section reflects program requirements described in the California School-Based Medi-Cal Administrative Activities Manual and ~~time survey forms~~ published by DHCS.

Districts may receive assistance with Medi-Cal and Medicaid administrative billing through CSBA's Practical program. See CSBA's web site for further information.

~~Designated school staff shall document, on a time survey form, the amount of time spent on~~ **The district shall apply for reimbursement for** activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not be limited to, outreach, ~~referral of health and mental health services~~, translation for Medi-Cal services, facilitation of applications, ~~scheduling and arranging arrangement of~~ **nonemergency and nonmedical** transportation of eligible individuals, ~~contracting for services~~, program planning and policy development, claims **coordination and** administration, **training**, and general administration.

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**SCHOOL HEALTH SERVICES (continued)**

**Appropriate staff shall receive training in administrative claiming categories and related activities.**

Note: The district must submit claims through either a local educational agency consortium (i.e., one of the service regions of the California County Superintendent Educational Services Association) or a local governmental agency (i.e., county or chartered city) that has contracted with DHCS. The district may modify the following **two paragraphs** to reflect the appropriate entity or agency.

**To receive reimbursement for Medi-Cal administrative activities,** ~~t~~The Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the district has contracted ~~to receive reimbursement.~~

Note: The program requires the local educational consortium or local governmental agency to provide training to participating districts prior to the time survey. District staff to be included in the time survey must participate in training as described in the following paragraph.

~~Staff responsible for completing the time survey shall annually participate in training regarding eligible activities and the time survey methodology, and shall receive additional training whenever there are changes or updates in administrative claiming categories and activities. New or reassigned staff shall receive training before beginning their duties completing time surveys.~~

Note: The MAA program requires randomly selected employees who perform MAA activities as a normal part of their job duties to complete a random-moment time study which is used to determine the work effort of all time study participants over a given time period. Further information regarding the required procedure is available on the DHCS web site.

**In addition, the Superintendent or designee shall submit to the local educational consortium or local governmental agency, and shall update each quarter, a roster of all employees who perform direct Medi-Cal services or administrative activities. When notified by the local educational consortium or local governmental agency of the date and time that a random-moment time survey must be conducted by a particular employee, the Superintendent or designee shall coordinate the completion and submission of the survey in accordance with DHCS timelines and procedures.**

The Superintendent or designee shall maintain an audit file containing **original random-moment** time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

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# CSBA Sample Board Policy

Students

BP 5144.1(a)

## SUSPENSION AND EXPULSION/DUE PROCESS

Note: Education Code 35291 requires the Governing Board to prescribe rules and regulations for maintaining discipline in the schools under its jurisdiction. Education Code 48918 mandates the setting of rules and regulations for student expulsion as specified in this Board policy and the accompanying administrative regulation.

While recognizing that suspension or expulsion of students is sometimes necessary, legislative, administrative, regulatory, civic, and educational leaders are united in the belief that instructional time should be used for student learning purposes and that school discipline should be imposed in a way that, as much as possible, does not exclude students from school or limit their ability or opportunity to learn. According to the U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, studies suggest a correlation between exclusionary discipline policies and practices (such as suspension and expulsion) and an array of serious educational, economic, and social problems, including school avoidance and diminished educational engagement, decreased academic achievement, increased behavior problems, and increased likelihood of dropping out, substance abuse, and involvement with the juvenile justice system. Consequently, they recommend that districts adopt alternative disciplinary measures that provide students with appropriate interventions and supports as a means for preventing and addressing student misbehaviors.

Pursuant to Education Code 48900.5, a district is not authorized to suspend a student for certain specified violations unless the student has been subjected to other means of correction which have failed to bring about proper conduct. Such other means of correction include, but are not limited to, conferences between school personnel and the student and his/her parents/guardians; use of study, guidance, or other intervention teams to develop a plan to address the behavior in partnership with the student; and participation in a restorative justice program. For further information about specific disciplinary strategies, including alternatives to class or school removals, see BP/AR 5144 - Discipline. Education Code 48900.5 authorizes a district to document in a student's records the alternative means of correction used to address the student's behavior. Furthermore, when a student is being suspended by the Superintendent, principal, or designee, Education Code 48911, as amended by AB 667 (Ch. 445, Statutes of 2017), requires that the student be informed, during the informal conference that precedes the suspension, of the other means of correction that were attempted before the suspension.

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.2 - Bullying)*

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

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

Note: Pursuant to Education Code 48900(s), a student may be subject to discipline only when the violation is related to a school activity or school attendance as specified below. A student may also be disciplined for a violation committed away from school if it is related to a school activity or to school attendance. For example, Education Code 48900 defines bullying by means of an electronic act as including an act that originates off campus; see the accompanying administrative regulation and BP/AR 5131.2 - Bullying. Another example is the hostile school environment which a victim may suffer from sexual harassment that occurs off campus; see BP/AR 5145.7 - Sexual Harassment.

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

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

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

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

Note: The following paragraph addresses the problem of unlawful discrimination in the administration of student discipline. In their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, DOJ and OCR noted that, based on the civil rights data collection conducted by OCR, students of certain racial or ethnic groups tended to be disciplined more, and sometimes more harshly, than their similarly situated peers in violation of federal nondiscrimination laws. The letter warned that any district determined to have engaged in unlawful discrimination could be subject to OCR investigation and significant remedial action.

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

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

### **Appropriate Use of Suspension Authority**

Note: Education Code 48900.5 requires districts to use other means of correction instead of suspension or expulsion except when a student commits certain enumerated offenses. The following section reflects legislative intent regarding appropriate use of suspension as a means of disciplining students and may be modified to reflect district practice.

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

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

*(cf. 1020 - Youth Services)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 5144 - Discipline)*  
*(cf. 6142.4 - Service Learning/Community Service Classes)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams)*

Note: The following optional paragraph may be revised to reflect district practice.

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

Note: Education Code 48900(k) prohibits a district from suspending students in grades K-3 for disruption or willful defiance and authorizes, but does not require, a district to suspend students in grades 4-12 for disruption or willful defiance. Even with this authority, districts should be careful in using these grounds, as available data have indicated a disproportionate use with certain student subgroups. Option 1 below is for use by any district that chooses to suspend students in grades 4-12 for disruption and/or willful defiance as authorized pursuant to Education Code 48900(k). Any district that chooses to eliminate disruption and willful defiance as reasons for suspending any of its students from school should select Option 2 below. Such districts should also delete the first paragraph in the section titled "Additional Grounds for Suspension and Expulsion: Grades 4-12" in the accompanying administrative regulation.

Each option below reflects an exception granted to teachers pursuant to Education Code 48910 to suspend students, including a K-3 student, from class; see section "Suspension from Class by a Teacher" in the accompanying administrative regulation.

**OPTION 1:** No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

**OPTION 2:** No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Note: The following optional paragraph reflects the Legislature's intent, expressed in Education Code 48900, concerning disciplinary actions against truant, tardy, or absent students. Since these are not enumerated offenses, a district does not have the authority to suspend or expel students for committing any of these acts.

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

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

*(cf. 5113 - Absences and Excuses)*

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

**On-Campus Suspension**

Note: As an alternative to off-campus suspension, Education Code 48911.1 authorizes a supervised suspension classroom program for students who pose no imminent danger to anyone at school and who have not been recommended for expulsion, as specified below. Education Code 48911.2 states that, if the number of students suspended during the prior year exceeds 30 percent of the school's enrollment, the district should consider implementing this program and/or another on-campus progressive discipline program.

The following optional section is for use by districts implementing a supervised suspension classroom program. Such districts may continue to claim funding apportionments for students so assigned, provided they meet specific criteria which are set forth under "Supervised Suspension Classroom" in the accompanying administrative regulation. A district does not receive funding for off-campus suspensions.

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

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

**Authority to Expel**

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

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

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

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

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

NO

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

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

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

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

A vote to expel a student shall be taken in an open session of a Board meeting.

Note: Pursuant to Education Code 48917, the Board may decide to suspend the enforcement of an order for expulsion as long as a student satisfies specific conditions. See the accompanying administrative regulation for criteria. In addition, the Attorney General opined in 80 Ops.Cal.Atty.Gen. 85 (1997) that the enforcement of an expulsion order may be suspended even in those cases where the student has committed an offense for which expulsion is required by law. Legal counsel should be consulted as appropriate.

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

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

Note: The following paragraph is for use by districts that contract with the California Department of Education (CDE) to operate a California State Preschool Program. Education Code 8239.1, as added by AB 752 (Ch. 708, Statutes of 2017), prohibits the expulsion or disenrollment of a child in a preschool program unless the district has taken specified steps and the child's continued enrollment would present a serious safety threat to the child or other enrolled children. For further details regarding the steps the district must take prior to expelling a child, see BP 5148.3 - Preschool/Early Childhood Education.

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does  
not

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

NO

**No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.**

*(cf. 5148.3 - Preschool/Early Childhood Education)*

**Due Process**

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

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

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

**Maintenance and Monitoring of Outcome Data**

Note: Pursuant to Education Code 48900.8 and 48916.1, require the district is required to maintain data related to suspensions and expulsions as provided below. Pursuant to Education Code 48916.1, the and to report such data to the Superintendent of Public Instruction may require submission of such data as part of the Federal Program Monitoring process. In addition, 20 USC 7961 requires districts to submit to the CDE a description of the circumstances surrounding any expulsions based on bringing or possessing a firearm on campus, including the name of the school, the number of students expelled, and the type of firearms involved.

The Superintendent or designee shall annually present to the Board a report of the maintain outcome data related to student suspensions and expulsions in accordance with which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

Note: Pursuant to Education Code 52060, districts are required to address school climate in the local control and accountability plan, as measured by student suspension and expulsion rates and other local measures for each school and each numerically significant student subgroup. As defined in Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup or at least 15 foster youth or homeless students.

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

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

*Legal Reference:*EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

**8239.1 Prohibition against expulsion of preschool student**

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

**64000-64001 Consolidated application**CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

Legal Reference continued: (see next page)

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

*Legal Reference: (continued)*

LABOR CODE

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

PENAL CODE

31 *Principal of a crime, defined*

240 *Assault defined*

241.2 *Assault fines*

242 *Battery defined*

243.2 *Battery on school property*

243.4 *Sexual battery*

245 *Assault with deadly weapon*

245.6 *Hazing*

261 *Rape defined*

266c *Unlawful sexual intercourse*

286 *Sodomy defined*

288 *Lewd or lascivious acts with child under age 14*

288a *Oral copulation*

289 *Penetration of genital or anal openings*

417.27 *Laser pointers*

422.55 *Hate crime defined*

422.6 *Interference with exercise of civil rights*

422.7 *Aggravating factors for punishment*

422.75 *Enhanced penalties for hate crimes*

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

626.9 *Gun-Free School Zone Act of 1995*

626.10 *Dirks, daggers, knives, razors, or stun guns*

868.5 *Supporting person; attendance during testimony of witness*

WELFARE AND INSTITUTIONS CODE

729.6 *Counseling*

UNITED STATES CODE, TITLE 18

921 *Definitions, firearm*

UNITED STATES CODE, TITLE 20

1415(K) *Placement in alternative educational setting*

7961 *Gun-free schools*

UNITED STATES CODE, TITLE 42

11432-11435 *Education of homeless children and youths*

COURT DECISIONS

*T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267*

*Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421*

*Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321*

*Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118*

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

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

*Legal Reference: (see next page)*

AMS

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

*Legal Reference: (continued)*

ATTORNEY GENERAL OPINIONS

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

80 Ops. Cal. Atty. Gen. 348 (1997)

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

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

*Management Resources:*

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

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

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Healthy Students:

<https://www2.ed.gov/about/offices/list/oese/oshs>

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# CSBA Sample Administrative Regulation

Students

AR 5144.1(a)

## SUSPENSION AND EXPULSION/DUE PROCESS

Note: CSBA recommends that this administrative regulation be approved by the Governing Board, regardless of the usual district practice.

Education Code 35291 requires the Board to adopt rules and regulations, which are not inconsistent with law or rules adopted by the State Board of Education, for the government and discipline of the schools under its jurisdiction. In addition, Education Code 48918 and 48918.5 **mandate** that districts adopt rules concerning the due process rights of students in expulsion situations, and Education Code 48916 **mandates** procedures for filing and processing requests for readmission. Specific language complying with these mandates is included throughout this administrative regulation.

The acts for which students may be suspended or expelled are specified in law and in the sections below titled "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12." The Board does not have authority to add to those enumerated acts. However, the Board has authority to prohibit suspension or expulsion for certain acts for which suspension or expulsion is permissible rather than mandatory. The Board may consider limiting the use of suspension and expulsion for such offenses as part of the district plan to address school climate within the local control and accountability plan required pursuant to Education Code 52060. In addition, pursuant to Education Code 48900.5, a district is not authorized to suspend a student for certain specified violations unless other means of correction have failed to bring about proper conduct.

### Definitions

*Suspension* 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

*Expulsion* means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

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

*(cf. 5144 - Discipline)*

*(cf. 5145.6 - Parental Notifications)*

**Grounds for Suspension and Expulsion: Grades K-12**

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

Note: The Attorney General, in 80 Ops.Cal.Atty.Gen. 91 (1997), determined that a student may be expelled for "possession" of a firearm if the student knowingly and voluntarily had direct control over the firearm. The only exceptions are when the student has permission from school officials to possess the firearm (pursuant to Education Code 48900 and 48915) or when the possession is brief and solely for the purpose of disposing of the firearm, such as handing it to school officials. Note that "firearm" does not include "imitation firearm" which is listed separately in item #12 below. See BP 5131.7 - Weapons and Dangerous Instruments.

Pursuant to Penal Code 417.27, students are prohibited from possessing a laser pointer on school premises, except for a valid instructional or other school-related purpose. See BP 5131 - Conduct.

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

*(cf. 5131 - Conduct)*

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

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

*(cf. 5131.6 - Alcohol and Other Drugs)*

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

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

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

*(cf. 5131.62 - Tobacco)*

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

*Imitation firearm* means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

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

16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

*Hazing* means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. *Hazing* does not include athletic events or school-sanctioned events. (Education Code 48900(q))

Note: Education Code 48900(r) defines "bullying" as "any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of electronic act," which is directed toward a student and which would have serious detrimental consequences upon a reasonable student. Pursuant to Education Code 48900, a student may be disciplined for bullying by means of an electronic act even when the act originated off campus. See also BP 5131.2 - Bullying.

17. Engaged in an act of bullying (Education Code 48900(r))

*Bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Note: "Bullying" also would include any act of sexual harassment, hate violence, or harassment, threat, or intimidation committed by a student of any grade level, as set forth in Education Code 48900.2, 48900.3, or 48900.4, when the act results in harm to a reasonable student as specified in the above paragraph. However, when bullying is found under these circumstances, students below grade 4 may be disciplined for the "bullying" but not for the underlying act of sexual harassment, hate violence, or harassment, threat, or intimidation as specified below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12."

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

*Electronic act* means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include,

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

but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

*Reasonable student* means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

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

(cf. 6164.6 - Identification and Education under Section 504)

Note: Education Code 48900 allows for the suspension, but not expulsion, of a student who "aids or abets," as defined in Penal Code 31, the infliction or attempted infliction of physical injury to another person. The term "aiding or abetting," is a complex legal term and requires that, at the time he/she committed the crime, the aider or abettor was aware of the crime and specifically intended to commit the crime. Because of the complexities of criminal law, legal counsel should be consulted as appropriate.

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))
19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A *terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

**Additional Grounds for Suspension and Expulsion: Grades 4-12**

Note: The following section applies only to students in grades 4-12 and may be revised to reflect grade levels offered by the district.

Education Code 48900, as amended by AB 420 (Ch. 667, Statutes of 2014), prohibits the use of disruption and/or willful defiance as reasons for expelling any student. As amended, Education Code 48900 also restricts their use as a basis for suspending students from school in grades 4-12. Since districts are authorized but not required to suspend students in grades 4-12 based on these grounds, a district may choose, consistent with Option 2 in accompanying Board policy, to prohibit the use of these reasons for suspending its students. Any district that chooses to do so should delete the following paragraph.

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

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Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

Note: As discussed in item #17 of "Grounds for Suspension and Expulsion: Grades K-12" above, although Education Code 48900(r) defines bullying to include acts involving items #1-3 below, only students in grades 4-12 may be suspended or expelled for the individual acts that constitute sexual harassment, hate violence, and harassment. The interplay between "bullying" and items #1-3 can raise complex legal issues. Districts should consult legal counsel as appropriate.

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

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

*Sexual harassment* means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

*Hate violence* means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and

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

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)*

**Suspension from Class by a Teacher**

Note: The following section is optional and may be revised to reflect district practice. While Education Code 48900(k), as amended by AB 420 (Ch. 660, Statutes of 2014), prohibits a district from suspending students in grades K-3 for disruption or willful defiance, it still allows for a teacher to suspend a K-3 student on these grounds.

*de* A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

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**SUSPENSION AND EXPULSION/DUE PROCESS (continued)****Suspension by Superintendent, Principal or Principal's Designee**

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(c))

Note: Education Code 48900.5 limits situations warranting suspension for a first offense to when the violation involves Education Code 48900(a)-(e) or the student's presence causes a danger to persons.

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

Note: Pursuant to Education Code 48900 and 48915, except for certain egregious acts or offenses for which suspension is permissible or mandatory, as specified above pursuant to Education Code 48915(a) or (c), the Superintendent or principal is authorized to use his/her discretion to provide an alternative, age-appropriate disciplinary measure that is tailored to correct a student's specific misbehavior. In addition, the U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, recommend that effective alternatives to suspension and expulsion be implemented for correcting student misbehavior. For a list of appropriate alternatives, see AR 5144 - Discipline.

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

**Length of Suspension**

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

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

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

*(cf. 6184 - Continuation Education)*

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

**Due Process Procedures for Suspension**

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the available evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

Note: Item #2 below should be revised to reflect the district's processing and reporting procedures.

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

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

3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

Note: The following optional paragraph may be revised to reflect district practice.

In addition, the notice may state the date and time when the student may return to school.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)
- a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
  - b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

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

Note: When the student being considered for expulsion is a foster youth, Education Code 48911 and 48918.1 require the district to invite the student's attorney and an appropriate county child welfare agency representative to the meeting specified above. See the section below titled "Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students." To ensure such invitation, the following paragraph provides that the district liaison for foster youth be notified. However, any district that has designated another position to carry out this responsibility may modify the paragraph to specify that position. For designation of the liaison for foster youth, see AR 6173.1 - Education for Foster Youth.

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- c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

Note: Pursuant to Education Code 48918.1, as amended by AB 1806 (Ch. 767, Statutes of 2014), the district's liaison for homeless students must be notified when the student being considered for expulsion is a homeless student. See the section below titled "Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students."

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- d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

Note: The following optional paragraph may be revised to reflect district practice. Since Education Code 48900 and 48900.5 require a district, under certain circumstances, to use alternative disciplinary measures prior to imposing suspension, including supervised suspension, the district may, as necessary, provide services that would address the student's specific misbehavior along with the suspension program. For example, the district may require the student to enroll in a program that teaches prosocial behavior or anger management even while the student is suspended.

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In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

**Suspension by the Board**

Note: The following optional section reflects the Board's authority to suspend students from school pursuant to Education Code 48912. In practice, it is impractical for boards to directly exercise this authority since circumstances warranting suspension usually require quick and sometimes immediate action which may not be possible for a board due to legal requirements for taking board actions, such as having a meeting.



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

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information **that would violate** ~~violating~~ a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

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

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

**On-Campus Suspension**

Note: The following **optional** section is for use by any district establishing an on-campus suspension program pursuant to Education Code 48911.1. However, pursuant to Education Code 48900.5, such a district is required to use other means of correcting a student's behavior before imposing a supervised suspension, unless such a supervised suspension is otherwise permitted by law for a student's first offense. Use of a supervised suspension classroom program does not in any way limit the district's ability to transfer a student to an opportunity school or class or a continuation education school or class in accordance with law.

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

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

4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

**Superintendent or Principal's Authority to Recommend Expulsion**

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

**Student's Right to Expulsion Hearing**

Note: Education Code 48918 mandates that the Board establish rules and regulations governing procedures for the expulsion of students. The timelines of Education Code 48918 must be strictly followed; failure to do so may result in loss of the district's power to act (Garcia v. Los Angeles Board of Education). In calculating timelines, the district should also be aware of the difference between the calculation of "school days" and "calendar days" under Education Code 48918.

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

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

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

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

**Stipulated Expulsion**

Note: The following section is **optional** and may be revised to reflect district practice. "Stipulated expulsion" is for districts that have adopted an expedited procedure which allows a student to waive his/her right to a pre-expulsion hearing in exchange for an agreement as to the terms of the expulsion. Such waivers are not specifically addressed in law and districts should ensure that the due process rights of students are included in the stipulated agreement and are clearly explained to them before the agreement is signed. Districts should consult legal counsel as appropriate.

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

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

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

**Rights of Complaining Witness**

Note: Education Code 48918.5 mandates the following rights related to the treatment of witnesses alleging acts of sexual assault or sexual battery. Other procedures related to complaining witnesses also may be added as desired by the district. Additional mandated procedures related to the rights and treatment of complaining witnesses are included where appropriate throughout this regulation.

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

**Written Notice of the Expulsion Hearing**

Note: Education Code 48918 mandates the Board to adopt procedures that include the following items.

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

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

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

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

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

*Legal counsel* means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

*Nonattorney adviser* means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

**Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students**

Note: Prior to conducting an expulsion hearing to determine whether a foster youth should be expelled, Education Code 48918.1 requires the district to notify the student's attorney and a representative of an appropriate county child welfare agency, provided that the violation does not require a mandatory recommendation for expulsion. Pursuant to Education Code 48918.1, as amended by AB 1806 (Ch. 767, Statutes of 2014), such additional notice must be given to the district liaison for homeless students when the student involved is a homeless child or youth and the violation does not require a mandatory recommendation for expulsion. While such a notice is not required if the offense requires a mandatory recommendation for expulsion, it is nonetheless recommended and the following section reflects this recommendation.

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

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

**Conduct of Expulsion Hearing**

Note: Education Code 48918 mandates that the Board adopt procedures that include the following items.

Instead of the Board conducting an expulsion hearing, it may appoint a hearing officer or an impartial administrative panel to conduct the hearing; see section "Alternative Expulsion Hearing: Hearing Officer or Administrative Panel" below. Even if the district conducts all expulsion hearings in this manner, the requirements of Education Code 48918 pertaining to the conduct of the hearing must be met.

1. **Closed Session:** Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Note: For the purpose of Board deliberations during the closed session described below, the presence of any person other than the Board members, including the Superintendent, necessitates allowing the presence of the parent/guardian, student, and student's counsel.

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

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

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

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

Note: Education Code 48918 authorizes the Board to issue subpoenas for the personal appearance of percipient witnesses at an expulsion hearing. In Woodbury v. Dempsey, the court held that a district's authority to determine whether to issue subpoenas is discretionary, but a district could not have a blanket policy denying the issuance of subpoenas in all cases.

In accordance with Code of Civil Procedure 1987, the subpoena must be served at least 10 days before the time required for attendance unless the court prescribes a shorter time. Unless they are parties to the hearing or are district or government employees, witnesses who appear pursuant to a subpoena receive fees equal to those prescribed for witnesses in civil actions in a superior court, and all witnesses other than the parties to the hearing receive mileage. These fees and mileage must be paid by the party requesting the subpoena.

3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and

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

listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code 48918(h))

Note: Findings of fact made by the Board or a hearing panel must not be based on hearsay alone. "Hearsay" is evidence of an oral or written statement made by a person who is not present at the hearing which is offered to establish a fact as being true. Some exceptions to the hearsay rule exist under the Evidence Code and Education Code. The district should consult legal counsel as appropriate.

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

Note: Education Code 48918.6 provides that testimony by a student witness at an expulsion hearing is privileged and thus protected from liability for defamation pursuant to Civil Code 47(b).

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
- a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the



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

person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
- (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - (3) The person conducting the hearing may:
    - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
    - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
    - (c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. **Decision:** The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

Note: For districts that use a hearing officer or administrative panel, Education Code 48918 mandates that the Board adopt procedures that include the following section.

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

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

Note: Pursuant to Education Code 48918, ~~as amended by SB 1111 (Ch. 837, Statutes of 2014)~~, if the hearing officer or administrative panel does not recommend expulsion, a student must be permitted to return to the classroom instructional program from which the expulsion referral was made, unless the student's parent/guardian requests a different placement. ~~As amended~~, Education Code 48918 also states that a student who is found to have committed any of the violations listed in "Authority to Expel" in the accompanying Board policy but for whom expulsion is not recommended may be referred to his/her prior school. However, the hearing officer or administrative panel, like the Board, must recommend expulsion or a suspended expulsion under Education Code 48915, if it finds that a student committed any such violation that mandates expulsion. District should consult legal counsel to resolve this apparent discrepancy.

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement

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

of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

**Final Action by the Board**

Note: Education Code 48918 mandates that the Board adopt procedures that include the following paragraph.

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

*(cf. 9321.1 - Closed Session Actions and Reports)*

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Note: The Gun-Free Schools Act, 20 USC 7151, requires that information in the following paragraph be sent to the California Department of Education (CDE) for assurances of compliance with federal and state law. For other language that must be submitted to the CDE, see section below entitled "Notifications to Law Enforcement Authorities." 20 USC 7961 requires the district, in the consolidated application for federal funding, to provide an assurance that it will comply with the state requirement to expel, for a period not less than one year, any student who brings a firearm to school or possesses a firearm at school.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any **"mandatory recommendation and mandatory expulsion"** act listed under ~~"Mandatory Recommendation and Mandatory Expulsion"~~ **above in the section "Authority to Expel" in the accompanying Board policy**, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

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

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

Note: The following paragraph is **optional**. Education Code 48916.5 authorizes, but does not mandate, the Board to make the following requirement of certain expelled students.

*ok* With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

**Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

**Decision to Suspend Expulsion Order**

Note: Pursuant to Education Code 48917, the Board's criteria for suspending the enforcement of expulsions must be applied uniformly to all students. Items #1-3 below are **optional** and should be revised to reflect district criteria.

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

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided

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

to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

**Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

**Notification to Law Enforcement Authorities**

Note: The Gun-Free Schools Act (20 USC 7151) requires that information in the following two paragraphs be sent to the CDE for assurances of compliance with federal and state law.

In addition, Education Code 48902 requires the principal or designee to notify law enforcement authorities when a student ~~or nonstudent~~ possesses a firearm or explosive or sells or furnishes a firearm at school. However, when the student involved in such a case is a student with a disability, Education Code 49076 requires any law enforcement authority to which student information is disclosed to certify that those records will not be disclosed to another party without the prior written consent of the student's parent/guardian or other person invested with the student's educational right; see AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities).

When submitting the consolidated application for federal funding, the district must provide assurance that it has adopted a policy requiring referral to the criminal justice system or juvenile delinquency system of any student who brings a firearm or weapon to a school. The following section fulfills this requirement.

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

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

controlled substance, or of any student acts involving ~~In addition, law enforcement authorities shall be notified regarding any acts by students regarding~~ the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate ~~city or county~~ **or district** 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)

**Placement During Expulsion**

Note: Education Code 48915 requires the Board to refer all expelled students to a program of study that is prepared to accommodate students with discipline problems and that is not located at the school the student currently attends or at any regular elementary, middle, junior, or senior high school. However, students expelled for the acts described in Education Code 48900(f) through (m) or Education Code 48900.2, 48900.3, or 48900.4 may be referred to a program of study that is at another elementary, middle, junior, or senior high school if the County Superintendent of Schools certifies that an alternative program is not available at a site away from such a school.

Education Code 48915.01 states that if the Board has established a community day school pursuant to Education Code 48661 on the same site as an elementary, middle, junior, or senior high school, expelled students may be referred to the community day school at that site. Although Education Code 48663 prohibits the use of independent study in community day schools, Education Code 48916.1 does not in any way restrict the district from offering independent study as a voluntary alternative placement option for expelled students.

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

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

*(cf. 6158 - Independent Study)*

*(cf. 6185 - Community Day School)*

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for

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

Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

**Readmission After Expulsion**

Note: Education Code 48916 mandates that the Board adopt rules and regulations establishing a procedure for filing and processing requests for readmission and a process for Board review of all expelled students for readmission. Items #1-2 below should be revised to reflect district practice.

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice

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

shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

**Maintenance of Records**

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

Note: Education Code 48915.1 requires that, when an expelled student asks to enroll in another district, the receiving district must hold a hearing to determine whether the student poses a danger to its students or staff. The receiving district then may either deny or permit the enrollment. Upon request from another district, the expelling district must provide information about the expulsion within five days.

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

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

(4/14 12/14) 10/18

# CSBA Sample Board Policy

Students

BP 5148.3(a)

## PRESCHOOL/EARLY CHILDHOOD EDUCATION

Note: The following optional policy may be used by districts that operate their own preschool/early childhood education programs and/or collaborate to provide preschool opportunities within the community; see the appropriate sections below. CSBA's publication Expanding Access to High Quality Preschool Programs What Boards of Education Can Do about Kindergarten Readiness provides information about characteristics of effective preschool programs and actions that the district and Governing Board can take to encourage and/or provide high-quality preschool education, including a worksheet to assist districts in the development of policy pertaining to preschool and early childhood education. Education Code 8492, as added by AB 1808 (Ch. 32, Statutes of 2018), establishes the Early Education Expansion Program to provide grants for the purpose of increasing access to inclusive early care and education programs for children with and without disabilities.

The Governing Board recognizes that the value of high-quality preschool experiences help children ages 3-4 years to develop to enhance children's social-emotional development, knowledge, skills, abilities, and attributes necessary for a successful transition into the elementary education program. Early education programs should provide The Board desires to provide children ages 3-4 years access to developmentally appropriate activities in a safe, adequately supervised, and cognitively rich environment.

### Collaboration with Community Programs

Note: The following optional section paragraphs may be used by all districts, regardless of whether they provide their own preschool programs, and may be revised to reflect district practice.

Education Code 8499-8499.7 establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care, including preschool programs, and to develop policies to meet identified needs; see BP 5148 - Child Care and Development. Such councils also may also develop centralized student eligibility lists; see section on "Eligibility and Enrollment" in the accompanying administrative regulation.

The Superintendent or designee shall collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, the county office of education, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

*(cf. 1020 - Youth Services)*

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

*(cf. 1700 - Relations Between Private Industry and the Schools)*

*(cf. 5148 - Child Care and Development)*

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)****District Preschool Programs**

Note: The following optional section is for use by districts that choose to provide preschool/early childhood education programs for children ages 3-4 years and should be revised to reflect district practice.

The district may contract with the California Department of Education (CDE) to offer a program through the California State Preschool Program (CSPP) pursuant to Education Code 8235-8239.1. The CSPP consolidates a number of state programs that serve children ages 3-4, including state preschool programs (Education Code 8235-8237), family literacy programs (Education Code 8238-8238.4), and general child care and development programs to the extent that they serve children ages 3-4 (Education Code 8240-8244). Children ages 3-4 years from low-income or otherwise disadvantaged families may be eligible for subsidized services. See the accompanying administrative regulation for major program requirements for CSPP.

Preschool programs ~~also~~ may also receive funding through the state migrant child care and development program (Education Code 8230-8233), ~~state child care and development services for children with special needs program for severely disabled children~~ (Education Code 8250-8252), federal Head Start program (42 USC 9831-9852), Title I preschool program (20 USC 6311-6322), or other funding sources available to the district.

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, **either directly or through a subcontract with a public or private provider.**

Note: Beginning July 1, 2019 or upon the adoption of emergency regulations, whichever comes first, Health and Safety Code 1596.792, as amended by AB 99 (Ch. 15, Statutes of 2017) and AB 1808 (Ch. 32, Statutes of 2018), exempts CSPP programs from specified licensure and regulation requirements if they are operated in a school building by a school district under contract with CDE. However, such CSPP programs are required to comply with other specified health and safety requirements.

**District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.**

Note: 5 CCR 18130 specifies the state regulations for child care and development programs that are applicable to CSPP programs, including the requirement in 5 CCR 18271 that the Board approve a written philosophical statement, goals, and objectives addressing each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation and AR 5148 - Child Care and Development for further information about these required program components.

The Board shall approve, for the district's preschool program, a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

## PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

*(cf. 6171 - Title I Programs)*

Note: Pursuant to Education Code 8236, districts have the authority to subcontract with an appropriate public or private agency to operate a district CSPP program.

~~On a case by case basis, the Board shall determine whether the district shall directly administer a preschool program or contract with a public or private provider to offer such a program.~~

~~Facilities for p~~Preschool classrooms ~~needs~~ shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

*(cf. 1330.1 - Joint Use Agreements)*  
*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7210 - Facilities Financing)*

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

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

Note: ~~The following optional paragraph provides for coordination of the preschool program with the transitional kindergarten (TK) program and may be revised to reflect district practice. Pursuant to Education Code 48000, children whose fifth birthday is between September 2 and December 2 must be offered a transitional kindergarten (TK) program which operates as the first year of a two-year kindergarten program; see BP 6170.1 - Transitional Kindergarten. The following optional paragraph provides for coordination of the preschool program with the TK program and may be revised to reflect district practice.~~

OK The Superintendent or designee shall coordinate ~~planning efforts for~~ the district's preschool program, transitional kindergarten program (TK), and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge.

*(cf. 6011 - Academic Standards)*  
*(cf. 6170.1 - Transitional Kindergarten)*

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

Note: CDE has developed voluntary "preschool learning foundations" which describe the knowledge, skills, and competencies that children are expected to exhibit as they complete their first or second year of preschool. These standards address essential skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's web site.

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by ~~the~~ CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills ~~related to~~ **in the areas of** language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The district's preschool program shall provide appropriate services to support the needs of ~~English learners and children with disabilities~~ **at-risk children.**

*(cf. 0415 - Equity)*

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

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

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6173.2 - Education of Children of Military Families)*

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

*(cf. 6175 - Migrant Education Program)*

~~The district shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.~~

*(cf. 1240 - Volunteer Assistance)*

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

*(cf. 3550 - Food Services/Child Nutrition Program)*

*(cf. 5030 - Student Wellness)*

*(cf. 5141.31 - Immunizations)*

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

*(cf. 5141.6 - School Health Services)*

~~The district shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.~~

*(cf. 1240 - Volunteer Assistance)*

NOB

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

Note: The Commission on Teacher Credentialing issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Education Code 8360-8370 and 5 CCR 80105-80125. The district may request from CDE a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Education Code 8208(aa) and 5 CCR 18295.

Health and Safety Code 1596.7995, as added by SB 792 (Ch. 807, Statutes of 2015), requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055, as amended by SB 792, requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

Education Code 8450 authorizes the district to create a reserve fund and use 10 percent of it for purposes of professional development for CSPP instructional staff. Professional development resources pertaining to preschool/early childhood education are available through CDE and organizations such as the California Preschool Instructional Network, and others. See the management resources below.

Education Code 8450 authorizes the district to create a reserve fund and use 10 percent of it for purposes of professional development for CSPP instructional staff.

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

*(cf. 4112.2 - Certification)*

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

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*

*(cf. 4131 - Staff Development)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Note: Pursuant to 5 CCR 18130, CSPP programs are subject to the requirements of 5 CCR 18105. 5 CCR 18105 mandates that districts offering a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218, as provided in the following paragraph. See the accompanying administrative regulation for additional language that fulfills this mandate.

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the 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 health examination requirement. (CCR 18105; 22 CCR 101218)

Note: Education Code 8263 and 5 CCR 18106 establish eligibility criteria and priorities for subsidized preschool services, as provided below and in the accompanying administrative regulation

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

Eligibility is generally limited to children who reside within district boundaries. However, Education Code 8322 and 5 CCR 18107 authorize the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

NO

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

Note: The following paragraph is optional. Pursuant to Education Code 8235, programs operated under the CSPP are part-day programs only. Education Code 8239 encourages the provision of "wraparound child care services" which combine part-day preschool and general child care services to provide a full day of services for qualifying families. See the accompanying administrative regulation for program requirements.

NO

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's part-day preschool program is offered.

Note: 5 CCR 18279-18281 require an annual evaluation using the CDE's standardized "Desired Results for Children and Families" system developed by the CDE. The system requires a self-evaluation that includes, but is not limited to, an assessment of the program by staff and the Board, a parent survey, and an environment rating scale using forms selected by CDE. In addition, every three years, CDE conducts a Federal Program Monitoring/Contract Monitoring Review (FPM/CMR) process with each contract agency which reviews compliance with program requirements. The FPM/CMR instrument is available on the CDE's web site.

Education Code 8203.1, as added by SB 858 (Ch. 32, Statutes of 2014), establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Grant funds may be awarded to eligible local consortia, which then allocate funds to districts and other agencies contracting to provide CSPP programs. Pursuant to Education Code 8203.1, QRIS is based on a tiered rating structure with progressively higher quality standards for each tier. It is designed to (1) provide supports and incentives for programs, teachers, and administrators to reach higher levels of quality; (2) monitor and evaluate program impacts on child outcomes; and (3) disseminate information to parents/guardians and the public about program quality. For further information about the QRIS block grant, see CDE's web site and its publication Dream Big for Our Youngest Children.

NO

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)

Note: The following paragraph may be revised to reflect programs offered by the district. Education Code 8235.5, as added by AB 1808 (Ch. 32, Statutes of 2018), requires CSPP programs that are exempt from licensing pursuant to Health and Safety Code 1596.792 to utilize district complaint procedures, with modifications as necessary, to resolve any deficiencies related to the CSPP health and safety requirements of Health and Safety Code 1596.7925. The bill summary clarifies that the Williams uniform complaint procedures established pursuant to 5 CCR 4680-4687 are the applicable procedures. See BP/AR 1312.4 - Williams Uniform Complaint Procedures.

MS

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

**NO**  
**The district's Williams uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the California State Preschool Program. However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8235.5; 5 CCR 4610, 4611)**

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

**de**  
The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

*(cf. 0500 - Accountability)*

*Legal Reference:*

EDUCATION CODE

- 8200-8499.10 *Child Care and Development Services Act, especially:*
  - 8200-8209 *General provisions for child care and development services*
  - 8230-8233 *Migrant child care and development program*
  - 8235-8239.1 *California State Preschool Program*
  - 8240-8244 *General child care and development programs*
  - 8250-8252 *Programs for children with special needs*
  - 8263 *Eligibility and priorities for subsidized child development services*
  - 8263.3 *Disenrollment of families due to reduced funding levels*
  - 8264.8 *Center-based child care programs, staffing ratios***
  - 8273.1 *Family fees***
  - ~~8300-8303 *Early Learning Quality Improvement System Advisory Committee*~~
  - 8360-8370 *Personnel qualifications*
  - 8400-8409 *Contracts, administrative appeal procedure*
  - 8493-8498 *Facilities, capital outlay*
  - 8499.3-8499.7 *Local child care and development planning councils*
  - 44065 *Interchange between certificated and classified positions***
  - 44256 *Credential types***
  - 48000 *Transitional kindergarten*
  - 48985 *Notification, primary language other than English***
- HEALTH AND SAFETY CODE
- 1596.70-1596.895 *California Child Day Care Act*
  - 1596.90-1597.21 *Day care centers*
  - 120325-120380 *Immunization requirements*

*Legal Reference continued: (see next page)*

**MB**



**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

*Legal Reference: (continued)*

CODE OF REGULATIONS, TITLE 5

**4680-4687 Williams uniform complaint procedures**

18000-18434 *Child care and development programs, especially:*

18130-18136 *California State Preschool Program*

18295 *Waiver of qualifications for site supervisor*

80105-80125 *Permits authorizing service in child development programs*

CODE OF FEDERAL REGULATIONS, TITLE 22

101151-101239.2 *General requirements, licensed child care centers, especially:*

101151-101163 *Licensing and application procedures*

101212-101231 *Continuing requirements*

101237-101239.2 *Facilities and equipment*

UNITED STATES CODE, TITLE 20

**1400-1482 Individuals with Disabilities Education Act**

6311-6322 *Title I, relative to preschool*

6371-6376 *Early Reading First*

6381-6381k *Even Start family literacy programs*

6391-6399 *Education of migratory children*

UNITED STATES CODE, TITLE 42

9831-9852c *Head Start programs*

**9858-9858g-9857-9858r Child Care and Development Block Grant**

CODE OF FEDERAL 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*

CODE OF FEDERAL REGULATIONS, TITLE 45

**1301-1310 1301.1-1305.2 Head Start**

*Management Resources:*

CSBA PUBLICATIONS

**What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016**

**Expanding Access to High-Quality Preschool Programs, 2008**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Preschool Learning Foundations

**14-02 Enrolling and Reporting Children in California State Preschool Programs, April 2014**

**Dream Big for Our Youngest Children: Final Report of the California Early Learning Quality Improvement System Advisory Committee, 2010**

**Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009**

**Prekindergarten Learning Development Guidelines, 2000**

**First Class: A Guide for Early Primary Education, 1999**

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

**Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016**

**Good Start, Grow Smart, April 2002**

*Management Resources continued: (see next page)*

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

*Management Resources: (continued)*

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

California Association for the Education of Young Children: <http://www.caeyc.org>

~~California Children and Families Commission: <http://www.ccfca.gov>~~

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

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

California Head Start Association: <http://caheadstart.org>

California Preschool Instructional Network: <http://www.cpin.us>

Child Development Policy Institute: <http://www.cdpi.net>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

First 5 Association of California: ~~<http://www.f5ae.org>~~ <http://www.ccfc.ca.gov>

National Institute for Early Education Research: <http://nieer.org>

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

~~Preschool California: <http://www.preschoolcalifornia.org>~~

U.S. Department of Education: <http://www.ed.gov>

(11/12 7/15) 10/18

MS

# CSBA Sample Administrative Regulation

Remove  
State Preschool guidance  
N/A

Students

AR 5148.3(a)

## PRESCHOOL/EARLY CHILDHOOD EDUCATION

Note: The following administrative regulation reflects the major requirements of the California State Preschool Program (CSPP) pursuant to Education Code 8235-8239.1. The CSPP consolidates state preschool programs (Education Code 8235-8237), family literacy programs (Education Code 8238-8238.4), and general child care and development programs to the extent that they serve children 3-4 years of age (Education Code 8240-8244).

The following administrative regulation does not reflect all requirements for other state and federally funded preschool program(s). The district may revise this administrative regulation to reflect other preschool program(s) it offers, such as the state migrant child care and development program (Education Code 8230-8233), state child care and development services for children with special needs program for severely disabled children (Education Code 8250-8252), federal Head Start program (42 USC 9831-9852), Title I preschool program (20 USC 6311-6322), or preschool program developed and funded by the district.

In addition to the program requirements described below, preschool programs may be subject to other policies contained throughout the district's policy manual (e.g., BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, BP/AR 3550 - Food Service/Child Nutrition Program, and BP/AR 5148 - Child Care and Development, AR 3514.2 - Integrated Pest Management, BP/AR 1240 - Volunteer Assistance, and food safety standards and nutrition requirements in BP/AR 3550 - Food Service/Child Nutrition Program). Districts should consult legal counsel if they have questions regarding the applicability of other laws to the district's preschool program.

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

(cf. 5148 - Child Care and Development)

Note: 5 CCR 18130 specifies the state regulations for child care and development programs that are applicable to CSPP programs. These requirements include, but are not limited to, the program components listed in 5 CCR 18272-18281. See AR 5148 - Child Care and Development for details regarding these required program components.

The district's preschool program shall include all required program components, as described in 5 CCR 18272-18281 and AR 5148 - Child Care and Development, for the educational program, the creation of a developmental profile for each child, staff development, parent involvement and education, community involvement, health and social services, nutrition, and program evaluation. (5 CCR 18271-28281)

### Minimum Hours/Days of Operation

The district's part-day preschool program shall operate a minimum of three hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235; 5 CCR 18136)

NB

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)****Staffing**

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. If the district cannot recruit a sufficient number of parents/guardians or volunteers to meet the required adult-child ratio, teacher aides shall be hired as necessary. (5 CCR 18135, 18290)

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

Note: Health and Safety Code 1596.7995, as added by SB 792 (Ch. 807, Statutes of 2015), requires employees and volunteers at a day care center to be immunized against influenza, pertussis, and measles, with specified exemptions. Health and Safety Code 1597.055, as amended by SB 792, incorporates the immunization requirements into the qualifications of day care teachers and adds a requirement for such teachers to obtain a tuberculosis clearance. Pursuant to Health and Safety Code 1596.76, a day care center includes a preschool. See AR 5148 - Child Care and Development for further information regarding immunization requirements for staff and volunteers. Districts that do not offer child care and development programs and/or have not adopted AR 5148 - Child Care and Development may revise the following paragraph accordingly and expand it to include the exemptions specified in Health and Safety Code 1596.7996 1596.7995.

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and AR 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

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

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

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

**Wraparound Child Care Services**

Note: The following section is optional. Because preschool programs operated under the CSPP are part-day programs only, Education Code 8329 encourages districts to contract with the California Department of Education (CDE) to offer "wraparound child care services" which combine preschool and general child care services to provide a full day of services for eligible families. Such programs must be consistent with requirements for general child care and development programs offered pursuant to Education Code 8240-8244; see BP/AR 5148 - Child Care and Development.

- In accordance with its contract with the CDE, the district may offer full-day services to meet the needs of eligible families through a combination of part-day preschool and wraparound child care services that are offered for the remaining portion of the day or year following

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

completion of the preschool services. Child care and development services offered through this program shall meet the requirements of general child care and development programs pursuant to Education Code 8240-8244. (Education Code 8239)

Wraparound services shall operate a minimum of 246 days per year unless otherwise specified in the contract. Within this period of time, the part-day preschool program shall operate 175-180 days. After the completion of the preschool program, a part-time general child care and development program may operate a full day for the remainder of the year. (Education Code 8239)

**Family Literacy Services**

Note: The following section is **optional**. Contingent upon funding in the state Budget Act, Education Code 8238 and 8238.4 provide for the Superintendent of Public Instruction (~~SPI~~) to distribute family literacy supplemental grant funds to qualifying CSPP contractors for the purposes described below.

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

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of **children in participating children classrooms** to support their child's development of literacy skills, including, but not limited to, parent education in:
  - a. Providing support for the educational growth and success of their children
  - b. Improving parent-school communications and parental understanding of school structures and expectations
  - c. Becoming active partners with teachers in the education of their children
  - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve **parents/guardians'** academic skills **of parents/guardians**

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

*(cf. 6200 - Adult Education)*

4. Staff development for teachers in participating classrooms that includes, but is not limited to:
  - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional **and behavioral** strategies
  - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
  - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
  - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

*(cf. 4131 - Staff Development)*

**Eligibility and Enrollment**

Note: The following section reflects eligibility criteria and enrollment priorities for the CSPP pursuant to state law and regulations. 5 CCR 18105 mandates that a district operating a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218, including, **but not limited to**, criteria designating those children whose needs can be met by the program and services and the ages of children who will be accepted. **AB 2626 (Ch. 945, Statutes of 2018) amended Education Code 8208 to change the birthdate by which children are eligible for CSPP, as provided below.**

Children eligible for the district's **CSPP preschool** program include those who will have their third or fourth birthday on or before **September 1** of the fiscal year that they are being served. **Children who have their third birthday on or after December 2 may be enrolled on or after their third birthday.** (Education Code 8208, 8235, 8236)

Note: The following paragraph reflects guidance in CDE's Management Bulletin 14-02. See BP 6170.1 - Transitional Kindergarten for eligibility requirements pertaining to the transitional kindergarten program pursuant to Education Code 48000.

**When a child is eligible for both the preschool program and the district's transitional kindergarten program, the family may choose the most appropriate program for the child. In accordance with the enrollment priorities described below, the child may be enrolled in both programs provided that the child is not enrolled in both programs for the same time period on the same day.**

*(cf. 5111 - Admission)*

*(cf. 6170.1 - Transitional Kindergarten)*

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

Note: Pursuant to 5 CCR 18082-18083, the parent/guardian must submit an application for services which contains specified information and documentation. The application form is available on CDE's web site. Upon receiving an application, a person designated by the district must certify the family's or child's eligibility.

Eligibility for **subsidized preschool the CSPP program** shall be as follows:

1. Children shall be eligible for subsidized preschool services if their family is a current aid recipient, income eligible, or homeless and/or the children are recipients of protective services or have been identified as being, or at risk of being, abused, neglected, or exploited. (Education Code 8235, 8263, 8263.1; **5 CCR 18131, 18134**)
2. Children shall be eligible for subsidized wraparound preschool and child care services if their family meets at least one of the criteria specified in item #1 above and needs child care services due to either of the following circumstances: (Education Code 8239, 8263)

Note: **AB 982 (Ch. 567, Statutes of 2015) amended Education Code 8263 to expand the list of entities that can identify a child in need of subsidized services to include a local educational agency liaison for homeless children and youth, a Head Start program, or a transitional shelter and to expand the list of children to be identified to include a homeless child.**

- a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless.

(cf. 6173 - Education for Homeless Children)

Note: **Education Code 8263, as amended by AB 273 (Ch. 689, Statutes of 2017), provides that eligibility for child care and development programs may be established by parent/guardian engagement in an educational program for English learners or for attainment of a high school diploma or general educational development certificate.**

- b. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; **are engaged in an educational program for English language learners or for the attainment of a high school diploma or general educational development certificate**; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated.

Note: The following paragraph may be revised to reflect district practice. Unless state funding is allocated to support the "centralized eligibility list" established in each county pursuant to Education Code 8499.5, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to 5 CCR 18106.

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment in a preschool program shall be given to neglected or abused children ~~3 or 4 years of age~~ **ages 3-4** who are recipients of child protective services or who, based upon written referral from a legal, medical, or social service agency, are at risk of being neglected, abused, or exploited. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236; 5 CCR 18131)

*(cf. 1020 - Youth Services)*

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

*(cf. 1700 - Relations Between Private Industry and the Schools)*

Note: Pursuant to Education Code 8236, second priority for enrollment must be granted to children 4 years of age who are not enrolled in a **transitional kindergarten (TK)** program, as provided in the following paragraph.

**In any CSPP program operating with funding that was initially allocated in a prior fiscal year, at least one-half of the children enrolled at a preschool site must be children who are 4 years of age unless an exception is granted by the SPI. Education Code 8236, as amended by AB 2626 (Ch. 945, Statutes of 2018), eliminates the requirement, for CSPP programs operating with funding that was initially allocated in a prior fiscal year, that at least one-half of the children enrolled at a preschool must be children who are age 4 years.**

After all children with first priority are enrolled, the district shall give second priority to eligible children 4 years of age who are not enrolled in a transitional kindergarten **(TK)** program prior to enrolling eligible children 3 years of age. (Education Code 8236)

Note: Education Code 8235, as amended by AB 99 (Ch. 15, Statutes of 2017), allows CSPP programs to provide services to children with disabilities whose family income is above the income eligibility threshold. Such children do not count towards the 10 percent limitation for otherwise ineligible children as described below.

**After all otherwise eligible children have been enrolled, the program may provide services to children with disabilities who are ages 3-4 and whose family income is above the income eligibility threshold. (Education Code 8235)**

**In addition, a**After enrolling all eligible children ~~who meet the criteria for subsidized services~~, up to 10 percent of the program's enrollment, calculated throughout the entire contract, may be filled with children who exceed the age limitations and children whose family income ~~exceeds is no more than 15 percent above~~ the income eligibility threshold **by no more than 15 percent.** (Education Code 8235; 5 CCR 18133)

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the remainder of the program year. (Education Code 8237; 5 CCR 18082)

Note: Pursuant to 5 CCR 18130, CSPP programs are subject to 5 CCR 18094 and 18118, which require the district to provide written notification to parents/guardians as to whether their application for subsidized services has been approved or denied. For this purpose, the district should use the Notice of Action form available on the CDE's web site. If the services are denied, the parent/guardian may appeal the decision in accordance with 5 CCR 18120-18122; see section "Parent Hearing" below.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18095, 18118)

*(cf. 5145.6 - Parental Notifications)*

Note: 5 CCR 18095 and 18119 require the district to notify a parent/guardian of any change in services or fees as described below. For such notification, the district should use the Notice of Action form available on the CDE's web site. Parents/guardians may appeal such actions pursuant to 5 CCR 18120-18122; see section "Parent Hearing" below.

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that he/she no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file **containing including, but not limited to,** a completed and

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 18130, 18133, 18081, 18084)

*(cf. 1340 - Access to District Records)*

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

**Combined Preschool/Transitional Kindergarten Classroom**

Note: AB 1808 (Ch. 32, Statutes of 2018) amended Education Code 8235 and 48000 to allow districts to place 4-year-old children enrolled in a CSPP program into a TK program and to commingle children from both programs in the same classroom as long as all of the requirements of each program are met and the district adheres to the requirements listed in the following section. See BP 6170.1 - Transitional Kindergarten for eligibility requirements pertaining to the TK program pursuant to Education Code 48000.

When a child is eligible for both the preschool program and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8235, 48000)

1. An early childhood environment rating scale, as specified in 5 CCR 18281, shall be completed for the classroom.
2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272.
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256.
4. The classroom shall comply with the adult-child ratio specified in Education Code 8264.8.
5. Contractors of the district shall report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068.
6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom.

*(cf. 5111 - Admission)*

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

*(cf. 6170.1 - Transitional Kindergarten)*

**Fees and Charges**

Fees for participation in the district's preschool program shall be assessed and collected in accordance with the fee schedule established by the Superintendent of Public Instruction (SPI). (Education Code 8273, 8273.2; 5 CCR 18078)

*(cf. 3260 - Fees and Charges)*

However, no fee shall be charged to an income-eligible family whose child is enrolled in a part-day preschool program; or a family that is receiving CalWORKs cash aid, or a family that is otherwise exempted pursuant to Education Code 8273.1. (Education Code 8273.1; 5 CCR 18110)

**Note: Education Code 8273.1, as amended by AB 99 (Ch. 15, Statutes of 2017), extends the length of time, from three months to 12 months, for which a family who establishes preschool eligibility on the basis of abuse or neglect may be exempt from family fees.**

**In addition, any family qualifying for subsidized preschool on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that services continue to be necessary, may be exempt from these fees for up to 12 months. Any family whose child is receiving subsidized preschool on the basis of being at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months, unless the family becomes eligible based on receipt of child protective services or certification of need by a county child welfare agency. The cumulative period of exemption for these purposes shall not exceed 12 months. A family may be exempt from the fees for up to 12 months if the child qualifies for preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused or neglected. (Education Code 8273.1)**

**Note: Education Code 8273.3 authorizes a district offering a CSPP program to charge a fee for field trips and/or to require parents/guardians to provide diapers, but mandates that the district adopt policy to include parents/guardians in the decision-making about such fees, as provided below. Pursuant to Education Code 8273.3, the fees cannot exceed \$25 per child in the contract year. The following paragraph may be modified to delete diapers as appropriate for the age of the children served.**

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

**Disenrollment Based on Reduced Funding**

Note: Education Code 8263.3 specifies the order by which families will be disenrolled from child care and development services when funding levels are reduced. The following list applies that order of disenrollment to CSPP programs but takes into account the priority specified in Education Code 8236 to enroll children 4 years of age before enrolling children 3 years of age.

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

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

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

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

**Expulsion/Unenrollment Based on Behavior**

Note: Education Code 8239.1, as added by AB 752 (Ch. 708, Statutes of 2017), prohibits the expulsion or unenrollment of a child from a CSPP program because of the child's behavior unless the district has followed the steps specified below.

A district preschool program shall not expel or unenroll a child based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8239.1)

1. Inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program
2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), with written parent/guardian consent, contact the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child

(cf. 6159 - Individualized Education Program)

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

- 3. If the child does not have an IFSP or IEP, consider if it is appropriate to complete a universal screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, implementing behavior supports within the program, and considering an IEP for the child**

**If the district has taken the actions specified in items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. Within 180 days of the start of the process, the district may unenroll the child. (Education Code 8239.1)**

**Note: A joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services, Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, clarifies that preschool children with disabilities who are eligible for services under the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) are entitled to the same disciplinary protections that apply to all other IDEA-eligible students with disabilities, may not be subjected to impermissible disciplinary changes of placement for misconduct that is caused by or related to their disability, and must continue to receive educational services consistent with their right to a free appropriate public education. The statement indicates the need for the child's individualized education program (IEP) team to consider the use of positive behavioral interventions and supports when developing or modifying the IEP to reduce the need for discipline of a child with disabilities and avoid suspension or expulsion from a preschool program.**

**Children with disabilities may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.**

**Parent Hearing**

**Note: Pursuant to 5 CCR 18130, districts are subject to the requirements of 5 CCR 18120-18122 to provide due process to parents/guardians who disagree with certain district actions, such as when services are denied, there is a change in services or fees, or their child is disenrolled.**

If a parent/guardian disagrees with any district action to deny his/her child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, he/she may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

**PRESCHOOL/EARLY CHILDHOOD EDUCATION (continued)**

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, he/she may, within 14 calendar days, appeal the decision to **the** CDE. (5 CCR 18120-18122)

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# CSBA Sample Board Policy

Instruction

BP 6142.3(a)

## CIVIC EDUCATION

Note: The following optional policy may be revised to reflect district practice.

Education Code 51470-51474, as added by AB 24 (Ch. 604, Statutes of 2017), establish the State Seal of Civic Engagement, a voluntary program to recognize high school graduates who have demonstrated excellence in civic education and participation, as well as an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government. The Superintendent of Public Instruction will provide an insignia that can be affixed to the diploma or transcript of eligible students. Criteria for the award will be approved by the State Board of Education by January 31, 2021.

The Governing Board recognizes that **citizen** involvement in civic and political institutions is essential to a democratic government and desires to provide a comprehensive civic education program to help students acquire the knowledge, skills, and principles essential for informed, **engaged, and** responsible citizenship.

Note: State standards and guidelines for **instruction in civics and government** are included in the standards and curriculum framework for history-social science. **The history-social science curriculum framework contains suggestions for lessons and activities that include simulations of government, student-led debates, research projects, voter education, and service learning.** In addition, the Center for Civic Education has developed voluntary **National Standards for Civics and Government** describing what students should know and be able to do in the field of civics and government **by the end of grades 4, 8, and 12 in grades K-4, 5-8, and 9-12.**

The Board shall approve, upon the recommendation of the Superintendent or designee, academic standards and curriculum in civics and government that are aligned with state academic standards and curriculum frameworks.

*(cf. 6000 - Concepts and Roles)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6142.94 - History-Social Science Instruction)*  
*(cf. 9000 - Role of the Board)*

The Superintendent or designee shall determine specific courses within the K-12 curriculum in which civic education and government may be explicitly and systematically taught. He/she **also** shall **also** encourage the integration of civic education into other subjects as appropriate.

*(cf. 6143 - Courses of Study)*  
*(cf. 6146.1 - High School Graduation Requirements)*

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**CIVIC EDUCATION (continued)**

The district's civic education program shall provide students with an understanding of the rights and responsibilities of citizens in American democracy and the workings of federal, state, and local governments. As appropriate, instruction should include an examination of fundamental American documents, including, but not limited to, the Declaration of Independence, the United States Constitution, the Federalist Papers, and other significant writings and speeches. Instruction ~~also~~ **also** promote a student's understanding of shared democratic principles and values, such as personal responsibility, justice, equality, respect for others, civic-mindedness, and patriotism, and enable students to make their own commitment to these civic values.

~~To develop a sense of political effectiveness, instruction should develop students' understanding of the importance of civic participation in a democratic society. Service learning, extracurricular and cocurricular activities, class and school elections, **simulations of government, student-led debates, voter education,** and observation of local government processes may be used to reinforce classroom instruction by linking civic knowledge to practical experience and encouraging civic involvement.~~

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(cf. 6142.4 - Service Learning/Community Service Classes)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 9150 - Student Board Members)*

~~Instruction also should promote a student's understanding of shared democratic principles and values, such as personal responsibility, justice, equality, respect for others, civic-mindedness, and patriotism, and enable students to make their own commitment to these civic values.~~

**Whenever civic education includes topics that may be controversial due to political beliefs or other influences, instruction shall be presented in a balanced manner that does not promote any particular viewpoint. Students shall not be discriminated against for expressing their ideas and opinions and shall be encouraged to respect different points of view.**

*(cf. 5145.2 - Freedom of Speech/Expression)*  
*(cf. 6144 - Controversial Issues)*

**Constitution/Citizenship Day**

Each year on or near September 17, in commemoration of Constitution and Citizenship Day, the district shall hold an educational program for students in grades K-12 pertaining to the United States Constitution which shall include exercises and instruction in the purpose, meaning, and importance of the Constitution, including the Bill of Rights. (Education Code 37221; P.L. 108-447, Sec. 111 **36 USC 106 Note**)

*(cf. 6115 - Ceremonies and Observances)*

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**CIVIC EDUCATION (continued)**

**Student Voter Registration**

**Note: The following section is for use by districts that maintain high schools. Elections Code 2146 requires the California Secretary of State to annually provide high schools with voter registration forms in numbers specifically requested by the school.**

**To encourage students to participate in the elections process when they are of voting age, the Superintendent or designee shall provide high school students with voter registration information, including information regarding the state's online voter registration system.**

**The Superintendent or designee shall identify an employee at each high school whom the California Secretary of State may contact to facilitate the distribution of voter registration forms to eligible students. The Superintendent or designee shall provide the business address, phone number, and email address of each contact person to the Secretary of State. (Elections Code 2148)**

**Note: The following optional paragraph reflects examples of methods of distributing voter registration forms as specified in Elections Code 2146 and may be revised to reflect district practice.**

**The designated employee shall determine the most effective means of distributing voter registration forms provided by the Secretary of State, which may include, but are not limited to, distributing the forms at the start of the school year with orientation materials, placing voter registration forms at central locations, including voter registration forms with graduation materials, and/or providing links and the web site address of the Secretary of State's online voter registration system on the district's web site and in email notices sent to students.**

**The principal or designee may appoint one or more students enrolled at each high school to serve as voter outreach coordinators at that school. The voter outreach coordinator(s) may coordinate voter registration activities at the school to encourage eligible persons to register to vote. With the approval of the principal or designee, the voter outreach coordinator(s) may also coordinate election-related activities on campus, including voter registration drives, mock elections, debates, and other election-related student outreach activities. (Education Code 49041)**

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5145.13 - Response to Immigration Enforcement)*

**Note: Education Code 49040 designates the last two full weeks in April and the last two full weeks in September as "high school voter education weeks" during which elections officials may, at their discretion, visit high school campuses to register students and school personnel to vote. This does not preclude registration events on a high school campus as otherwise permitted by the Elections Code.**

NO  
High School  
Only

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**CIVIC EDUCATION (continued)**

**During the last two full weeks in April and September, in areas on each high school campus that are reasonably accessible to all students as designated by the principal or designee, the county elections official shall be allowed to register students and school personnel to vote. (Education Code 49040)**

*Legal Reference:*

EDUCATION CODE

**54 Student service on boards and commissions**

233.5 Teaching of principles

33540 Standards for government and civics instruction

37221 Commemorative exercises including anniversary of U.S. Constitution

48205 Absence from school for jury duty or precinct board service

**49040-49041 Student voter registration**

51210 Courses of study, grades 1-6

51220 Courses of study, grades 7-12

**51470-51474 State Seal of Civic Engagement**

ELECTIONS CODE

**2146 Student voter registration**

**2148 Student voter registration, contact person**

12302 Precinct boards, appointment of students

UNITED STATES CODE, TITLE 20

6711-6716 Education for Democracy Act

UNITED STATES CODE, TITLE 36

101-144 Patriotic observances

*Management Resources:*

CSBA PUBLICATIONS

**School Board Leadership: The Role and Function of California's School Boards, 1996**

FEDERAL REGISTER

**77 Fed. Reg. 29727 Constitution Day and Citizenship Day**

AMERICAN BAR ASSOCIATION PUBLICATIONS

**Essentials of Law-Related Education, rev. 2003**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

**History-Social Science Content Standards**

**History-Social Science Framework for California Public Schools**

CENTER FOR CIVIC EDUCATION PUBLICATIONS

**Education for Democracy: California Civic Education Scope & Sequence, 2003**

**National Standards for Civics and Government, 1994**

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP) PUBLICATIONS

**1998 Civics Report Card for the Nation, November 18, 1999**

Civics Assessment

WEB SITES

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

American Bar Association, Law-Related Education Projects : <http://www.abanet.org/publreed/lre>

[http://www.americanbar.org/groups/public\\_education.html](http://www.americanbar.org/groups/public_education.html)

**CIVIC EDUCATION (continued)**

*Management Resources: (continued)*

WEB SITES (continued)

*American Political Science Association: <http://www.apsanet.org>*

*Bill of Rights Institute: <http://www.billofrightsinstitute.org>*

*California Association of Student Leaders: <http://www.casl1.org>*

*California Council for the Social Studies: <http://www.ccss.org>*

*California Secretary of State Online Voter Registration: <https://registertovote.ca.gov>*

*Center for California Studies: <http://www.csus.edu/calst>*

*Center for Civic Education: <http://www.civiced.org>*

*Center for Information and Research on Civic Learning and Engagement: <http://www.civicyouth.org>*

*Center for Youth Citizenship: <http://www.youtheitizenship.org>*

*Constitutional Rights Foundation: <http://www.crf-usa.org>*

*National Assessment of Educational Progress (NAEP), Civics Assessment:*

*<https://nces.ed.gov/nationsreportcard/civics>*

*National Council for the Social Studies: <http://www.ncss.org>*

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**Policy Reference UPDATE Service**

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# CSBA Sample Board Policy

**Instruction**

BP 6145.2(a)

## **ATHLETIC COMPETITION**

Note: Pursuant to Education Code 35179, the Governing Board has control of and responsibility for all aspects of district interscholastic athletic policies, programs, and activities.

Pursuant to Education Code 51242, the Board may exempt any high school student engaged in a school-sponsored interscholastic athletic program after regular school hours from the requirement to attend physical education courses; see BP 6142.7 - Physical Education and Activity.

The Governing Board recognizes that the district's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The district's athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

*(cf. 3541.1 - Transportation for School-Related Trips)*

*(cf. 5030 - Student Wellness)*

*(cf. 5137 - Positive School Climate)*

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

*(cf. 7110 - Facilities Master Plan)*

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

The Board encourages business and community support for district athletic programs, subject to applicable district policies and regulations governing advertisements and donations.

*(cf. 1260 - Educational Foundation)*

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 1325 - Advertising and Promotion)*

*(cf. 1700 - Relations Between Private Industry and the Schools)*

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

## **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

Note: Pursuant to Education Code 35179, the Board is responsible for ensuring that district and interscholastic athletic policies, programs, and activities are in compliance with federal and state law. Gender equity and nondiscrimination in district and interscholastic athletic programs and activities are governed by both federal law and state laws (Title IX, 20 USC 1681-1688) and state law (Education Code 200-262.4; 5 CCR 4900-4965).

**ATHLETIC COMPETITION** (continued)

In Mansourian v. Regents of University of California, the Ninth Circuit Court of Appeals ruled that a university receiving federal funds can be held liable for failing to effectively accommodate the athletic interests of both men and women even if the aggrieved women did not first provide the appropriate university officials with notice of their disadvantageous treatment and an opportunity to cure it. See the accompanying administrative regulation for factors the district must consider in determining whether equivalent opportunities are being provided.

Education Code 221.2-221.3 (the California Racial Mascot Act) declare the use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in public schools to be contrary to an equal education and specifically prohibit public schools from using the term "Redskins" as a school or athletic team name, mascot, or nickname. The following paragraph includes an expansion of this prohibition to cover any racially derogatory or discriminatory athletic team name, mascot, or nickname and may be revised to reflect district practice. Also see BP 0410 - Nondiscrimination in District Programs and Activities.

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, and that students are permitted to participate in athletic activities consistent with their gender identity.

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

Any complaint **regarding alleging discrimination in** the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

**California Interscholastic Federation**

Note: The following **optional** section is for use by districts that maintain grades 9-12. Pursuant to Education Code 35179, the district may join an association, such as the California Interscholastic Federation (CIF), for the purpose of providing regional or statewide interscholastic athletic programs and activities for district students. Pursuant to Education Code 33353, CIF is responsible for setting rules governing interscholastic athletic programs. Students who attend schools that participate in interscholastic sports are therefore subject to CIF regulations as well as applicable district rules.

Any district school that participates in the California Interscholastic Federation (CIF) shall conduct its athletic activities in accordance with CIF bylaws and rules and any applicable district policy and regulation. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

NB

NB

**ATHLETIC COMPETITION (continued)**

Note: Pursuant to CIF rules established in accordance with Education Code 33353, the Board is required to designate an individual from each school that participates in CIF sports to serve as a representative to the local CIF league. The name and contact information of these representatives must be annually reported to CIF. The following paragraph may be revised to reflect district practice.

*NO*  
The Board shall annually designate a representative to the local CIF league from each school that participates in CIF sports. The Superintendent or designee shall recommend a candidate for the position who demonstrates an understanding of the district's goals for student learning and interscholastic activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the district, and interpersonal communication and leadership skills.

The designated representative(s) shall vote on issues that impact interscholastic athletics at the league and section levels, perform any other duties required by the CIF league, and report regularly to the Board on league, section, and statewide issues related to athletic programs.

*(cf. 0500 - Accountability)*

**Student Eligibility**

Note: The following section provides that student eligibility for participation in athletic programs shall be based on the same criteria adopted by the Board for all other extracurricular or cocurricular activities (see BP/AR 6145 - Extracurricular and Cocurricular Activities), and may be revised to reflect district practice.

Education Code 48850 specifies that a homeless student, or a foster youth whose residence changes pursuant to a court order or decision of a child welfare worker, shall be deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports; see AR 6173 - Education for Homeless Children and AR 6173.1 - Education for Foster Youth.

In addition, Education Code 49700-49701 establish a uniform means of assisting children of active duty military families transferred from one state to another, by reducing or eliminating the barriers to their educational success caused by the frequent moves and deployments of their parents/guardians; see BP/AR 6173.2 - Education of Children of Military Families. Among other things, Education Code 49701 requires flexibility of districts' local rules to facilitate eligibility for extracurricular activities of children of military personnel.

*ok*  
Eligibility requirements for student participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement, shall be the same as those set by the district for participation in extracurricular and cocurricular activities.

- (cf. 3530 - Risk Management/Insurance)*
- (cf. 5111.1 - District Residency)*
- (cf. 5121 - Grades/Evaluation of Student Achievement)*
- (cf. 6145 - Extracurricular and Cocurricular Activities)*
- (cf. 6146.1 - High School Graduation Requirements)*
- (cf. 6173 - Education for Homeless Children)*
- (cf. 6173.1 - Education for Foster Youth)*
- (cf. 6173.2 - Education of Children of Military Families)*

*MB*

**ATHLETIC COMPETITION (continued)**

Note: The following **optional** paragraph is for use by districts that participate in CIF. CIF bylaws specify eligibility criteria for participating student athletes, including criteria related to ~~age~~, grade, attendance, scholastic achievement, residence, transfers, and discipline. In addition, in accordance with CIF bylaws, students in home schooling or home study/independent study programs are not eligible for CIF interscholastic competition unless they are enrolled in a program under the jurisdiction of a CIF member school district (i.e., a program in which the district approves the curriculum, administers the program, and evaluates the student).

*NO* In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

Note: Education Code 49010-49011 and the California Department of Education's (CDE) Fiscal Management Advisory 12-02, Pupil Fees, Deposits, and Other Charges, clarify that districts may not charge a fee for student participation in extracurricular activities, regardless of whether the activity is elective. Such prohibited fees include, but are not limited to, the cost of uniforms, locks, lockers, and equipment.

However, pursuant to Education Code 32220-32224, the district may charge a fee for required medical and accident insurance for athletic team members that is not paid for with school district or student body funds, as long as costs for insurance are covered for those determined to be financially unable to pay; see the accompanying administrative regulation and AR 5143 - Insurance. The district may also charge a fee for other students to attend athletic events as spectators since such attendance is not directly related to the educational program. Districts are advised to seek legal counsel before charging a fee for any activity which may be construed as related to the educational program.

*OK* Students shall not be charged a fee to participate in an athletic program, including, but not limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.

(cf. 3260 - Fees and Charges)  
(cf. 5143 - Insurance)

**Sportsmanship**

Note: CIF has adopted a set of principles entitled Pursuing Victory with Honor to provide the tools for teaching character development to student athletes. Districts that are not affiliated with CIF may delete or modify the following **optional** section to reflect district practice.

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship, ~~and the Code of Ethics adopted by CIF.~~

*see ed by ok* Students and staff shall be subject to disciplinary action for improper conduct.

(cf. 3515.2 - Disruptions)  
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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## ATHLETIC COMPETITION (continued)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.4 - Student Disturbances)

(cf. 5144 - Discipline)

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

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

### Health and Safety

**Note: See the accompanying administrative regulation for additional requirements pertaining to the health and safety of student athletes, including students who experience concussions or other head injuries, heat illness, or sudden cardiac arrest.**

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

Note: CIF requires students in grades 9-12 to undergo medical examinations before participating in interscholastic competition; see BP 5141.3 - Health Examinations. Pursuant to Education Code 49458, any examination required for participation in an interscholastic athletic program may be conducted by a physician or physician assistant.

*No - HS requirement*  
~~Students shall have a medical clearance before participating in interscholastic athletic programs.~~ Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

(cf. 5131.61 - Drug Testing)

(cf. 5131.63 - Steroids)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5141.7 - Sun Safety)

(cf. 5143 - Insurance)

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

(cf. 5142 - Safety)

**Note: Education Code 35179.4, as added by AB 2009 (Ch. 646, Statutes of 2018), requires any district that offers an interscholastic athletic program to develop a written emergency action plan, as provided below. A sample emergency action plan that may be used in the event of sudden cardiac arrest, catastrophic injury, or other medical emergency is available on CIF's web site.**

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## ATHLETIC COMPETITION (continued)

The Superintendent or designee shall develop a written emergency action plan that describes the location of automated external defibrillator(s) and procedures to be followed in the event of sudden cardiac arrest or other medical emergency related to the athletic program's activities or events. ~~The plan shall be posted in accordance with guidelines of the National Federation of State High School Associations. (Education Code 33179.4)~~

Note: Education Code 49475 requires that a student at any grade level who is suspected of sustaining a concussion be immediately removed from the athletic activity and not returned until a health care provider provides written clearance. Education Code 33479.5, as added by AB 1639 (Ch. 792, Statutes of 2016), and CIF bylaws require that a student athlete who passes out or faints, or is known to have passed out or fainted, while participating in or immediately following an athletic activity be removed from participation and not be allowed to return until he/she has been evaluated and given written clearance to return to participation by a health care provider. See the accompanying administrative regulation.

Education Code 33479.5 and 49475 specify that these requirements do not apply during an athletic activity occurring within the regular school day or in physical education class unless it constitutes a practice, interscholastic practice, or scrimmage. However, to promote student safety, it is recommended that district staff remove a student from an athletic activity at any time of day if he/she exhibits the symptoms of a concussion or sudden cardiac arrest.

In the event of **an a serious** injury or a perceived imminent risk to a student's health, **such as a concussion or passing out, fainting, or other sign of sudden cardiac arrest**, during or immediately after an athletic activity, the coach or any other district employee who is present shall remove the student athlete from the activity, observe universal precautions in handling blood or other bodily fluid, and/or seek medical treatment for the student as appropriate.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141 - Health Care and Emergencies)

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

(cf. 5141.22 - Infectious Diseases)

Note: The following optional paragraph may be revised to reflect district practice.

*ok* Whenever **an a serious** injury **or illness** is suffered by a student **athlete**, the Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury **or illness** suffered by the student and any actions taken to treat the student.

Legal Reference: (see next page)

*MS*

## ATHLETIC COMPETITION (continued)

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

17578 Cleaning and sterilizing of football equipment

17580-17581 Football equipment

32220-32224 Insurance for athletic teams, especially:

32221.5 Required insurance for athletic activities

33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program

33354 California Department of Education authority over interscholastic athletics

33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act

35160.5 District policies; rules and regulations

35179 Interscholastic athletics

35179.1 California High School Coaching Education and Training Program

**35179.4 Emergency action plan**

35179.5 Interscholastic athletics; limitation on full-contact practices

**35179.6 Automated external defibrillator, athletic activities**

48850 Interscholastic athletics; students in foster care and homeless students

48900 Grounds for suspension and expulsion

48930-48938 Student organizations

49010-49013 Student fees

49020-49023 Athletic programs; legislative intent, equal opportunity

49030-49034 Performance-enhancing substances

49458 Health examinations, interscholastic athletic program

49475 Health and safety, concussions and head injuries

49700-49701 Education of children of military families

51242 Exemption from physical education for high school students in interscholastic athletic program

#### HEALTH AND SAFETY CODE

**1797.196 Automated external defibrillator**

#### PENAL CODE

245.6 Hazing

#### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs, especially:

4920-4922 Nondiscrimination in intramural, interscholastic, and club activities

5531 Supervision of extracurricular activities of students

5590-5596 Employment of noncertificated coaches

#### UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

#### CODE OF FEDERAL REGULATIONS, TITLE 34

106.31 Nondiscrimination on the basis of sex in education programs or activities

106.33 Comparable facilities

106.41 Nondiscrimination in athletic programs

#### COURT DECISIONS

Mansourian v. Regents of University of California, (2010) 602 F. 3d 957

McCormick v. School District of Mamaroneck, (2004) 370 F.3d 275

Kahn v. East Side Union High School District, (2003) 31 Cal. 4th 990

Hartzell v. Connell, (1984) 35 Cal. 3d 899

**ATHLETIC COMPETITION (continued)**

*Management Resources:*

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

**Athletic Department Emergency Action Plan: Response Teams**

California Interscholastic Federation Constitution and Bylaws

A Guide to Equity in Athletics

Guidelines for Gender Identity Participation

Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians

**Event Emergency Guidelines, 2013**

Pursuing Victory with Honor, 1999

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Heads Up: Concussion in High School Sports, Tool Kit, June 2010

Heads Up: Concussion in Youth Sports, Tool Kit, July 2007

Acute Concussion Evaluation (ACE) Care Plan, 2006

**NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS PUBLICATIONS**

**Emergency Action Planning Guide for After-School Practices and Events**

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

Withdrawal of Dear Colleague Letter on Transgender Students, Dear Colleague Letter, February 22, 2017

Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague Letter, April 20, 2010

WEB SITES

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

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

California Interscholastic Federation: <http://www.cifstate.org>

Centers for Disease Control and Prevention, Concussion Resources: <http://www.cdc.gov/concussion>

National Federation of State High School Associations: <http://www.nfhs.org>

National Operating Committee on Standards for Athletic Equipment: <http://www.nocsae.org>

U.S. Anti-Doping Agency: <http://www.usada.org>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

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# CSBA Sample Administrative Regulation

**Instruction**

AR 6145.2(a)

## **ATHLETIC COMPETITION**

### **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

Note: The following section reflects pertinent provisions of federal and state and federal law regarding nondiscrimination (Title IX, 20 USC 1681-1688; Education Code 200-262.4; 5 CCR 4900-4965; Title IX, 20 USC 1681-1688). The Office for Civil Rights (OCR) in the U.S. Department of Education oversees complaints regarding violations of Title IX.

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, or any other basis specified in law any actual or perceived characteristic specified in law and BP 0410 - **Nondiscrimination in District Programs and Activities**. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

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

Note: 5 CCR 4921 and 34 CFR 106.41 authorize the establishment of separate teams for males and females where the selection of teams is based on competitive skills. 34 CFR 106.41 also authorizes single-sex teams for contact sports, as defined. Because state regulations do not address single-sex teams for contact sports, districts should consult legal counsel prior to establishing any such single-sex team for a contact sport for which selection is not based on competitive skills.

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Note: Pursuant to Education Code 221.5, a district is required to permit a transgender student to participate in sex-segregated school programs and activities, including athletic teams and competitions, consistent with his/her gender identity, regardless of the gender listed in the student's records; see BP/AR 5145.3 - Nondiscrimination/Harassment. The California Interscholastic Federation's (CIF) bylaws and Guidelines for Gender Identity Participation contain procedures for addressing student complaints regarding gender identity-based participation in interscholastic sports. Also see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination.

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with his/her gender identity and for which he/she is otherwise eligible to participate, irrespective of the gender listed on the student's records. (Education Code 221.5)

*(cf. 5125 - Student Records)*

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**ATHLETIC COMPETITION (continued)**

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

Note: 5 CCR 4922 and 34 CFR 106.41, as reflected in items #1-11 below, list factors that districts must consider when determining whether equivalent opportunities are being provided. The CIF's A Guide to Equity in Athletics suggests actions that districts can take for each of the factors to help the district meet its equivalence goals. Any district with questions about equivalent athletic opportunities for its students should consult legal counsel.

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

Note: Education Code 230 provides the following three-part test to determine if a district has effectively accommodated the interests and abilities of both sexes in athletics. This test is the same three-part test that is used by OCR for helping to determine equivalent opportunities under Title IX.

The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230)

Note: CIF's A Guide to Equity in Athletics advises that, in order to meet the criterion specified in item #1a below, the ratio of male/female athletes should be within five percent of the ratio of male/female district enrollment.

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
- b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

Note: In evaluating whether there is an unmet interest in a particular sport and sufficient ability to sustain a team in the sport (item #1c below), OCR considers (1) whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students, (2) whether a

**ATHLETIC COMPETITION (continued)**

viaible team for the underrepresented sex was recently eliminated, (3) multiple indicators of interest, (4) multiple indicators of ability, and (5) frequency of conducting assessments. Thus, a student survey is one of multiple indicators that may be used. A letter issued by OCR in April 2010 provides information that the district might consider in developing its own survey. In addition, CIF's A Guide to Equity in Athletics provides sample surveys.

- c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
2. The provision and maintenance of equipment and supplies
3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
4. Travel and per diem allowances
5. Opportunities to receive coaching and academic tutoring
6. Assignment and compensation of coaches and tutors
7. Provision of locker rooms, practice facilities, and competitive facilities
8. Provision of medical and training facilities and services
9. Provision of housing and dining facilities and services
10. Publicity

Note: 5 CCR 4922 clarifies that unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams shall not by itself constitute a failure to provide equivalent opportunities. However, the provision of necessary funding for teams of both sexes is a factor in the determination, as specified below.

11. Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school web site, or on the district web site if the school does not have a web site, the following information: (Education Code 221.9)

1. The total enrollment of the school, classified by gender

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**ATHLETIC COMPETITION (continued)**

2. The number of students enrolled at the school who participate in competitive athletics, classified by gender
3. The number of boys' and girls' teams, classified by sport and by competition level

*(cf. 1113 - District and School Web Sites)*

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the web site. (Education Code 221.9)

*(cf. 3580 - District Records)*

**Concussions and Head Injuries**

Note: Education Code 49475 requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians. The district may use fact sheets developed by the Centers for Disease Control and Prevention (CDC), available on CIF's web site, or other resources to develop the information sheet.

The requirements of Education Code 49475 apply to any district that offers an athletic program at any grade level and for any sport. These requirements do not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course.

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student's initiating practice or competition. (Education Code 49475)

*(cf. 5145.6 - Parental Notifications)*

Note: Education Code 49032 requires that each high school coach complete an education program that includes, but is not limited to, a basic understanding of the signs and symptoms of concussions and appropriate response to them. CIF makes free online courses available through its web site. Also see AR 4127/4227/4327 - Temporary Athletic Team Coaches.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding concussion symptoms, prevention, and appropriate response. (Education Code 35179.1, 49032)

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

Note: Education Code 49475 requires that a student at any grade level engaged in an athletic program apart from the regular school day or physical education course who is suspected of sustaining a concussion be

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**ATHLETIC COMPETITION (continued)**

immediately removed from the athletic activity and not be allowed to return until a health care provider provides written clearance. CDC's web site includes an Acute Concussion Evaluation form which may be used to provide injured students and their parents/guardians with information about monitoring symptoms and the health care provider's recommendations regarding returning to daily activities, school, and sports. See **also** CIF's web site for additional information regarding concussions.

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

Note: The following paragraph is for use by districts that offer a football program and may be revised to reflect the grade levels offered by the district.

*No*

A middle school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, *full-contact practice* means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)

**Heat Illness**

Note: Pursuant to Education Code 35179.1, as amended by AB 2800 (Ch. 21, Statutes of 2018), effective January 1, 2019, the district or CIF-developed coaching education program required by Education Code 49032 must include training on the signs and symptoms of, and the appropriate response to, heat illness. The National Federation of State High Schools offers a free online course, available on CIF's web site, that fulfills these requirements.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat cramps, heat syncope, heat exhaustion, and exertional heat stroke. (Education Code 35179.1, 49032)

Note: The following optional paragraph reflects recommendations in CSBA's and CIF's joint publication Preventing Catastrophic Heat Illness, and may be expanded to include additional district strategies.

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## ATHLETIC COMPETITION (continued)

*OK*

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

## Sudden Cardiac Arrest

Note: Education Code 33479.3, as added by AB 1639 (Ch. 792, Statutes of 2016), requires that student athletes and their parents/guardians receive information on the nature and warning signs of sudden cardiac arrest, as provided below. This information is available from CIF or, if the athletic activity is not governed by CIF, on the California Department of Education's (CDE) web site. In addition, Education Code 33479.2, as added by AB 1639, encourages districts to post on their web sites the information provided on CDE's web site pertaining to sudden cardiac arrest.

*NO HS*

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by the CIF, the student and his/her parent/guardian shall, prior to participating the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site. (Education Code 33479.2, 33479.3)

Note: Beginning July 1, 2017, Education Code 33479.6, as added by AB 1639 (Ch. 792, Statutes of 2016), requires the coach of an athletic activity to complete, every two years, a training course related to the nature and warning signs of sudden cardiac arrest. See AR 4127/4227/4327 - Temporary Athletic Team Coaches. CIF makes free online courses available through its web site.

*OK*

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs of sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

Note: Education Code 33479.5, as added by AB 1639 (Ch. 792, Statutes of 2016), and CIF bylaws provide for a student's removal from participation in an athletic activity if he/she passes out or faints. As defined by Education Code 33479.1, as added by AB 1639, an "athletic activity" includes (1) interscholastic athletics; (2) an athletic contest or competition sponsored by a school, including cheerleading and club-sponsored sports activities; (3) noncompetitive cheerleading sponsored by a school; and (4) practices, interscholastic practices, and scrimmages for all these activities. Pursuant to Education Code 33479.5, this requirement does not apply when a student engages in an athletic activity during the regular school day or as part of a physical education course, unless the activity constitutes a practice, interscholastic practice, or scrimmage. Furthermore, Education Code 33479.5 authorizes, but does not require, the removal of a student from an athletic activity if he/she exhibits symptoms of sudden cardiac arrest other than passing out or fainting, as provided below. However, to promote student safety, the district may choose to require its staff to remove a student from an athletic activity if he/she exhibits any symptom of sudden cardiac arrest at any time.

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**ATHLETIC COMPETITION (continued)**

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following his/her participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, he/she may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall not be permitted to return until he/she is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

**Automated External Defibrillators**

**Note: Pursuant to Education Code 35179.6, as added by AB 2009 (Ch. 646, Statutes of 2018), effective July 1, 2019, a district that offers an interscholastic athletic program is required to make an automated external defibrillator (AED) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events. Education Code 35179.6 encourages districts to make AEDs available for emergency care or treatment within three to five minutes of sudden cardiac arrest to any person in attendance at an on-campus athletic activity or event.**

**Education Code 35179.6 clarifies that the district or district employee will not be liable for civil damages resulting from any act or omission in the rendering of emergency care or treatment provided that the employee complies with the requirements of Health and Safety Code 1797.196 and does not act with gross negligence or willful or wanton misconduct by using, attempting to use, or maliciously failing to use an AED to render emergency care or treatment.**

**The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at athletic activities and events. (Education Code 35179.6)**

*(cf. 5141 - Health Care and Emergencies)*

**The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED and the provision and posting of information regarding the proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)**

MS

**ATHLETIC COMPETITION (continued)****Additional Parental Notifications**

Note: The following optional section lists notices that the district may send to parents/guardians of students participating in interscholastic athletics. This section should be revised to reflect district practice.

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall, in addition to providing his/her parents/guardians with information on the signs and symptoms of concussions and sudden cardiac arrest as described above, send a notice to the student's parents/guardians which:

Note: Education Code 33353 requires CIF to provide information to students and parents/guardians about procedures for discrimination complaints arising from interscholastic athletic activities. Education Code 33354 allows a complainant to file a discrimination complaint directly with the CDE.

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Education Code 221.61, as added by SB 1375 (Ch. 655, Statutes of 2016), requires districts to post specified information on their web sites related to Title IX. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. See AR 5145.3 - Nondiscrimination/Harassment. Optional item #2 below provides that this information will also be provided in writing to the parents/guardians of student athletes.

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8

Note: In Kahn v. East Side Union High School District, the California Supreme Court analyzed the liability of a coach for an injury to a member of a high school diving team. The court acknowledged that some risk of injury is inherent in sports and part of a coach's job is to "push" a student athlete to advance his/her skill level and to undertake more difficult tasks. According to the court, a coach could be found liable only when he/she intentionally injures the student or engages in conduct that is so reckless that it is outside of the ordinary activity involved in teaching or coaching the sport.

The district may or may not wish to seek a waiver of liability for accidents or injuries resulting from participation in athletic activities. Whether a liability waiver is legally effective is likely to be determined on a case-by-case basis, and it is questionable whether a student's right to participate in extracurricular activities could be made contingent upon the submission of a waiver. Legal counsel should be consulted when addressing the complex issues related to liability waivers.

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

NO  
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MS

**ATHLETIC COMPETITION** (continued)

*(cf. 3536 - Risk Management/Insurance)*

Note: Education Code 32221.5 requires the district to provide information about insurance protection to each student participating on a school athletic team. For specific language that must be contained in this statement, see AR 5143 - Insurance.

4. Provides information about insurance protection pursuant to Education Code 32221.5

*(cf. 5143 - Insurance)*

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the district to and from competitions

*(cf. 3541.1 - Transportation for School-Related Trips)*

Note: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion if he/she engages, or attempts to engage, in hazing.

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

*(cf. 5144 - Discipline)*

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

7. Includes a copy of the local **California Interscholastic Federation (CIF)** league rules

Note: Pursuant to Education Code 49033 and CIF bylaws, any student participating in athletics and his/her parent/guardian must sign a statement that the student will not use androgenic/anabolic steroids, unless he/she has a written prescription from a licensed health care practitioner, or dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine. See BP/AR/E 5131.63 - Steroids.

8. Includes information about the CIF bylaw and district policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, or prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

*(cf. 5131.63 - Steroids)*

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ND

MS

# CSBA Sample Board Policy

No HS

## Instruction

BP 6152.1(a)

### PLACEMENT IN MATHEMATICS COURSES

Note: Pursuant to Education Code 51224.7, ~~the~~ Governing Board of a district which serves 9th-grade students and has not adopted a mathematics placement policy is mandated pursuant to Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015), to develop and, at a regularly scheduled public Board meeting, adopt a fair, objective, and transparent mathematics placement policy with specified components, before the 2016-17 school year. Even a district with an adopted mathematics placement policy must ensure that its policy includes components specified in Education Code 51224.7. Districts serving students that are transitioning between elementary and middle or junior high school are authorized, but not required, to adopt and implement a policy that satisfies the components specified in Education Code 51224.7. Although not required, districts serving students who are transitioning between elementary and middle or junior high schools are encouraged to adopt and implement policy to address the transition from elementary to secondary mathematics courses.

Pursuant to Education Code 51225.3, high school graduation requirements include the completion of at least two mathematics courses in grades 9-12. Pursuant to Education Code 51224.5, as amended by AB 220 (Ch. 165, Statutes of 2015), one of those two courses must meet or exceed state content standards for Algebra I or Mathematics I. While the completion of Algebra I or Mathematics I coursework prior to 9th grade would satisfy this requirement, it does not exempt a student from the requirement to complete two mathematics courses in grades 9-12. See BP 6142.92 - Mathematics Instruction and BP 6146.1 - High School Graduation Requirements.

According to a report released in 2013 by the Lawyers' Committee for Civil Rights of San Francisco Bay Area, Held Back: Addressing Misplacement of 9th Grade Students in Bay Area School Math Classes, in many districts, high school freshmen place students who have successfully completed Algebra I in 8th grade are placed in 9th grade into Algebra I class again in 9th grade. In adding Education Code 51224.7, the legislature declared that placement in appropriate mathematics courses is critically important for a student in his/her middle and high school years, and that misplacement in the sequence of mathematics courses creates barriers for educational success, especially for students of color.

The Governing Board believes that a sound educational program must include the study of subjects that prepare students for admission to higher education and/or a fulfilling careers. ~~To the extent possible, a~~ District students shall be provided an opportunity to complete a sequence of mathematics courses recommended for admission into the University of California and California State University systems.

(cf. 6141.5 - Advanced Placement)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

Note: Education Code 51224.7 requires the use of multiple objective academic measures for student placement in mathematics courses. The following paragraph may be revised to reflect district practice. For nonunified districts, Education Code 51224.7 also requires mandates that the policy address the consistency of mathematics placement policies between elementary and high school districts.

MB

**PLACEMENT IN MATHEMATICS COURSES** (continued)

The Superintendent or designee shall work with district teachers, counselors, and administrators and the representatives of feeder schools to develop a **well-articulated sequence of mathematics courses and** consistent protocols for placing students in mathematics courses offered at district high schools.

**Note: Education Code 51224.7 mandates that the district's policy include the following statement. Also see the accompanying administrative regulation for further information regarding placement protocols.**

Such placement protocols shall systematically take into consideration multiple objective academic measures that may include, but are not limited to, **statewide mathematics assessments, including state** interim and summative assessments; placement tests that are aligned to state-adopted content standards in mathematics; classroom assignment and grades; and report cards. **(Education Code 51224.7)**

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

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - State Academic Achievement Tests)*

**Note: The Lawyers' Committee for Civil Rights of San Francisco Bay Area's report, Held Back: Addressing Misplacement of 9th Grade Students in Bay Area School Math Classes, also found that the practice of having 9th graders 9th-grade students repeat Algebra I disproportionately affects students of color and from low-income families, and could therefore be found to be discriminatory. For more information about the prohibition against discrimination in district programs and activities, see BP 0410 - Nondiscrimination in District Programs and Activities.**

District staff shall implement the placement protocols uniformly and without regard to students' ~~race, sex, gender, nationality, ethnicity, socioeconomic background, or other subjective or discriminatory consideration in making placement decisions~~ **any characteristic specified in BP 0410 - Nondiscrimination in District Programs and Activities, including, but not limited to, race, sex, gender, nationality, and ethnicity.**

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

*(cf. 0415 - Equity)*

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

~~Students shall be enrolled in mathematics courses based on the placement protocols. No student shall repeat a mathematics course which he/she has successfully completed based on the district's placement protocols.~~

**Note: The following optional paragraph provides a limited exception to the use of objective measures for making placement decisions and may be revised to reflect district practice.**

MB

**PLACEMENT IN MATHEMATICS COURSES (continued)**

When a student does not qualify to be enrolled in a higher level mathematics course based on a consideration of the objective measures specified in the placement protocols, he/she may nevertheless be admitted to the course based on the recommendation of a teacher or counselor who has personal knowledge of the student's academic ability.

Note: Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015), requires mandates that the district's policy include at least one placement checkpoint within the first month of the school year to ensure accurate placement and permit reevaluation of individual student progress.

The placement protocols shall specify a time provide for at least one reevaluation within the first month of the school year when students shall be reevaluated to ensure that they students are appropriately placed in mathematics courses and shall specify the criteria the district will use to make this determination. Any student found to be misplaced shall be promptly placed in the appropriate mathematics course.

Note: The following paragraph contains timelines that may be revised to reflect district practice. Pursuant to Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015), the district's policy must mandates that the district's policy offer a clear and timely recourse for any student and his/her parent/guardian who question the student's placement. See the accompanying administrative regulation for additional language implementing this requirement.

**If a student or parent/guardian questions the student's placement, he/she may appeal the decision to the Superintendent or designee. The decision of the Superintendent or designee shall be final.**

Within 10 school days of an initial placement decision or a placement decision upon reevaluation, a student and his/her parent/guardian who disagree with the placement of the student may appeal the decision to the Superintendent or designee. The Superintendent or designee shall decide whether or not to overrule the placement determination within 10 school days of receiving the appeal. The decision of the Superintendent or designee shall be final.

*(cf. 5123 - Promotion/Acceleration/Retention)*

Note: The Lawyers' Committee for Civil Rights of San Francisco Bay Area's report also found that the practice of having 9th graders repeat Algebra I disproportionately affects students of color and from low-income families, and could therefore be found to be discriminatory. For more information about the prohibition against discrimination in district programs and activities, see BP 0410 - Nondiscrimination in District Programs and Activities.

District staff shall implement the placement protocols uniformly and without regard to students' race, sex, gender, nationality, ethnicity, socioeconomic background, or other subjective or discriminatory consideration in making placement decisions.

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

MS

**PLACEMENT IN MATHEMATICS COURSES (continued)**

The Superintendent or designee shall ensure that all teachers, counselors, and other district staff responsible for determining students' placement in mathematics courses receive training on the placement protocols.

*(cf. 4131 - Staff Development)*

Prior to the beginning of each school year, the Superintendent or designee shall communicate the district's commitment to providing students with the opportunity to complete mathematics courses recommended for college admission, including approved placement protocols and the appeal process, to parents/guardians, students, teachers, school counselors, and administrators.

This policy and the district's mathematics placement protocols shall be posted on the district's web site. (Education Code 51224.7)

*(cf. 1113 - District and School Web Sites)*

Note: To ensure that students who are qualified to progress in mathematics courses based on their performance on district-selected objective academic measures are not unlawfully or inappropriately held back in the manner specified in the following paragraph, Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015), requires mandates that the policy include a requirement for an annual examination of aggregate student placement data which must be reported to the Board. In addition, pursuant to Education Code 52060, districts must annually review their progress toward the student achievement goals in their local control and accountability plan using measures that include, as applicable, the percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University.

Annually, †The Board and the Superintendent or designee shall annually review student data related to placement and advancement in the mathematics courses offered at district high schools to ensure that students who are qualified to progress in mathematics courses based on their performance on objective academic measures are not being held back in a disproportionate manner on the basis of their race, ethnicity, gender, or socioeconomic background any subjective or discriminatory basis, and shall develop strategies. The Board and Superintendent shall also consider appropriate recommendations for removing any identified barriers to students' access to mathematics courses. The Superintendent or designee shall also report on the percentage of district students who have successfully completed mathematics courses that satisfy the requirements for entrance to the University of California and the California State University.

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

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*



**PLACEMENT IN MATHEMATICS COURSES (continued)**

*Legal Reference:*

**EDUCATION CODE**

- 200-262.4 Prohibition of discrimination
- 48070.5 Promotion and retention; required policy
- 51220 Areas of study, grades 7-12
- 51224.5 Completion of Algebra I or Mathematics I
- 51224.7 California Mathematics Placement Act of 2015
- 51225.3 High school graduation requirements
- 51284 Financial literacy
- 52060-52077 Local control and accountability plan**
- 60605 State-adopted content and performance standards in core curricular areas
- 60605.8 Common Core standards
- 60640-60649 California Assessment of Student Performance and Progress**

*Management Resources:*

**CSBA PUBLICATIONS**

*Math Misplacement, Governance Brief, September 2015*

*Governing to the Core, Governance Briefs*

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, 2013*

*California Common Core State Standards: Mathematics, January 2013*

**COMMON CORE STATE STANDARDS INITIATIVE PUBLICATIONS**

*Appendix A: Designing High School Mathematics Courses Based on the Common Core State Standards*

**LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF THE SAN FRANCISCO BAY AREA (LCCR)**

*Held Back - Addressing Misplacement of 9th Grade Students in Bay Area School Math Classes, 2013*

**WEB SITES**

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

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

Common Core State Standards Initiative: <http://www.corestandards.org/math>

Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR): <http://www.lccr.com>

Northwest Evaluation Association, Measures of Academic Progress: <http://www.nwea.org>

University of California, Mathematics Diagnostic Testing Project: <http://mdtp.ucsd.edu>

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**Policy Reference UPDATE Service**

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# CSBA Sample Administrative Regulation

NO

Instruction

AR 6152.1(a)

## PLACEMENT IN MATHEMATICS COURSES

### Placement Protocols

Note: Education Code 51224.7 mandates that any district that serves 9th-grade students adopt protocols for student placement in mathematics courses based on multiple objective academic measures, such as statewide assessments, including interim and summative assessments; placement tests that are aligned to state-adopted content standards in mathematics; classroom assignment and grades; and report cards. Districts that serve students transitioning from elementary to middle or junior high school may also adopt a placement protocol based on similar measures. The following section should be revised to reflect the grade levels at which the placement protocols will be applied, specific tests and other measures used for placement purposes, and the performance level on each assessment or minimum grade that will be used to determine a student's readiness for specific mathematics courses.

In determining student placement in mathematics courses for students entering grade 9, the Superintendent or designee shall assess whether each student has the prerequisite skills for success in the course and consider student and parent/guardian requests. Such determinations shall be based on multiple measures, including, but not limited to, the following:

Note: Pursuant to Education Code 60640, mathematics assessments in the California Assessment of Student Performance and Progress are administered at grades 3-8 and 11.

1. Interim and summative grade 8 mathematics assessments from the California Assessment of Student Performance and Progress
2. For students with disabilities, an alternate test or other measures when designated in a student's individualized education program (IEP)
3. Other assessments such as Measures of Academic Progress, the readiness tests of the University of California's Mathematics Diagnosis Testing Project, and/or district benchmark assessments
4. The student's grades in his/her previous mathematics course
5. The final mathematics grade on the end-of-year report card

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

(cf. 6142.92 - Mathematics Instruction)

(cf. 6143 - Courses of Study)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

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**PLACEMENT IN MATHEMATICS COURSES (continued)**

Individual student performance data shall be analyzed each spring prior to scheduling and placing students into secondary mathematics courses. Students and parents/guardians shall be notified in writing by the end of the school year as to the mathematics course in which the student has been placed.

No student shall be required to repeat a mathematics course which he/she has successfully completed in accordance with district's placement protocols.

Note: Recommendations by teachers or counselors are generally considered subjective and therefore do not meet the requirement of Education Code 51224.7 that placement in mathematics courses be based on objective measures. The following optional paragraph authorizes staff recommendations to be considered when placing a student in a higher level mathematics course than he/she would be assigned based on the district's protocol, but such recommendations should not be the sole basis for placing a student in a lower level class.

When a student does not qualify to be enrolled in a particular mathematics course based on a consideration of the objective measures specified in the placement protocol, he/she may nevertheless be admitted to the course based on the recommendation of a teacher or counselor who has personal knowledge of the student's academic ability.

Students who exhibit deficits in knowledge and skills needed to advance to a higher level mathematics course may receive supplemental instruction to improve achievement of mathematic content standards.

*(cf. 6011 - Academic Standards)*  
*(cf. 6179 - Supplemental Instruction)*

**Reevaluation**

Within the first month of the school year, mathematics course placements shall be individually reevaluated to ensure placement in the most rigorous mathematics course for which the student has the potential for success.

Criteria for reevaluating each student's placement shall include, but are not limited to, course preassessment results, attendance, and student performance in the first month of the school year as determined by teacher observation and grades on assignments and tests. Student and parent/guardian request for course placement may also be considered.

**Notification of Placement Protocol**

The district's policy and protocols related to student placement in mathematics courses shall be posted on the district's web site. (Education Code 51224.7)

*(cf. 1113 - District and School Web Sites)*

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**PLACEMENT IN MATHEMATICS COURSES (continued)**

The Superintendent or designee shall also make the district's placement policy, protocols, and course sequence readily accessible to students, parents/guardians, and staff at school sites and/or in student handbooks.

**Appeals**

Note: Education Code 51224.7 mandates that the district's policy or protocol offer a clear and timely recourse for any student and parent/guardian who question the student's placement. See the accompanying Board policy. The following paragraph contains timelines that may be revised to reflect district practice.

Within 10 school days of an initial placement decision or a placement decision upon reevaluation, a student and his/her parent/guardian who disagree with the placement may appeal the decision to the Superintendent or designee. The Superintendent or designee shall decide whether or not to overrule the placement determination within 10 school days of receiving the appeal.

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# CSBA Sample Board Policy

**Instruction**

BP 6170.1(a)

## TRANSITIONAL KINDERGARTEN

Note: The following policy is for use by districts that maintain kindergarten and may be revised to reflect district practice. Education Code 48000 provides that children are eligible for kindergarten enrollment if they have their fifth birthday on or before September 1 in that school year; see AR 5111 - Admission. Pursuant to Education Code 48000, any child whose **fifth** birthday is between September 2 and December 2 must be offered a transitional kindergarten (TK) program.

Education Code 48000 defines TK as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Many of the requirements applicable to kindergarten (e.g., class size, minimum school day, facilities) are also applicable to TK. The district will receive funding based on average daily attendance (ADA) for students in a TK program that meets the requirements specified in Education Code 48000.

For guidance on implementing TK programs, see the Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, published by the California Department of Education (CDE).

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6020 - Parent Involvement)*

### Eligibility

The district's TK program shall admit children whose fifth birthday is from September 2 through December 2. (Education Code 48000)

Note: The CDE's "Transitional Kindergarten FAQs" clarify that children are required to have documentation of required immunizations or a valid exemption prior to admission to TK. For information about required immunizations and exemptions, see BP/AR 5141.31 - Immunizations.

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**TRANSITIONAL KINDERGARTEN (continued)**

Parents/guardians of eligible children shall be notified of the availability of the TK program and the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

*(cf. 5111 - Admission)*

*(cf. 5111.1 - District Residency)*

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.3 - Health Examinations)*

*(cf. 5141.31 - Immunizations)*

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

Note: The following paragraph is **optional**. If the district chooses to allow kindergarten-eligible children to enroll in the TK program, CDE recommends that the district establish criteria to determine selection requirements. The parent/guardian of a kindergarten-eligible child who is enrolled in TK must, at the end of the year, sign a Kindergarten Continuance Form verifying that he/she agrees to have the child **continue enroll** in kindergarten the following year; see section "Continuation in Kindergarten" below.

ok  
Upon request of a child's parents/guardians, the district may, on a case-by-case basis after the Superintendent or designee determines that it is in the child's best interest, admit into the district's TK program a child whose fifth birthday is on or before September 1 and who is therefore eligible for kindergarten.

Note: The following paragraph is **optional**. Pursuant to Education Code 48000, the district may, at its discretion, determine whether to allow admittance of children whose fifth birthday is after December 2. Such students may be admitted at any time during the school year, including at the beginning of the year. Education Code 48000 provides that districts will not receive ADA apportionment for a child whose birthday is after December 2 until the child reaches his/her fifth birthday.

NO  
At any time during the school year, the district may admit into the TK program a child whose fifth birthday is after December 2 of that same school year, provided that the Superintendent or designee recommends that enrollment in a TK program is in the child's best interest and the child's parents/guardians approve. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

**Curriculum and Instruction**

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

*(cf. 6141 - Curriculum Development and Evaluation)*

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

Note: Education Code 48000 states the Legislature's intent that the TK curriculum be aligned to the California Preschool Learning Foundations developed by CDE. These standards address essential skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's web site.

MS

**TRANSITIONAL KINDERGARTEN (continued)**

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (**CDE**). It shall be designed to facilitate students' development in essential skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6011 - Academic Standards)

(cf. 6174 - Education for English Learners)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 37202, as amended by AB 99 (Ch. 15, Statutes of 2017), permits districts to maintain TK and kindergarten classes for different lengths of time during the school day, either at the same or a different school site. Districts offering TK classes for different lengths of time are still required to meet the minimum and maximum length of school day provided in law. Pursuant to Education Code 46111, **46115**, and 46117, at the kindergarten and TK level the minimum school day is three hours (180 minutes), including recess but excluding noon intermission, and the maximum school day is four hours (240 minutes), excluding recess, unless the district has adopted an extended-day kindergarten pursuant to Education Code 8973. However, pursuant to Education Code 46119, if the district has fewer than 40 kindergarten students, the Governing Board may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, including recesses, taught on the same day by the same teacher. Also see AR 6112 - School Day.

Pursuant to Education Code 48003, districts are required to provide an annual report to CDE regarding the type of kindergarten program offered by the district, including part day, full day, or both. The School Information Form 2017, located on the CDE web site, requires a report on the type of TK program offered.

NA The Board shall establish the length(s) of the school day in the district's TK program. TK programs may be maintained for different lengths of time either at the same or different school sites, as long as the school day is at least three hours but no more than four hours. The Superintendent or designee shall annually report to ~~the California Department of Education~~ **CDE** as to whether the district's TK programs are offered full day, part day, or both. (Education Code 37202, 46111, **46115**, 46117, 48003)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

Note: The following **optional** paragraph may be revised to reflect district practice. According to CDE's "Transitional Kindergarten FAQs," it is the intent of the law to provide separate and unique experiences for TK and kindergarten students. However, districts have flexibility to determine how best to meet the curricular needs of each child and whether TK and kindergarten students may be enrolled in the same classrooms.

OK TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

ME

**TRANSITIONAL KINDERGARTEN (continued)**

Note: AB 1808 (Ch. 32, Statutes of 2018) amended Education Code 8235 and 48000 to allow districts to place 4-year-old children enrolled in a California State Preschool Program into a TK program and to commingle children from both programs in the same classroom as long as all of the requirements of each program are met and the district adheres to specified requirements, including that the classroom does not contain children enrolled in TK for a second year or children enrolled in a regular kindergarten. Also see BP/AR 5148.3 - Preschool/Early Childhood Education.

**TK students may be placed in a classroom commingled with 4-year-old students from a California State Preschool Program as long as the classroom does not include students enrolled in TK for a second year or students enrolled in a regular kindergarten. (Education Code 8235, 48000)**

NO

**Staffing**

Note: To be qualified to teach a TK class, the teacher must possess an appropriate multiple subjects or early childhood education credential issued by the Commission on Teacher Credentialing (CTC) authorizing instruction in TK. Education Code 48000 establishes additional requirements for credentialed teachers who are first assigned to a TK class after July 1, 2015, as provided below.

TK assignments are subject to assignment monitoring and reporting by the County Superintendent of Schools in accordance with Education Code 44258.9.

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) that authorizes such instruction.

*(cf. 4112.2 - Certification)*

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2020, have at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by the CTC. (Education Code 48000)

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children.

*(cf. 4131 - Staff Development)*

**Continuation to Kindergarten**

Note: The following section is consistent with guidance in CDE's "Transitional Kindergarten FAQs."

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

AB



**TRANSITIONAL KINDERGARTEN (continued)**

Note: The following **optional** paragraph is for use by districts that allow kindergarten-eligible children to enroll in TK; see "Eligibility" section above. When such students are subsequently enrolled in kindergarten, the district is required to obtain a signed Kindergarten Continuance Form in order to receive kindergarten ADA for those children since they would otherwise be age-eligible for first grade. CDE recommends that approval for a student to continue in kindergarten not be sought until near the end of the year of TK, since permission obtained unreasonably far in advance could be found invalid.

OK

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

Note: Pursuant to Education Code 46300, the district may not include for ADA purposes the attendance of any student for more than two years in a combination of TK and kindergarten.

A student shall not attend more than two years in a combination of TK and kindergarten. (Education Code 46300)

(cf. 5123 - Promotion/Acceleration/Retention)

**Assessment**

Note: The following section may be revised to reflect district practice. One assessment resource for TK students is CDE's Desired Results Developmental Profile, which is designed to assess the developmental progression of all children from early infancy to kindergarten entry.

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. He/she shall monitor and regularly report to the Board regarding program implementation and the progress of students in meeting related academic standards.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

*Legal Reference: (see next page)*

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**TRANSITIONAL KINDERGARTEN (continued)**

*Legal Reference:*

EDUCATION CODE

**8235 California State Preschool Program**

8973 Extended-day kindergarten

37202 School calendar; equivalency of instructional minutes

44258.9 Assignment monitoring by county superintendent of schools

46111 Kindergarten, hours of attendance

46114-46119 Minimum school day, kindergarten

46300 Computation of ADA, inclusion of kindergarten and transitional kindergarten

48000 Age of admission, kindergarten and transitional kindergarten

48002 Evidence of minimum age required to enter kindergarten or first grade

48003 Kindergarten annual report

48200 Compulsory education, starting at age six

*Management Resources:*

CSBA PUBLICATIONS

*What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Transitional Kindergarten FAQs*

*Desired Results Developmental Profile, 2015*

*Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, 2013*

***California Preschool Curriculum Framework, Vol. 3, 2013***

***California Preschool Learning Foundations, Vol. 3, 2012***

***California Preschool Curriculum Framework, Vol. 2, 2011***

***California Preschool Learning Foundations, Vol. 2, 2010***

***California Preschool Curriculum Framework, Vol. 1, 2010***

***California Preschool Learning Foundations, Vol. 1, 2008***

WEB SITES

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

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

California Kindergarten Association: <http://www.ckanet.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Transitional Kindergarten California: <http://www.tkcalifornia.org>

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# CSBA Sample Board Policy

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Instruction

BP 6178(a)

## CAREER TECHNICAL EDUCATION

Note: The following policy is for use by districts that maintain any of grades 7-12. Education Code 51220 requires that the adopted course of study for grades 7-12 include courses in career technical education (CTE); see BP/AR 6143 - Courses of Study.

The Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) (20 USC 2301-2414) provides (1) state basic grants for local programs of CTE for secondary and postsecondary students, and (2) tech prep grants for programs that incorporate at least two years of secondary education with two years of postsecondary education in a sequential course of study. Funding for CTE programs may be available through the federal Strengthening Career and Technical Education for the 21st Century Act, sometimes referred to as Perkins V (20 USC 2301-2414, as amended by P.L. 115-224 and effective July 1, 2019), and state grant programs such as the California Career Pathways Trust pursuant to Education Code 53010-53016 and the California Career Technical Education Incentive Grant Program pursuant to Education Code 53070-53076.4, as amended by AB 1808 (Ch. 32, Statutes of 2018). In addition, secondary schools may offer CTE through partnership academies (Education Code 54690-54697), regional occupational centers and programs (ROC/Ps) (Education Code 52300-52335.12), and/or district-funded programs. Education Code 52372.5-52372.7, as amended by AB 790 (Ch. 616, Statutes of 2011), establish a pilot project to implement a limited number of districtwide "linked learning" programs integrating academic and technical study (sometimes called "multiple pathways") and describe components of such programs; see the accompanying administrative regulation.

The following policy should be revised to reflect program(s) offered by the district and grade levels at which such programs shall be offered.

The Governing Board desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. The program shall include a rigorous academic component and provide students with a strong practical experience and understanding of all aspects of an industry.

(cf. 6143 - Courses of Study)  
(cf. 6200 - Adult Education)

The district's CTE program shall focus on preparing students to enter current or emerging high-skill, high-wage, and/or high-demand occupations. CTE opportunities may be offered through linked learning programs, partnership academies, apprenticeship programs or orientation to apprenticeships, regional occupational centers or programs (ROC/Ps), tech prep programs, charter schools, small learning communities, magnet programs, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

(cf. 0420.4 - Charter School Authorization)

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**CAREER TECHNICAL EDUCATION (continued)***(cf. 6178.2 - Regional Occupational Center/Program)*

Note: Pursuant to 20 USC 2354, districts applying for Perkins IV funding must submit to the California Department of Education (CDE) a district plan which covers the same time period as the state plan required by 20 USC 2342; see the accompanying administrative regulation. In addition, the district must annually submit an application for funding which must be approved by the Governing Board.

**The Superintendent or designee shall explore available funding sources that may be used to support CTE programs.** The Board shall review and approve all district plans and applications for the use of **district, state, and/or federal funds** supporting CTE.

*(cf. 3230 - Federal Grant Funds)*

Note: State model curriculum standards for CTE for grades 7-12 integrate the state's academic content standards with industry-specific knowledge and skills in 58 career pathways organized into 15 industry sectors: agriculture and natural resources; arts, media, and entertainment; building trades and construction; education, child development, and family services; energy and utilities; engineering and design; fashion and interior design; finance and business; health science and medical technology; hospitality, tourism, and recreation; information technology; manufacturing and product development; marketing, sales, and service; public services; and transportation. The state's curriculum framework for CTE provides guidance in implementing the state content standards. Any district that adopts a course of study that meets or exceeds the state model curriculum standards will be deemed to have satisfied the requirement of Education Code 51228 that the district offer students in grades 7-12 the opportunity to attain entry-level employment skills in business or industry upon high school graduation; see BP 6143 - Courses of Study.

The Board shall adopt district standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with district-adopted standards and the state's curriculum framework.

*(cf. 6011 - Academic Standards)**(cf. 6141 - Curriculum Development and Evaluation)*

Note: Pursuant to Education Code 52376, the following two paragraphs are mandated for districts that receive funding through the targeted instructional improvement block grant (Education Code 41541) and choose to use such funds **accept funds for the purpose of** developing and implementing, in consultation with the ROC/P and community college serving the geographic area of the district, a CTE program for high school students in accordance with Education Code 52376. Pursuant to Education Code 52376, districts that receive supplemental funding or other funds for this purpose are mandated to adopt policies and procedures that include (1) comparison of the district's CTE curriculum, course content, and course sequence with the model state curriculum standards, and (2) review of CTE courses to determine the extent to which they may offer an alternative means for completing course requirements for high school graduation.

In addition, beginning in the 2012-13 school year, Education Code 51225.3, as amended by AB 1330 (Ch. 621, Statutes of 2011), authorizes the Board to include a course in CTE as an alternative to the visual or performing arts or foreign language course requirement for high school graduation; see BP 6146.1 - High School Graduation Requirements.

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**CAREER TECHNICAL EDUCATION (continued)**

At least every three years, the Board shall compare the district's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

Note: Education Code 52376 requires districts to determine the extent to which their CTE courses may offer an alternative means for completing course requirements for high school graduation. In addition, beginning in the 2012-13 school year, Education Code 51225.3, as amended by AB 1330 (Ch. 621, Statutes of 2011), authorizes the Board to include a course in CTE as an alternative to the visual or performing arts or foreign language course requirement for high school graduation; see BP 6146.1 - High School Graduation Requirements.

The Superintendent or designee shall systematically review the district's CTE **classes courses** to determine the degree to which each **class course** may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. The Board shall ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

(cf. 6146.1 - High School Graduation Requirements)  
 (cf. 6146.11 - Alternative Credits Toward Graduation)  
 (cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Note: Education Code 51760.1 authorizes districts, county offices of education, ROC/Ps, and partnership academies to provide work-based learning opportunities which may include, but are not limited to, work experience education as defined in Education Code 51764, community classrooms or cooperative CTE programs as defined in Education Code 52372.1, and job shadowing as defined in Education Code 51769; see BP/AR 6178.1 - Work-Based Learning. In addition, although not specified in state law, other examples of work-based learning opportunities cited in the CDE's publication Multiple Pathways to Student Success: Envisioning the New California High School include student internships/field study, apprenticeships, service learning, work in social/civic enterprises or school-based enterprises such as student stores, and technology-based or other simulated work experiences.

The Superintendent or designee shall develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. He/she **also** shall **also** work to develop connections with businesses, postsecondary institutions, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities.

(cf. 1700 - Relations Between Private Industry and the Schools)  
 (cf. 5113.2 - Work Permits)  
 (cf. 6178.1 - Work-Based Learning)

The Superintendent or designee shall collaborate with postsecondary institutions to ensure that the district's program is articulated with postsecondary programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

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**CAREER TECHNICAL EDUCATION (continued)***(cf. 6172.1 - Concurrent Enrollment in College Classes)*

Note: Education Code 8070 requires the Board to appoint ~~an~~ a CTE advisory committee composed of representatives from specified groups, as detailed below. During the **Federal Program Monitoring FPM** process, CDE staff will review whether the district has appointed such a committee.

In addition, pursuant to 20 USC 2354, as amended by P.L. 115-224, districts that receive Perkins V funding are required to involve specified stakeholders in conducting a needs assessment and developing the district application, and on a continuing basis thereafter. One way to accomplish this is to include such stakeholders on the CTE advisory committee. Other programs may have similar requirements for stakeholder involvement. The following paragraph may be revised to reflect requirements applicable to programs offered by the district.

The Board shall appoint a CTE advisory committee to develop recommendations on the district's CTE program and to serve as a liaison between the district and potential employers. The committee shall consist of at least one student, teacher, business representative, industry representative, school administrator, member of the general public knowledgeable about the disadvantaged, and representative of the field office of the California Employment Development Department. (Education Code 8070)

*(cf. 1220 - Citizen Advisory Committees)*

Note: The following **optional** paragraph may be revised to reflect district practice. Among the criteria for admission to the University of California (UC) or California State University (CSU) system is a requirement that high school students satisfactorily complete 15 units of specified courses "a-g" courses). These include a growing number of CTE courses that connect knowledge of academic content with practical or work-related applications. Education Code 51229 requires that districts annually provide parents/guardians of students in grades 9-12 with (1) a brief explanation of the a-g course requirements; (2) a list of UC and CSU web sites that provide related information and a list of certified a-g courses; (3) a brief description of **what CTE is**, as defined by **the** CDE; (4) the Internet address for the portion of the CDE web site where students can learn more about CTE; and (5) information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or to enroll in CTE courses. See AR 6143 - Courses of Study and E 5145.6 - Parental Notifications.

In addition, districts that include a course in CTE as an alternative to the visual or performing arts or foreign language course requirement for high school graduation, as authorized by Education Code 51225.3, are required by Education Code 48980 to provide a list of CTE courses offered by the district that satisfy the a-g course requirements for college admission and to specify which requirements they satisfy. **Districts that do not allow this alternative graduation requirement should modify the following paragraph accordingly.**

The Superintendent or designee shall inform all secondary students and their parents/guardians about the CTE experiences available in the district, CTE courses that satisfy college admission criteria, and, if applicable, CTE courses that satisfy high school graduation requirements. In addition, secondary students shall receive individualized **career guidance and** academic counseling which provides information about academic and CTE opportunities related to the student's career goals.

*(cf. 5145.6 - Parental Notifications)*

**CAREER TECHNICAL EDUCATION (continued)***(cf. 6164.2 - Guidance/Counseling Services)*

Note: Pursuant to 34 CFR 100.~~B~~ (Appendix B-IV), the notice specified below may be made in local newspapers, publications or media reaching target populations, or by other means, and should include a brief summary of program offerings, admission criteria, and the name and contact information of the person designated to coordinate Title IX and Section 504 compliance activity. If the population within the district contains a community of persons with limited English language skills, the notification ~~shall~~ **must** be disseminated in the languages of the community. See BP 5145.6 - Parental Notifications for state requirements pertaining to the translation of parental notifications.

Prior to the beginning of each school year, the Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. The notification shall be disseminated in languages other than English as needed and shall state that the district will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354; 34 CFR 100.~~B~~ **Appendix B**, 104.8, 106.9)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*

Note: The following paragraph is for use by districts that receive funding through Perkins ~~IV~~ **V** for ~~either~~ basic CTE programs ~~or tech prep programs~~ pursuant to 20 USC 2301-2414. See the accompanying administrative regulation for further information regarding the participation of private school students and staff in district programs.

**To the extent required by law, the Superintendent or designee shall invite the participation of private school students in CTE programs supported by federal funding under the Strengthening Career and Technical Education for the 21st Century Act (Perkins). (20 USC 2397)**

Note: Teachers of technical, trade, or vocational courses must possess a single subject credential or a designated subjects credential issued by the Commission on Teacher Credentialing (~~CTC~~) which authorizes teaching CTE courses. The designated subjects CTE credential is available in 15 subjects which reflect the 15 industry sectors identified in the state's model curriculum standards; see AR 4112.2 - Certification. In order to obtain the preliminary designated subjects credential, teachers must have at least three years of work experience directly related to each industry sector specified on the credential.

Education Code 44257.3, as added by AB 1304 (Ch. 259, Statutes of 2011), authorizes the CTC to develop program standards for the issuance of a "recognition of study in linked learning" demonstrating completion of a CTC approved program in linked learning teaching methods. The recognition of study must not be considered a type of authorization, used as a condition of employment, replace subject matter competence requirements, or used in making decisions related to reductions in employee positions.

For districts applying for Perkins ~~IV~~ funding, 20 USC 2354 requires the district plan to address ongoing staff development for CTE teachers and administrators; see the accompanying administrative regulation.

**CAREER TECHNICAL EDUCATION** (continued)

The Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. He/she **also** shall **also** provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and shall provide opportunities for CTE teachers to collaborate with teachers of academic courses in the development and implementation of integrated curriculum models.

*(cf. 4112.2 - Certification)*  
*(cf. 4131 - Staff Development)*  
*(cf. 4331 - Staff Development)*

The Superintendent or designee shall provide counselors and other guidance personnel with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of the district's CTE program, work-based learning opportunities, and postsecondary education and employment options following high school.

Note: The following paragraph is for use by districts that receive funding through Perkins IV for either basic CTE programs or tech prep programs pursuant to 20 USC 2301-2414.

Upon written request from a nonprofit private school within the geographical area served by the district, the Superintendent or designee shall consult with private school representatives in a timely and meaningful manner and may provide for the participation of private school secondary students in the district's programs and activities funded under the federal Carl D. Perkins Career and Technical Education Act. To the extent practicable, the Superintendent or designee also shall, upon request, permit participation of CTE teachers, administrators, and other personnel from private schools in the district's inservice and preservice professional development programs funded through the Perkins Act. (20 USC 2397)

Note: The following paragraph is **optional**. Education Code 17078.72 provides funding for improving and expanding CTE programs through construction of new facilities, remodeling of existing facilities, and/or purchase of equipment.

The Superintendent or designee shall regularly assess district needs for facilities, technologies, and equipment to increase students' access to the district's CTE program.

*(cf. 0440 - District Technology Plan)*  
*(cf. 3440 - Inventories)*  
*(cf. 3512 - Equipment)*  
*(cf. 7110 - Facilities Master Plan)*

**Nondiscrimination**

Note: The following paragraph is for use by districts that receive Perkins IV funding but may be adapted for use by other districts. Pursuant to 20 USC 2354, the district plan for Perkins IV funding must describe how individuals who are members of "special populations," as defined in 20 USC 2302 will not be



## CAREER TECHNICAL EDUCATION (continued)

discriminated against. In addition, a district that receives federal aid is required by 34 CFR 100.B (Appendix B-IV), 104.8, and 106.9 to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate in its educational programs or activities. See BP 0410—Nondiscrimination in District Programs and Activities.

In the Federal Program Monitoring (FPM) process, CDE staff will check to ensure that the district complies with requirements to (1) ensure equitable participation of special population students through outreach, recruitment, enrollment, and placement activities; (2) identify and adopt strategies to overcome barriers to access or success in the program; (3) ensure that counseling materials and activities, including student program selection and career/employment selection, and promotional and recruitment efforts are nondiscriminatory; and (4) advise students, parents/guardians, employees, and the general public, prior to the beginning of the school year, that all CTE opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100.B (Appendix B-IV).

The district's program shall provide equal access to and shall not unlawfully discriminate against students who are members of special populations. *Special populations* include, but are not limited to, students with disabilities; students from economically disadvantaged families, including foster youth; single parents and single pregnant females; displaced homemakers; students with limited English proficiency; and students preparing for nontraditional fields. *Nontraditional fields* include occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from one gender constitute less than 25 percent of the individuals employed in each such occupation or field of work. (20 USC 2302, 2354, 2373)

Note: Pursuant to 34 CFR 100.B (Appendix B-IV), the notice specified below may be made in local newspapers, publications or media reaching target populations, or by other means, and should include a brief summary of program offerings, admission criteria, and the name and contact information of the person designated to coordinate Title IX and Section 504 compliance activity. If the population within the district contains a community of persons with limited English language skills, the notification shall be disseminated in the languages of the community. See BP 5145.6—Parental Notifications for state requirements pertaining to the translation of parental notifications.

Prior to the beginning of each school year, the Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. The above notification shall be disseminated in languages other than English as needed and shall state that the district will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354; 34 CFR 100.B, 104.8, 106.9)

(cf. 0410—Nondiscrimination in District Programs and Activities)  
(cf. 1312.3—Uniform Complaint Procedures)

**CAREER TECHNICAL EDUCATION (continued)****School and Community Involvement**

Note: Education Code 8070 requires the Board to appoint an advisory committee composed of representatives from specified groups, as detailed below. During the FPM process, CDE staff will review whether the district has appointed such a committee.

The Board shall appoint a CTE advisory committee to develop recommendations on the district's CTE program and to serve as a liaison between the district and potential employers. The committee shall consist of at least one student, teacher, business representative, industry representative, school administrator, member of the general public knowledgeable about the disadvantaged, and representative of the field office of the California Employment Development Department. (Education Code 8070)

(cf. 1220 - Citizen Advisory Committees)

Note: The following paragraph is for use by districts that receive Perkins IV funding but may be adapted for use by other districts. 20 USC 2354 requires that the persons specified below be involved in the development, implementation, and evaluation of CTE programs funded by Perkins IV. One way of accomplishing this is to include representatives of these groups on the CTE advisory committee described above. Pursuant to the 2008-2012 State Plan for Career Technical Education, the district must hold at least one annual business and industry advisory committee meeting.

The district also shall involve parents/guardians; students; academic and CTE teachers; administrators; career guidance and academic counselors; representatives of tech prep consortia if applicable, business and industry, labor organizations, and special populations; and other interested individuals in the development, implementation, and evaluation of CTE programs. (20 USC 2354)

**Program Evaluation**

Note: The following section is for use by districts that receive Perkins IV funding but may be adapted for use by other districts. paragraph may be revised to reflect requirements applicable to programs offered by the district. Pursuant to Education Code 52060, the district must annually review its progress toward the goals identified in its local control and accountability plan, including, when applicable, measures of student achievement such as the percentage of students who have successfully completed courses that satisfy the requirements for CTE sequences or programs of study that align with state CTE standards and frameworks. The California School Dashboard provides a tool to assist in evaluation of district and school performance and includes measures of CTE pathway completion within the college/career readiness indicator.

Pursuant to 20 USC 2323, In addition, each district receiving Perkins IV V funding must be evaluated annually by the state to determine whether the district is making substantial evaluate its progress in achieving specific performance levels targets on core indicators as detailed in the state plan and 20 USC 2323, as amended by P.L. 115-224. The following paragraph reflects indicators specified in the 2008-2012 State Plan for Career Technical Education. Districts are required to enter data electronically through the CDE's Perkins Data System. Pursuant to 20 USC 2343, if the district falls below 90 percent on any of these

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**CAREER TECHNICAL EDUCATION (continued)**

*performance level targets, the district will be required to develop and implement an improvement plan. The state plan further provides that if the district falls below 90 percent on three or more performance levels or below 60 percent on any one performance level, then the district will be required to submit a detailed action plan that describes the strategies to be implemented for bringing the district to the 90 percent performance level within two years. A district scoring in the lowest percentage of overall performance, as determined by a composite ranking of measures, will be subject to Perkins program monitoring. Ultimately, a district that fails to submit the required program improvement plan and/or fails to make the required improvements is subject to sanctions that could result in the loss of a portion or all of its allocated funds.*

**The Superintendent or designee shall annually report to the Board achievement data on participating students, including, but not limited to, the percentage of participating students who successfully complete CTE programs, their performance on state and district academic achievement tests, and graduation rate. Data shall be disaggregated by program and various student subgroups. Based on such data, the Board shall monitor the achievement of students participating in the district's CTE program in order to determine the need for program improvements and update the goals in the district's local control and accountability plan as necessary. The Superintendent or designee shall annually report to the Board and the California Department of Education on program enrollment and completion rates, including enrollment and completion of programs in nontraditional fields as defined in 20 USC 2302; student academic assessment results; attainment of career and technical skill proficiencies; attainment of a high school diploma or equivalent; graduation rates; and subsequent placement in postsecondary education or advanced training, military service, or employment. Data shall be disaggregated, in accordance with 20 USC 2323, by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic disadvantage status and for each special population as defined in 20 USC 2302 and listed in the section "Nondiscrimination" above.**

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - State Academic Achievement Tests)*

*(cf. 6190 - Evaluation of the Instructional Program)*

*Legal Reference: (see next page)*

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**CAREER TECHNICAL EDUCATION (continued)***Legal Reference:*EDUCATION CODE*1205 Classification of counties**8006-8155 Career technical education**17078.70-17078.72 Career technical education facilities**33430-33432 Health science and medical technology grants**35168 Inventory of equipment**41540-41544 Targeted instructional improvement block grant**44257.3 CTC recognition of study in linked learning teaching methods**44260-44260.1 Designated subjects career technical education credential**44260.9 Designated subjects career technical education credential**48430 Legislative intent; continuation education schools and classes**48980 Parental notifications**51220-51229 Courses of study, grades 7-12**51760-51769.5 Work experience education****52060-52077 Local control and accountability plan****52300-52499.66 Career technical education**52519-52520 Adult education, occupational training****53010-53016 California Career Pathways Trust******53070-53076.4 The California Career Technical Education Incentive Grant Program***~~*53080-53084 School-to-career initiatives*~~*53086 California Career Resource Network**54690-54699.1 California Partnership Academies**54750-54760 California Partnership Academies, green technology and goods movement occupations**56363 Related services for students with disabilities; specially designed career technical education**66205.5-66205.9 Approval of career technical education courses for admission to California colleges**88500-88551 Community college economic and workforce development program*GOVERNMENT CODE*54950-54963 Brown Act*LABOR CODE*3070-3099.5 Apprenticeships*CODE OF REGULATIONS, TITLE 5*1635 Credit for work experience education**3051.14 Specially designed career technical education for students with disabilities**10070-10075 Work experience education**10080-10092 Community classrooms**10100-10111 Cooperative vocational education**11500-11508 Regional occupational centers and programs**11535-11538 Career technical education contracts with private postsecondary schools**11610-11611 Regional adult and vocational education councils*CODE OF REGULATIONS, TITLE 8*200-240 Apprenticeships*UNITED STATES CODE, TITLE 20***2301-2414 Carl D. Perkins Career and Technical Education Act of 2006 Strengthening Career and Technical Education for the 21st Century Act****6301-6578 Improving the Academic Achievement of the Disadvantaged*

**CAREER TECHNICAL EDUCATION (continued)***Legal Reference: (continued)*CODE OF FEDERAL REGULATIONS, TITLE 34*100-B Appendix B Guidelines for eliminating discrimination in career technical education programs**104.1-104.39 Section 504 of the Rehabilitation Act of 1973**106.1-106.61 Discrimination on the basis of sex, effectuating Title IX**Management Resources:*CSBA PUBLICATIONS*A Governance Perspective: Interviews with School Board Members from the Nine Linked Learning Initiative School Districts, March 2014**The Linked Learning Approach to High School Reform, Governance Brief, January 2014**Orientation to Apprenticeship Overview, Construction Management Task Force Fact Sheet, November 2007*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005 January 2013**2008-2012 State Plan for Career Technical Education**Multiple Pathways to Student Success: Envisioning the New California High School, 2010**Regional Occupational Centers and Programs Operations Handbook March 2008**Model Programs and Practices: Setting Standards for Regional Occupational Centers and Programs (ROCPs), rev. October 2007**Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007**California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005**Management of Vocational Education Equipment, April 2000*CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF APPRENTICESHIP STANDARDS PUBLICATIONS*Orientation to Apprenticeships: A Guide for Educators, January 2001*WEB SITES*CSBA: <http://www.csba.org>**Association for Career and Technical Education: <http://www.acteonline.org>**California Association of Regional Occupational Centers and Programs: <http://www.ca-rocp.org>**California Career Resource Network: <http://www.californiacareers.info>**California Department of Education, Career Technical Education: <http://www.cde.ca.gov/ci/ct>**California Department of Employment Development: <http://www.edd.ca.gov>**California Department of Industrial Relations: <http://www.dir.ca.gov>**California Workforce Development Board: <http://www.cwdb.ca.gov>**Commission on Teacher Credentialing: <http://www.ctc.ca.gov>**University of California, a-g Course Submissions: [http://www.ucop.edu/a-gGuide/ag/course\\_submissions](http://www.ucop.edu/a-gGuide/ag/course_submissions)**U.S. Department of Education, Office of Vocational and Adult Education: <http://www.ed.gov/about/offices/list/ovae/pi/cte/index.html>**U.S. Department of Labor, Bureau of Labor Statistics: <http://www.bls.gov>*

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AB

# CSBA Sample Administrative Regulation

Instruction

AR 6178(a)

## CAREER TECHNICAL EDUCATION

Note: The following optional administrative regulation should be revised to reflect program(s) offered by the district.

### **Perkins Basic Federal Grants for Career Technical Education (Perkins)**

Note: The following optional section is for use by districts that receive basic grants to support programs of career technical education (CTE) pursuant to ~~the reauthorized Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) (20 USC 2301-2355)~~ the Strengthening Career and Technical Education for the 21st Century Act, often referred to as Perkins V (20 USC 2301-2355, as amended by P.L. 115-224) ~~to support programs of career technical education (CTE)~~. As amended, the "hold harmless" provision has been replaced with a guarantee that each state receive a minimum grant equal to 90 percent of its prior year allocation, effective in fiscal year 2021.

During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will review whether the district uses ~~Perkins IV~~ these federal funds to supplement, not supplant, state and local funds for CTE activities, as required by 20 USC 2391, and whether funds are used for appropriate purposes as described in 20 USC 2355 and in the state plan adopted pursuant to 20 USC 2342. As amended by P.L. 115-224, 20 USC 2342 authorizes states to develop a one-year transition plan until Perkins V becomes effective July 1, 2019, after which a four-year state plan will be required.

~~For any district program of career technical education (CTE) funded through a basic grant of the federal Carl D. Perkins Career and Technical Education Act,~~ **The district shall submit to the California Department of Education a districtwide plan an application for a basic grant of the federal Strengthening Career and Technical Education for the 21st Century Act. The application shall address addressing the components specified in 20 USC 2354 and any additional requirements specified in the state plan developed pursuant to 20 USC 2342. The multi-year district plan shall cover the same time period covered by the state plan. (20 USC 2354)**

*(cf. 3230 - Federal Grant Funds)*

**The district shall conduct a needs assessment in accordance with 20 USC 2354, which shall be updated at least once every two years. The needs assessment shall be conducted in consultation with representatives of district CTE programs, postsecondary CTE programs, state or local workforce development boards and businesses, parents/guardians, students, and other specified stakeholders. (20 USC 2354)**

Note: The district may use Perkins ~~IV~~ V and other federal, state, and/or district funds to meet the program requirements listed in items #1-9 below. ~~Additional permissible uses of Perkins IV funds are described in 20 USC 2355. The 2008-2012 State Plan for Career Technical Education allows districts to support CTE courses in grades 7-8 with Perkins funds only if the courses are integral to and aligned with approved sequences of courses conducted by a high school. P.L. 115-224 amended 20 USC 2355 to streamline the allowable uses of funds and eliminate the additional list of permissible uses.~~

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**CAREER TECHNICAL EDUCATION (continued)**

**To meet the needs identified in the needs assessment, the Superintendent or designee shall develop, coordinate, implement, or improve CTE programs that are of sufficient size, scope, and quality to be effective and that fulfill the following purposes: (20 USC 2355)**

**The district shall offer at least one CTE program of study which shall: (20 USC 2342, 2354, 2355)**

**1. Improve the academic and career technical skills of participating students by integrating coherent and rigorous academic content and relevant CTE programs**

*(ef. 6011—Academic Standards)  
(ef. 6143—Courses of Study)*

**2. Link CTE at the secondary and postsecondary levels through at least one of the strategies specified in 20 USC 2342**

*(ef. 6172.1—Concurrent Enrollment in College Classes)*

**3. Provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences**

*(ef. 5113.2—Work Permits)  
(ef. 6178.1—Work-Based Learning)*

**4. Develop, improve, or expand the use of technology in CTE**

*(ef. 0440—District Technology Plan)*

**5. Provide professional development to teachers, administrators, and career guidance and academic counselors who are involved with integrated CTE programs**

*(ef. 4131—Staff Development)  
(ef. 4331—Staff Development)  
(ef. 6164.2—Guidance/Counseling Services)*

**6. Develop and implement program evaluations, including an assessment of how the needs of special populations, as defined in 20 USC 2302 and Board policy, are being met**

*(ef. 0500—Accountability)  
(ef. 6190—Evaluation of the Instructional Program)*

**7. Initiate, improve, expand, and modernize quality CTE programs, including relevant technology**

**CAREER TECHNICAL EDUCATION (continued)**

~~8. Provide services and activities that are of sufficient size, scope, and quality to be effective~~

~~9. Provide activities to prepare special populations for high-skill, high-wage, or high-demand occupations that will lead to self-sufficiency~~

**1. Provide career exploration and career development activities through an organized, systematic framework designed to aid students, including students in the middle grades, in making informed plans and decisions about future education and career opportunities and programs of study. Such activities shall occur before students enroll and while they are participating in a CTE program, and may include:**

**a. Introductory courses or activities focused on career exploration and career awareness, including non-traditional fields**

**b. Readily available career and labor market information, including information on occupational supply and demand, educational requirements, other information on careers aligned to economic priorities, and employment sectors**

**c. Programs and activities related to the development of student graduation and career plans**

**d. Career guidance and academic counselors who provide information on postsecondary education and career options**

**e. Any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals, including nontraditional fields**

**f. Activities that provide students with strong experience in, and comprehensive understanding of, all aspects of an industry**

*(cf. 6143 - Courses of Study)*

**2. Provide the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations**

*(cf. 5113.2 - Work Permits)  
(cf. 6178.1 - Work-Based Learning)*

**3. Integrate academic skills into CTE programs and programs of study to support participating students in meeting state academic standards**



**CAREER TECHNICAL EDUCATION (continued)**

- 4. Provide professional development for teachers, school leaders, administrators, specialized instructional support personnel, guidance counselors, and/or paraprofessionals, which may include the types of activities listed in 20 USC 2355**

*(cf. 4131 - Staff Development)*  
*(cf. 4331 - Staff Development)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

- 5. Plan and carry out elements that support the implementation of CTE programs and programs of study and that result in increased student achievement. Such elements may include curriculum aligned with program requirements, sustainable relationships among community stakeholders, opportunities for students to participate in accelerated learning programs, equipment and instructional materials aligned with business and industry needs, and other activities specified in 20 USC 2355.**

- 6. Develop and implement evaluations of the activities funded by the grant**

*(cf. 0500 - Accountability)*  
*(cf. 6190 - Evaluation of the Instructional Program)*

Note: The following optional paragraph reflects CDE policies included in the state plan and may be revised to reflect district practice.

The district's program shall consist of at least two full-year CTE courses with a combined duration of at least 300 hours, or a single multiple-hour course which provides sequential units of instruction and has a duration of at least 300 hours. At least 50 percent of course curriculum and content shall be directly related to the development of career knowledge and skills.

Note: Pursuant to 20 USC 2354, the district application for Perkins IV V funding must describe how individuals will not be discriminated against based on their status as who are members of "special populations," as defined in 20 USC 2302 as amended by P.L. 115-224 will not be discriminated against. In addition, a district that receives federal aid is required by 34 CFR 100.B (Appendix B-IV), 104.8, and 106.9 to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate in its educational programs or activities. See BP 0410 - Nondiscrimination in District Programs and Activities.

In During the Federal Program Monitoring (FPM) process, CDE staff will check to ensure that whether the district complies with requirements to (1) ensure equitable participation of access by special population students through outreach, recruitment, enrollment, and placement activities; (2) identify and adopt strategies to overcome barriers to access or success in the program; (3) ensure that counseling materials and activities, including student program selection and career/employment selection, and promotional and recruitment efforts are nondiscriminatory; and (4) advise students, parents/guardians, employees, and the general public, prior to the beginning of the school year, that all CTE opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100.B (Appendix B-IV).

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**CAREER TECHNICAL EDUCATION (continued)**

The district's program shall provide activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency. Special populations shall be provided with equal access to CTE programs and shall not be unlawfully discriminated against ~~students who are members of special populations.~~ *Special populations* include, but are not limited to, students with disabilities; students from economically disadvantaged families, ~~including foster youth; single parents and single pregnant females;~~ **pregnant and parenting students, displaced homemakers out-of-work individuals;** ~~students with limited English proficiency~~ **English learners, homeless students, foster youth, children of military families;** and students preparing for nontraditional fields. *Nontraditional fields* include occupations or fields of work, including careers in computer science, technology, and other emerging high-skill occupations, for which individuals from one gender constitute less than 25 percent of the individuals employed in each such occupation or field of work. (20 USC 2302, 2354, 2373)

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 0415 - Equity)

Upon written request from a nonprofit private school within the geographical area served by the district, the Superintendent or designee shall consult with private school representatives in a timely and meaningful manner and may provide for the participation of private school secondary students in the district's programs and activities funded ~~under the federal Carl D. Perkins Career and Technical Education Act~~ **pursuant to 20 USC 2301-2414.** To the extent practicable, the Superintendent or designee ~~also~~ **also**, upon request, permit participation of CTE teachers, administrators, and other personnel from private schools in the district's inservice and preservice professional development programs funded through ~~the Perkins Act~~ **such grants.** (20 USC 2397)

**Tech Prep Programs**

Note: The following optional section is for use by districts that offer technical preparation (tech prep) programs pursuant to Perkins IV (20 USC 2371-2376). Tech prep education is a planned sequence of study in a technical field or pathway which includes at least two years of secondary education (sometimes beginning as early as grade 9) and extends through two or more years of postsecondary education or through an apprenticeship program of at least two years following high school. The sequence culminates in an associate's degree, a certificate, and/or a bachelor's degree. Districts apply for program funding as a consortium with a postsecondary institution and may include businesses in the consortium.

During the FPM process, CDE staff will review whether tech prep programs funded by Perkins IV include the components listed in 20 USC 2373(e).

The district shall, under an articulation agreement with an institution of postsecondary education and other consortium partners as appropriate, offer a technical preparation (tech prep) program in accordance with 20 USC 2371-2376. The program shall: (20 USC 2373)

1. ~~Consist of a program of study that:~~

**CAREER TECHNICAL EDUCATION (continued)**

- a. Combines at least two years of tech prep at the secondary level which is linked to at least two years of either postsecondary education in a sequential, nonduplicative course of study or an apprenticeship program
  - b. Integrates academic and career technical instruction and utilizes work-based and work-site learning experiences as appropriate and available
  - c. Provides technical preparation in a career field, including high-skill, high-wage, or high-demand occupations
  - d. Builds student competence in technical skills and in core academic subjects, as appropriate, through applied, contextual, and integrated instruction in a coherent sequence of courses
  - e. Leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree in a specific career field
  - f. Leads to placement in high-skill or high-wage employment or to further education
  - g. Utilizes CTE programs of study, to the extent practicable
  - h. Meets state academic standards
  - i. Investigates opportunities for tech prep students to enroll concurrently in secondary education and postsecondary education courses
2. Uses educational technology and distance learning, as appropriate, to involve consortium partners more fully in the development and operation of programs
  3. Includes inservice professional development for teachers, administrators, and counselors that addresses the goals identified in 20 USC 2373
  4. Provides equal access to the full range of tech prep programs to individuals who are members of special populations, as defined in 20 USC 2302 and Board policy, including the development of tech prep program services appropriate to the needs of special populations
  5. Provides for preparatory services that assist participating students
  6. Coordinates with activities conducted under Title I of the No Child Left Behind Act

(cf. 6171—Title I Programs)



**CAREER TECHNICAL EDUCATION (continued)****Linked Learning Programs**

Note: The following optional section is for use by districts that offer "linked learning" programs integrating academic and career technical study (sometimes called "multiple pathways") and may be revised to reflect district practice. Education Code 52372.5-52372.7, as amended by AB 790 (Ch. 616, Statutes of 2011), establish a pilot project to implement a limited number of districtwide linked learning programs and describe components of such programs. Pursuant to Education Code 52372.5, such programs may be delivered through partnership academies, regional occupational centers and programs (ROC/Ps), charter schools, academies, small learning communities, and other career-themed small schools.

The district shall offer one or more comprehensive, multi-year linked learning programs in grades 9-12 that are organized around a broad theme, interest area, or industry sector including, but not limited to, the industry sectors identified in model standards adopted by the State Board of Education pursuant to Education Code 51226. The program shall provide all participating students with curriculum choices that prepare them for career entry and a full range of postsecondary options, including two-year and four-year colleges, apprenticeships, and formal employment training.

At a minimum, the district's linked learning program shall include:

1. An integrated core curriculum that meets the eligibility requirements for admission to the University of California and the California State University and is delivered through project-based learning and other engaging instructional strategies that bring real-world context and relevance to the curriculum where broad themes, interest areas, and CTE are emphasized
2. An integrated technical core of a sequence of at least four related courses that may reflect CTE standards-based courses and that provide students with career skills, are aligned to academic principles, and fulfill academic core requirements described in item #1 above to the extent possible
3. A series of work-based learning opportunities that begin with mentoring and job shadowing and evolve into intensive internships, school-based enterprises, or virtual apprenticeships
4. Support services, including supplemental instruction in reading and mathematics, that help students master the advanced academic and technical content that is necessary for success in college and career

**Partnership Academies**

Note: The following optional section is for use by districts that have established a partnership academy pursuant to Education Code 54690-54699.1 and 54750-54760. A partnership academy functions as a school- within-a-school with a career theme and related academic courses primarily directed at students who

**CAREER TECHNICAL EDUCATION (continued)**

are at risk of dropping out. **Education Code 54698-54699.1, added by SBX1-1 (Ch. 2, Statutes of 2011), establishes a grant program to support the implementation and maintenance of partnership academies that are focused on employment in clean technology and renewable energy businesses and that provide skilled workforces for the products and services for energy and/or water conservation, renewable energy, pollution reduction, or other technologies.**

The district shall operate one or more partnership academies as a school-within-a-school focused on a broad career theme. The program shall be available to students in grades 10-12, at least half of whom shall be students who are at risk of dropping out of school as indicated by three or more of the following criteria: (Education Code 54690-**54692-54691**)

1. Past record of irregular attendance, with absence from school 20 percent or more of the school year

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

2. Past record of underachievement in which the student is at least one-third of a year behind the coursework for the respective grade level, or as demonstrated by credits achieved
3. Past record of low motivation or disinterest in the regular school program
4. Economic disadvantage
5. Scores below basic or far below basic on the mathematics or English language arts test of the **Standardized Testing and Reporting program California Assessment of Student Performance and Progress**
6. A grade point average of 2.2 or below or the equivalent of a C minus

**Ninth-grade teachers and counselors shall identify students eligible to participate in a partnership academy. Participating students shall be selected by academy staff from among those who have expressed an interest in the academy and whose parents/guardians have approved the student's participation. (Education Code 54695)**

The district's program shall provide: (Education Code 54692)

1. During each regular school term, instruction in at least three academic subjects that:
  - a. Prepares students for a regular high school diploma
  - b. Where possible and appropriate, prepares students to meet subject requirements for admission to the California State University and University of California

**CAREER TECHNICAL EDUCATION (continued)**

- c. Contributes to an understanding of the occupational field of the academy
2. CTE courses offered at each grade level at the academy that are part of an occupational course sequence that targets comprehensive skills and meets the criteria specified in Education Code 54692
3. Classes that are block scheduled in a cluster whenever possible to provide flexibility to academy teachers and which may vary in number during grade 12
4. A mentor from the business community for students during grade 11
5. An employer-based internship or work experience that occurs during the summer following grade 11 or during grade 12
6. Additional motivational activities with private sector involvement to encourage academic and occupational preparation

Attendance in academy classes shall be limited to students enrolled in the academy. (Education Code 54692)

The Superintendent or designee shall establish an advisory committee consisting of individuals involved in academy operations, including district and school administrators, lead teachers, and representatives of the private sector. (Education Code 54692)

**Apprenticeship Programs**

Note: The following optional paragraph may be used by districts that provide a program of "orientation to apprenticeships" to students who have not yet applied to an apprenticeship program. Such programs are sometimes referred to as "pre-apprenticeship programs." However, the Department of Industrial Relations (DIR), in its publication Orientation to Apprenticeship: A Guide for Educators, notes that "pre-apprentice" is used by some trades as a classification of worker and therefore prefers the term "orientation to apprenticeship" to refer to a program offered by secondary schools. Items #1-5 below reflect key program components recommended in the DIR publication and may be revised to reflect district practice.

The district shall offer high school and/or adult education students a program of orientation to apprenticeships that acquaints students with a broad range of career options, provides information regarding available apprenticeship programs, and provides classroom instructional job training which guides students to a registered apprenticeable occupation.

*(cf. 6200 - Adult Education)*

The district's program shall:

1. Introduce students to what they need to know in order to apply, test, and interview for acceptance into an apprenticeship program

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**CAREER TECHNICAL EDUCATION (continued)**

2. Demonstrate the need for proficiency in reading and comprehension, mathematics, science, and technology
3. Emphasize the necessity to have the ability to communicate in reading, writing, speaking, listening, and numeration skills
4. Identify the knowledge, skills, and attitudes needed to enter and successfully complete an apprenticeship program
5. Provide an orientation to a specific craft or trade or to an industry

Note: The following **optional** paragraph is for use by districts that contract with sponsors of approved apprenticeship programs (e.g., individual employers, labor or management apprenticeship committees, or joint labor-management apprenticeship committees) pursuant to Education Code 8150-8155 and Labor Code 3070-3099.5 to provide classes of related and supplemental instruction. Apprenticeship programs are offered for a period of one to six years (typically four years) and provide specialized on-the-job training that prepares an individual for employment in a craft or trade profession.

The district may enter into an agreement with a local business, labor or management apprenticeship committee, and/or joint labor-management apprenticeship committee that has been approved by the Department of Industrial Relations' Division of Apprenticeship Standards to sponsor an apprenticeship program in order to develop and deliver related and supplemental instruction to students participating in a registered apprenticeship program. (Education Code 8150-8155; Labor Code 3074, 3075, 3078)

**Regional Occupational Center/Program**

Note: The following **optional** section is for use by districts that partner with or offer their own local **regional occupational center or program (ROC/P)** pursuant to Education Code 52300-52335.12, and may be revised to reflect district practice. Education Code 52301 authorizes the establishment of an ROC/P by (1) the County Superintendent of Schools, with the approval of the State Board of Education (SBE); (2) two or more districts maintaining high schools, with the approval of the SBE and the County Superintendent; or (3) a single district with an average daily attendance (ADA) of 50,000 or more located in a class 1 county or a district with an ADA of 100,000 or more located in a class 2 county, as defined in Education Code 1205. ROC/P courses are open to secondary students, with priority enrollment given to students ages 16-18 or in grades 11-12. See BP 6178.2 - Regional Occupational Center/Program for additional program requirements.

The district shall operate and/or partner with a regional occupational center or program (ROC/P), established pursuant to Education Code 52335.12, which offers CTE courses **independently or in support of tech prep programs**, linked learning programs, partnership academies, and/or pre-apprenticeship and apprenticeship programs as appropriate.

(cf. 6178.2 - Regional Occupational Center/Program)



**CAREER TECHNICAL EDUCATION (continued)**

Occupational course sequences offered by the ROC/P shall provide prerequisite courses needed to enter apprenticeship or postsecondary vocational certificate or degree programs, focus on occupations requiring comprehensive skills leading to high entry-level wages and/or the possibility of significant wage increases after a few years on the job, offer as many courses as possible that meet college admission requirements, and lead to attainment of an occupational skill certificate. (Education Code 52302)

**Student Organizations**

Note: The following optional section may be used by districts providing any CTE program(s). 20 USC 2355 permits the use of Perkins ~~IV~~ V funding to support career technical student organizations and related activities. According to CDE, state-supported organizations include California DECA: A Marketing Association (formerly Distributive Education Clubs of America), Future Business Leaders of America (FBLA), Future Farmers of America (FFA), Future Homemakers of America-Home Economics Related Occupations (FHA-HERO), Health Occupations Students of America (HOSA), and Skills USA (formerly Vocational Industrial Clubs of America-VICA).

The district may provide support, including supplies, materials, activities, and advisor expenses, to student organizations which engage in activities that are integral to the CTE program and provide for the development of student leadership skills. However, no state or federal funds shall be used to pay students' membership dues, food or lodging expenses, out-of-state travel, or the cost of a social activity or assemblage.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.5 - Student Organizations and Equal Access)*

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**Policy Reference UPDATE Service**

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# CSBA Sample Board Policy

**Instruction**

BP 6190(a)

## EVALUATION OF THE INSTRUCTIONAL PROGRAM

Note: The following optional policy may be revised to reflect district practice.

The Governing Board recognizes that it is accountable to students, parents/guardians, and the community for the effectiveness of the district's educational program in meeting district goals for student learning. The Superintendent or designee shall conduct a continual evaluation of the curriculum and the instructional program in order to **improve identify strategies for improving** student achievement.

*(cf. 0200 - Goals for the School District)*

*(cf. 0500 - Accountability)*

*(cf. 6000 - Concepts and Roles)*

*(cf. 6141 - Curriculum Development and Evaluation)*

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

Note: The district may revise the following paragraph to specify the data and reports that will be used to evaluate the district's instructional program.

~~Historically, California's accountability system has been based on both federal and state requirements. However, as amended by the Every Student Succeeds Act (P.L. 114-95), 20 USC 6311 no longer requires a determination as to whether schools and districts meet a federal measure of "adequate yearly progress," and gives greater discretion to states and local educational agencies to determine accountability indicators. The state's Academic Performance Index has been suspended since the 2013-14 school year as the state transitions to a new state assessment and accountability system. The new state accountability system will integrate local, state, and federal accountability systems and be based on multiple measures.~~

**In addition,** Education Code 52060-52061 require that the district's local control and accountability plan (LCAP) establish goals, for all students and for each numerically significant subgroup, that are aligned with the state priorities, and that the district annually review progress toward the goals; see BP/AR 0460 - Local Control and Accountability Plan. Pursuant to Education Code 52052, numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when the subgroup consists of at least 30 students with a valid test score or 15 foster or homeless youth. **The California School Dashboard reports the status of district and school performance on multiple state and local indicators and is intended to assist districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP.**

The Superintendent or designee shall provide the Board and the community with regular **reports on student progress toward Board-established standards of expected achievement at each grade level in each area of study. In addition, he/she shall evaluate and report data for on student achievement. The reports shall include data for each district school and for every each** numerically significant student subgroup, as defined in Education Code 52052, including, but not limited to, school and subgroup performance on statewide achievement indicators and progress toward goals specified in the district's local control and accountability plan (LCAP).

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**EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)**

(cf. 0460 - Local Control and Accountability Plan)  
 (cf. 0510 - School Accountability Report Card)  
 (cf. 6011 - Academic Standards)  
 (cf. 6162.5 - Student Assessment)  
 (cf. 6162.51 - State Academic Achievement Tests)  
 (cf. 6173 - Education for Homeless Children)  
 (cf. 6173.1 - Education for Foster Youth)  
 (cf. 6174 - Education for English Learners)

**In addition, the Superintendent or designee shall conduct an evaluation of any new instructional program implemented in the district and shall regularly assess district progress toward increasing student achievement in all subject areas taught in the district. The findings of such evaluations and assessments shall be reported to the Board.**

Based on these reports, the Board shall take appropriate actions to maintain the effectiveness of programs and to improve the quality of education **that provided to** district students receive.

**Annual Monitoring Evaluation of Consolidated Application Programs**

Note: The following **optional** section should be revised to reflect district practice. Pursuant to Education Code 64000-64001, the consolidated application is used by the California Department of Education (CDE) to distribute funds from certain federal categorical programs. **For 2015-16, these programs include (1) Title I, Part A basic grant (low income students); (2) Title I, Part D (delinquent students); (3) Title II, Part A (teacher quality); (4) Title III, Part A (immigrant students); (5) Title III, Part A (English learners); and (6) Title VI, Part B (rural, low income students).** Pursuant to 5 CCR 3942, **as a condition of receiving continued funding for these programs, the district must make certain general assurances and certifications, including an assurance that the district's annual evaluation of categorical programs demonstrates that each program is "not one of low effectiveness." (5 CCR 3942).** The district does not need to sign or return the general assurances, but does need to keep them on file for compliance reviews, complaint investigations, or audits.

Pursuant to 5 CCR 3942, criteria for the annual program evaluation are to be established by the Governing Board. **In order to consolidate the district's various evaluation processes, (The district may consider measures of the academic progress of students participating in the program, including numerically significant student subgroups, in addition to other measures of student progress contained in school plans or adopted by the Board.**

The Board and the Superintendent or designee shall annually determine whether the district's categorical programs funded through the state's consolidated application are effective in meeting the needs of the students they are intended to serve. As a basis for this evaluation, the Superintendent or designee shall recommend for Board approval the specific, measurable criteria that shall be used at each school and at the district level. These criteria may include, but are not necessarily limited to, the progress of all students **participating in the program** and of each numerically significant subgroup toward goals contained in the district's LCAP,

**EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)**

the school's single plan for student achievement, **Title I local educational agency plan**, and/or other applicable district or school plans.

**Federal Program Monitoring**

~~Note: Pursuant to Education Code 64001, the CDE is required to monitor the district's compliance with legal requirements for categorical programs. This monitoring is accomplished through the Federal Program Monitoring (FPM) process, which is based on a combination of data and document reviews and on-site visits. Districts are assigned to one of four cycles, and may be selected for on-site or online monitoring every two years. Districts and school sites are selected based on criteria that include compliance history, academic achievement, program size, and fiscal analysis, with several districts being randomly selected for monitoring each year. During the FPM process, the CDE reviews school plans and may require a district to submit district policies, administrative regulations, or any other data necessary for the CDE to effectively monitor these programs. The CDE has developed monitoring instruments which contain major program legal requirements and are used by CDE staff to determine district compliance with the requirements. These instruments are available on the CDE's web site. Also, beginning in 2015, the CDE is transitioning to a new application, the California Monitoring Tool, to facilitate districts' response to state and federal requirements for program monitoring.~~

~~The following paragraph is optional. The CDE does not require districts to complete a self-review as part of the FPM process. However, the CDE emphasizes that compliance monitoring should be an ongoing responsibility of the district, not an event that occurs only when the CDE conducts its on-site monitoring. The FPM program instruments may be useful for this purpose.~~

~~To ensure that the district's categorical programs comply with applicable legal requirements, the Superintendent or designee shall, on an ongoing basis, conduct a district self-evaluation which may utilize tools developed by the district or the California Department of Education (CDE).~~

~~When the district is selected by the CDE for a Federal Program Monitoring (FPM) compliance review, the Superintendent or designee shall gather and submit all documentation and data required for the review and shall cooperate with CDE staff to facilitate program monitoring.~~

~~(cf. 0410 – Nondiscrimination in District Programs and Activities)~~

~~(cf. 0420 – School Plans/Site Councils)~~

~~(cf. 1312.3 – Uniform Complaint Procedures)~~

~~(cf. 1312.4 – Williams Uniform Complaint Procedures)~~

~~(cf. 4131 – Staff Development)~~

~~(cf. 5020 – Parent Rights and Responsibilities)~~

~~(cf. 5148 – Child Care and Development Programs)~~

~~(cf. 5148.2 – Before/After School Programs)~~

~~(cf. 5148.3 – Preschool/Early Childhood Education)~~

~~(cf. 6020 – Parent Involvement)~~

~~(cf. 6142.7 – Physical Education and Activity)~~

~~(cf. 6171 – Title I Programs)~~

~~(cf. 6173 – Education for Homeless Children)~~

~~(cf. 6175 – Migrant Education Program)~~

## EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

*(cf. 6178 – Career Technical Education)*  
*(cf. 6178.1 – Work Based Learning)*  
*(cf. 6200 – Adult Education)*

Note: According to the CDE's FPM Frequently Asked Questions, available on its web site, if the review results in a finding of noncompliance with legal requirements, the district must submit a Proposed Resolution of Findings through the CMT within 45 days of the date that the district was notified of the finding. The resolution agreement will specify a time period, not to exceed 225 calendar days from the last day of the review, to resolve the finding. The district may request additional resolution time if needed, and the CDE program monitor will determine whether to grant or adjust the request.

In the event that the FPM review results in a finding of noncompliance in relation to any program, the Superintendent or designee shall submit a proposed resolution to the CDE within 45 days of the date the district was notified of the finding. The resolution shall be implemented in accordance with the terms and timeframe specified in the resolution agreement with the CDE.

The Superintendent or designee shall report to the Board regarding the results of the review process.

### Western Association of Schools and Colleges (WASC) Accreditation

Note: The following optional section is for use by districts that participate in the evaluation process leading to accreditation by the Western Association of Schools and Colleges (WASC). WASC is a private, nonprofit organization whose Accrediting Commission for Schools provides regular assessments of public and private schools in order to support ongoing improvement of the educational program. The term of the accreditation process varies from one to six years, as determined by WASC. Districts may seek accreditation for both elementary and secondary schools and may revise the following section to specify schools that will seek accreditation (e.g., only secondary schools and/or middle schools). Districts also may revise the following section to apply to any other accrediting agency.

NO  
The Board believes that accreditation by the Western Association of Schools and Colleges (WASC) can foster excellence and ongoing academic improvement in the district's schools. The results of the accreditation process also may demonstrate to parents/guardians and the community that the schools are meeting their goals and objectives and the WASC criteria for school effectiveness through a viable instructional program.

The Superintendent or designee shall undertake procedures whereby district schools may achieve and maintain full WASC accreditation status. The schools shall conduct a self-study in accordance with WASC requirements, cooperate with the WASC committee during a site visit, and develop and review action plans to increase the effectiveness of the instructional program for students. The Superintendent or designee shall regularly report to the Board on the status of district schools and any WASC recommendations for school improvement.

**EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)**

**Not later than 60 days after receiving the results of any inspection of a school by WASC, or any other the accrediting agency, the Superintendent or designee shall be published not later than 60 days after the results are made available to the school. Publication shall be by notifying each parents/guardians in writing of the inspection results and/or by shall posting the information on the district's or school's web site, as determined by the Superintendent or designee. (Education Code 35178.4)**

*(cf. 1113 - District and School Web Sites)  
(cf. 5145.6 - Parental Notifications)*

If any district school loses its accreditation status, the Board shall give official notice at a regularly scheduled Board meeting. The Superintendent or designee shall provide written notification to each parent/guardian of a student in the school that the school has lost its accreditation status, including the potential consequences of the loss of accreditation status. This notice shall also be posted on the district's web site and the school's web site. (Education Code 35178.4)

*Legal Reference: (see next page)*

NO

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**EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)**

*Legal Reference:*

EDUCATION CODE

33400-33407 Educational evaluations

35178.4 Notice of accreditation status

44662 Evaluation and assessment guidelines, certificated employee performance

48985 Compliance with translation of parental notifications

51041 Education program, evaluation and revisions

51226 Model curriculum standards

52052-~~52052.1~~ Academic Performance Index-Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

62005.5 Failure to comply with purposes of funds

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3930-3937 Program requirements

3942 Continuity of funding

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress State plans

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FPM Frequently Asked Questions

Federal Program Monitoring Instruments

WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES PUBLICATIONS

Focus on Learning: Joint ACS WASC/CDE Process Guide, 2014 2017

WEB SITES

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

Western Association of Schools and Colleges (WASC), Accrediting Commission for Schools:  
<http://www.acswasc.org>

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# CSBA Sample Board Bylaw

Board Bylaws

BB 9110(a)

## TERMS OF OFFICE

Note: Governing Boards generally consist of three, five, or seven members. Exceptions are as provided in Education Code 5018 and 35012. The district should fill in the blank in the following paragraph to reflect the number of Governing Board members in the district.

For information about the election of Board members, including election dates, see BB 9220 - Governing Board Elections.

The Governing Board shall consist of five (5) members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each ~~odd-numbered~~ year in which the Board's elections are regularly held. (Education Code 35012)

(cf. 9220 - Governing Board Elections)

Note: AB 2449 (Ch. 146, Statutes of 2018) amended Education Code 5017 to change the commencement of the term of office of board members from the first Friday in December following their election to the second Friday in December. Although Education Code 5000 still states that a board member's four-year term expires on the first Friday in December, Education Code 5017 requires board members to continue to discharge their duties until their successor has qualified by taking the oath of office. Therefore, the following paragraph reflects the date specified in Education Code 5017.

The term of office for Board members elected in regular elections shall be four years, commencing on the ~~first~~ **second** Friday in December ~~next-succeeding~~ **following** their election. (Education Code 5017)

(cf. 9223 - Filling Vacancies)

(cf. 9224 - Oath or Affirmation)

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

~~Board member terms expire four years after their initial election on the first Friday in December following the election of new members.~~

~~A member whose term has~~ Board members whose terms have expired shall continue to discharge the duties of the office until ~~his/her successor has~~ **their successors have** qualified by taking the oath of office. (Education Code 5017; Government Code 1302, 1360; ~~Education Code 5017~~)

(cf. 9220 - Governing Board Elections)

(cf. 9223 - Filling Vacancies)

(cf. 9224 - Oath or Affirmation)

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

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**TERMS OF OFFICE (continued)**

**Note: Pursuant to Elections Code 10404.5, whenever a regularly scheduled board election is changed due to consolidation of elections, the term of office of incumbent Board members is extended to align with the next applicable election. Pursuant to Elections Code 1302 and 10404.5, districts are authorized to request consolidation of their board elections with the local municipal or state primary or general elections, and under defined circumstances are required to consolidate their elections with statewide elections as specified in Elections Code 14051-14052. See BB 9220 - Governing Board Elections.**

**If a regularly scheduled Board election date is changed due to consolidation with a statewide or municipal general election, the term of incumbent Board members shall be extended to align with the next applicable election. (Elections Code 10404.5)**

*Legal Reference:*

EDUCATION CODE

5000-5033 Election of school district board members

35010 Control of district

35012 Board members; number, election and terms

35107 Eligibility

ELECTIONS CODE

1302 Local elections, school district election

10400-10418 Consolidation of elections

14050-14057 California Voter Participation Rights Act

GOVERNMENT CODE

1302 Continuance in office until qualification of successor

1303 Exercising functions of office without having qualified

1360 Necessity of taking constitutional oath

*Management Resources:*

WEB SITES

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

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Policy Reference UPDATE Service

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