

Policy 0410: Nondiscrimination In District Programs And Activities

Status: ADOPTED

Original Adopted Date: 02/01/2014 | **Last Revised Date:** 05~~10~~/01/2018~~2023~~ | **Last Reviewed Date:** 05~~10~~/01/2018~~2023~~

CSBA NOTE: Education Code 234.1 mandates districts to adopt policy and regulations as well as a process to ensure that district programs and activities are free from unlawful discrimination. Education Code 234.1 requires that the district's nondiscrimination policy include a statement that the policy applies to all acts related to a school activity or school attendance and, as amended by AB 1078 (Ch. 229, Statutes of 2023), to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district. Education Code 234.1, as amended by AB 1078, contains similar language regarding the County Board of Education and the County Superintendent of Schools.

In accordance with various provisions of state and federal law, discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual. Education Code 220, as amended by AB 699 (Ch. 493, Statutes of 2017), prohibits discrimination based on race or ethnicity, nationality, immigration status, sex, sexual orientation, gender, gender identity, gender expression, religion, disability, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55. Education Code 260 prohibits discrimination based on age. Government Code 11135 prohibits discrimination based on all many of the foregoing characteristics and on age, disability, and an individual's genetic information and medical condition. Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) prohibits discrimination on the basis of race, color, and national origin. Title IX (20 USC 1681-1688) prohibits discrimination on the basis of sex-, gender, gender identity, pregnancy, and parental status. The Americans with Disabilities Act (ADA) (42 USC 12101-12213) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794) prohibit discrimination on the basis of disability. For policy language protecting students against discrimination and harassment, see BP/AR 5145.3 - Nondiscrimination/Harassment and BP/AR 5145.7 - Sexual Harassment.

Education Code 260 and 5 CCR 4900-4965 require the Governing Board to monitor district compliance with these state and federal laws. The federal laws are enforced by the Office for Civil Rights (OCR) of the U.S. Department of Education, and the California Department of Education (CDE) may investigate complaints regarding discrimination pursuant to 5 CCR 4600-4670.

OCR's August 2023 Dear Colleague Letter, "Race and School Programming," states that a district may not separate students based on race, but may include group discussions or activities that focus on race as part of the curriculum, courses, or programs so long as access or participation is not permitted or limited based on race. OCR's guidance also provides that a school-sponsored program with emphasis on race, such as a student club, that is open to all students, typically would not violate Title VI solely because of its race-related theme.

Additionally, OCR's May 2023 Dear Colleague Letter, "Resource on Confronting Racial Discrimination in Student Discipline," published in conjunction with the U.S. Department of Justice (DOJ), states that a district's responsibility not to discriminate against students applies to any of its programs or activities, whether directly or through contractual or other arrangements.

Similarly, Government Code 12940 provides protections for employees, job applicants, unpaid interns, and volunteers against unlawful discrimination and harassment: on the basis of actual or

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perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, or gender expression, and, as amended by SB 523 (Ch. 630, Statutes of 2022), includes reproductive health decisionmaking. For policy language addressing these protections against discrimination as they relate to volunteers, see BP 1240 -- Volunteer Assistance, and in relation to employees, unpaid interns, and job applicants, see BP 4030 -- Nondiscrimination in Employment.

The Governing Board This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, reproductive health decisionmaking, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, veteran or military status, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

CSBA NOTE: Education Code 234.7; as added by AB 699 (Ch. 493, Statutes of 2017), mandates that districts adopt policy consistent with the California Attorney General's General's model policy contained in the Office of the Attorney General's General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's California's K-12 Schools in Responding to Immigration Issues." That model policy includes statements regarding the equitable provision of services and a prohibition against the use of school resources or data for creating a registry based on specific characteristics. In addition, Government Code 8310.3; as added by SB 31 (Ch. 826, Statutes of 2017), prohibits districts from disclosing information about immigration status or religion to federal government authorities for use in the compilation of a registry for immigration enforcement or otherwise assisting in the creation of such a registry. For more information regarding this mandate and appropriate responses to citizenship and immigration concerns, see BP/AR 5145.13 - Response to Immigration Enforcement.

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

CSBA NOTE: Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board

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may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

District programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

CSBA NOTE: 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 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 expands this prohibition to include any racially derogatory or discriminatory athletic team name, mascot, or nickname and may be revised to reflect district practice.

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

CSBA NOTE: Pursuant to Education Code 221.5, a district is required to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of his/~~her~~the student's gender as listed on his/~~her~~the student's educational records. See BP/AR 5145.3 - Nondiscrimination/Harassment.

For further information, see CSBA's Updated , "Legal Guidance: Protecting on Rights of Transgender and Gender Nonconforming Students Against Sex Discrimination in Schools," and CSBA's Recently Asked Questions, "Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students."

The Superintendent or designee shall annually review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. ~~He/she~~The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/~~her~~the findings and recommendations to the Board after each review.

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library, as described above, may be brought under the district's uniform complaint procedures (UCP) or may be filed directly with the Superintendent of Public Instruction

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(SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.

All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

CSBA NOTE: Many nondiscrimination laws and regulations contain a notification requirement. For example, pursuant to 34 CFR 104.8 and 106.9~~8~~, a district that receives federal aid is required to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate on the basis of disability or sex in its educational programs or activities. In addition, Education Code 221.61 requires districts to post specified information relating to Title IX on their web siteswebsites. To ensure consistent implementation of the laws, the same notification requirement should be adopted for all the protected categories as provided in the following paragraph.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9~~8~~, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's web sitewebsite and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

CSBA NOTE: Education Code 234.7; as added by AB 699 (Ch. 493, Statutes of 2017); requires the following notification. Information about the educational rights of all students is contained in the appendix of the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues."

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

CSBA 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 these students must also be written in the primary language and may be answered by the parent/guardian in English or the primary language. In addition, 20 USC 6311 and 6312 require that districts receiving Title I funds provide parent/guardian notices in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians understand.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985; 20 USC 6312)

Access for Individuals with Disabilities

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CSBA NOTE: Pursuant to the ADA and its implementing regulations, 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. Compliance methods may include equipment redesign, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, and alteration of existing facilities and construction of new facilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective and the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, pursuant to 28 CFR 35.151, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs issued by the U.S. Department of Justice: [DOJ](#).

In addition, pursuant to 28 CFR 35.136, a district must permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. For language addressing this mandate, see AR 6163.2 - Animals at School. Districts with questions about compliance with the ADA should consult with [CSBA's District and County Office of Education Legal Services](#) or district legal counsel as appropriate.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

CSBA NOTE: Pursuant to 28 CFR 35.130 and 35.160, the ADA 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. However, if the district can show that providing such aids and services would fundamentally alter the nature of the function, program, or meeting or would be an undue burden, then the district need not provide them.

[The requirement to provide services and aids extends to qualified individuals with speech, hearing, or vision disabilities who participate in Medi-Cal, and, in accordance with the Department of Health Care Services Policy and Procedure Letters No. 21-017R and No. 23-004, districts are required to have a plan to meet these alternative format requirements; see AR 5141.6 - School Health Services.](#)

In addition, Government Code 54953.2 requires that all Board meetings meet the protections of the ADA and implementing regulations (28 CFR 35.160 and 36.303). In effect, ~~the~~ [The](#) district must ensure that such meetings are accessible to persons with disabilities and that, upon the request of any person with a disability, disability-related accommodations, such as auxiliary aids and services, are made available. [Additionally, Government Code 54953, as amended by AB 2449 \(Ch. 285, Statutes of 2022\), requires boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.](#)

OCR has interpreted the ADA and Section 504 of the Rehabilitation Act of 1973 to include the requirement that district ~~web sites~~ [websites](#) be accessible to individuals with disabilities. See the OCR's June 2010 and May 2011 Dear Colleague Letters and BP 1113 - District and School ~~Web Sites~~ [Websites](#).

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or

enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school ~~web sites~~websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or ~~principal~~designee if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

CSBA NOTE: Pursuant to 28 CFR 35.107, a district that has 50 or more employees is required to designate at least one employee to coordinate the district's efforts to comply with the ADA. The designated employee could be the same individual or position responsible for the district's compliance with state and federal laws and regulations governing educational programs as identified in the district's ~~uniform complaint~~UCP procedures. The following paragraph, which identifies the person or position identified in the AR 1312.3 - Uniform Complaint Procedures as the responsible employee, may be modified if the district chooses to designate another person or position.

The individual identified in AR Administrative Regulation 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws is hereby designated as the district's ADA coordinator. He/she The compliance officer shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Superintendent

 (title or position)

 (address)

 (telephone number)

 (email)

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Policy Reference Disclaimer:
 These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51007	Legislative intent; state policy

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<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
<u>Ed. Code 51501</u>	<u>Nondiscriminatory subject matter</u>
<u>Ed. Code 60010</u>	<u>Instructional materials; definition</u>
<u>Ed. Code 60040-60052</u>	<u>Requirements for instructional materials</u>
Gov. Code 11000	Definitions
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
<u>Gov. Code 54953</u>	<u>Meetings; Americans with Disabilities Act accessibility</u>
Gov. Code 54953.2	<u>Brown Act compliance with Americans with Disabilities Act</u>
Gov. Code 8310.3	California Religious Freedom Act
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 2301-2414	Strengthening Career and Technical Education for the 21st Century Act
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
28 CFR 35.101-35.190	Americans with Disabilities Act
28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.1-100.13	Nondiscrimination in federal programs; effectuating Title VI
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.61 82	Discrimination on the basis of sex; effectuating Title IX
34 CFR 106.9	Severability
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	Description
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment (https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/Workplace-Discrimination-Poster_ENG.pdf)

CA Department of Health Care Services Publication	Policy and Procedures Letter No. 23-004, February 2023
CA Department of Health Care Services Publication	Policy and Procedures Letter No. 21-017R, December 2021
CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018 (https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf)
CSBA Publication	Updated Legal Guidance: Protecting on Rights of Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017 in Schools, October 2022 (https://www.csba.org/-/media/CSBA/Files/Advocacy/LegalAdvocacy/Legal-Guidance-Transgender-Legal-10-2022.ashx?la=en&rev=a3fb600ee6d640598c038dfceaef871c)
CSBA Publication	Parental and Student Rights in Relation to Transgender and Gender Nonconforming Students, Recently Asked Questions, August 2023
U.S. Department of Justice Publication, Civil Rights Division Publication	Guidance on Web Accessibility and the ADA, March 2022
U.S. Department of Justice, Civil Rights Division Publication	Accessibility of State and Local Government Websites to People with Disabilities, June 2003 February 2020 (https://www.ada.gov/resources/accessibility-govt-websites/)
U.S. Department of Justice, Civil Rights Division Publication	2010 ADA Standards for Accessible Design, September 2010 (https://www.ada.gov/law-and-regs/design-standards/2010-stds/)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter, May 26, 2011 : Race and School Programming, August 2023 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter, May 26, 2011 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201105-pse.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Electronic Book Readers, June 29, 2010 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.pdf)
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015 Supporting Transgender Youth in School, June 2021 (https://www2.ed.gov/about/offices/list/ocr/docs/ed-factsheet-transgender-202106.pdf)
U.S. DOE, Office for Civil Rights and U.S. DOJ, Civil Rights Division Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline, May 2023 (https://www2.ed.gov/about/offices/list/ocr/docs/tvi-student-discipline-resource-202305.pdf)
U.S. DOE, Office for Civil	Nondiscrimination in Employment Practices in Education, August 1991

Rights Publication	https://www2.ed.gov/about/offices/list/ocr/docs/hq53e8.html
U.S. DOE, Office for Civil Rights Publication Website	Notice of Non-Discrimination, Fact Sheet, August 2010
Website	CSBA District and County Office of Education Legal Services
Website	World Wide Web Consortium, Web Accessibility Initiative
Website	Pacific ADA Center
Website	U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website	California Office of the Attorney General
Website	California Safe Schools Coalition
Website	CSBA
Website	California Department of Education
Website	California Civil Rights Department
Website	California Department of Health Care Services (https://www.dhcs.ca.gov/)
Website	U.S. Equal Employment Opportunity Commission
Website	U.S. Department of Education, Office for Civil Rights
World Wide Web Consortium Publication	Web Content Accessibility Guidelines, December 2008

Cross References

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6173.1	Education For Foster Youth
6173.4	Education for American Indian Students
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6184	Continuation Education
6184	Continuation Education
6200	Adult Education
6200	Adult Education

MB

Policy 1312.2: Complaints Concerning Instructional Materials

Status: ADOPTED

Original Adopted Date: 09/01/1988 | **Last Revised Date:** 03/10/01/2006/2023 | **Last Reviewed Date:** 03/10/01/2006/2023

CSBA NOTE: The following optional policy and the accompanying administrative regulation, and exhibit are for complaints concerning the content or use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, and should be revised to reflect district practice.

Pursuant to Education Code 242, as added by AB 1078 (Ch. 229, Statutes of 2023), the California Department of Education (CDE) is required to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

For complaints regarding the sufficiency of instructional materials or textbooks pursuant to Education Code 35186, see AR/E(1)/E(2) 1312.4 - Williams Uniform Complaint Procedures.

For more information regarding the selection, evaluation, and prohibited use of individual instructional materials, see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials, BP 6161.11 - Supplementary Instructional Materials, and BP 6163.1 - Library Media Centers.

The Governing Board uses a comprehensive process to adopt district instructional materials that is based on selection criteria established by law and Board policy and includes opportunities for the involvement of district staff, parents/guardians, and community members. , and, as appropriate, students. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the accompanying administrative regulation. and exhibit.

The district shall accept complaints concerning instructional materials only from staff, district residents, or the parents/guardians of children enrolled in a district school. (Education Code 35160)

When deliberating upon challenged materials, the Superintendent and/or review committee shall consider the educational philosophy of the district, the professional opinions of teachers of the subject and of other competent authorities; reviews of the materials by reputable bodies; the teacher's stated objectives in using the materials; community standards; and the objections of the complainant.

Complainants are encouraged to accept the Superintendent's or review committee's decision. However, if the complainant finds that decision unsatisfactory, he/she may appeal the decision to the Board.

The district's decision shall be based on educational suitability of the materials and the criteria established in Board policy and administrative regulation.

7110	Facilities Master Plan
7111	Evaluating Existing Buildings
7310	Naming Of Facility
9150	Student Board Members
9220	Governing Board Elections
9320	Meetings And Notices
9322	Agenda/Meeting Materials

MS

Policy 1312.2: Complaints Concerning Instructional Materials

Status: ADOPTED

Original Adopted Date: 09/01/1988 | Last Revised Date: 0310/01/20062023 | Last Reviewed Date: 0310/01/20062023

CSBA NOTE: The following optional policy and the, accompanying administrative regulation, and exhibit are for complaints concerning the content or use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, and should be revised to reflect district practice.

Pursuant to Education Code 242, as added by AB 1078 (Ch. 229, Statutes of 2023), the California Department of Education (CDE) is required to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

For complaints regarding the sufficiency of instructional materials or textbooks pursuant to Education Code 35186, see AR/E(1)/E(2) 1312.4 - Williams Uniform Complaint Procedures.

For more information regarding the selection, evaluation, and prohibited use of individual instructional materials, see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials, BP 6161.11 - Supplementary Instructional Materials, and BP 6163.1 - Library Media Centers.

The Governing Board uses a comprehensive process to adopt district instructional materials that is based on selection criteria established by law and Board policy and includes opportunities for the involvement of district staff, parents/guardians, and community members. , and, as appropriate, students. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the accompanying administrative regulation: and exhibit.

The district shall accept complaints concerning instructional materials only from staff, district residents, or the parents/guardians of children enrolled in a district school. (Education Code 35160)

When deliberating upon challenged materials, the Superintendent and/or review committee shall consider the educational philosophy of the district, the professional opinions of teachers of the subject and of other competent authorities, reviews of the materials by reputable bodies, the teacher's stated objectives in using the materials, community standards, and the objections of the complainant.

Complainants are encouraged to accept the Superintendent's or review committee's decision. However, if the complainant finds that decision unsatisfactory, he/she may appeal the decision to the Board.

The district's decision shall be based on educational suitability of the materials and the criteria established in Board policy and administrative regulation.

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CSBA NOTE: Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, may be brought under the district's uniform complaint procedures or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 – Uniform Complaint Procedures.

However, a complaint related to the use or prohibited use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library that alleges unlawful discrimination based on a violation of Education Code 243 shall be filed, investigated, and resolved in accordance with Board Policy 1312.3 – Uniform Complaint Procedures.

CSBA NOTE: Pursuant to Education Code 60040.5, as added by AB 1078, CDE is required to issue, by July 1, 2025, guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant.

When deliberating upon challenged materials, the Superintendent, or any designee or committee established by the Superintendent to review the materials, shall consider the degree to which the materials aligned with the criteria for instructional materials as specified in law, Board policy, and administrative regulation. In addition, such deliberations may consider the educational philosophy and vision of the district; the educational suitability of the materials including the manner in which the materials support the curriculum and appropriateness for the student's age; the professional opinions of teachers of the subject and of other competent authorities and/or experts; reviews of the materials by reputable bodies; the stated objectives in using the materials; community standards; the allegations in the complaint, including the extent to which the objections are based on the dislike of ideas contained in the materials; and the impact that keeping or removing the materials would have on student well-being.

CSBA NOTE: Education Code 243, as added by AB 1078, clarifies that it is unlawful discrimination for the Board to prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library on the basis that it contains inclusive or diverse perspectives. While Education Code 243 is specifically applicable to boards, districts should assume that any similar decision by the Superintendent, designee, or any committee established by the Superintendent would likely constitute unlawful discrimination as well; see BP 6161.1 – Selection and Evaluation of Instructional Materials.

The Superintendent, or any designee or committee established by the Superintendent to review the materials, shall not prohibit the continued use of an appropriately adopted textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library on the basis that it contains inclusive and/or diverse perspectives, as specified in Education Code 243.

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If the complainant finds the Superintendent's or review committee's decision unsatisfactory, the complainant may appeal the decision to the Board.

CSBA NOTE: The following optional paragraph limits reconsideration within a specified time period and should be modified to reflect district practice.

When any Any challenged instructional material that is reviewed by the district, it shall not be subject to further reconsideration for 12 months, unless the Superintendent determines that reconsideration is warranted required by law.

CSBA NOTE: Education Code 35186 details a specific process that districts must use to resolve complaints regarding sufficiency/availability of instructional materials or textbooks. See AR/E(1)/E(2) 1312.4 - Williams Uniform Complaint Procedures.

Pursuant to Education Code 60119, boards are required to hold a public hearing annually regarding the sufficiency of instructional materials. If, at the public hearing, the Board makes a determination of "insufficient materials", Education Code 1240, as amended by AB 1078, requires the Board to take certain actions and specifies potential consequences for not remedying the deficiency as required by law; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

Complaints related to the sufficiency of textbooks or instructional materials shall be resolved pursuant to the district's as specified in Administrative Regulation 1312.4 - Williams uniform complaint procedure at AR 1312.4 Uniform Complaint Procedures.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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State

5 CCR 4600-4670

Ed. Code 18111

Ed. Code 220

Ed. Code 242

Ed. Code 243

Ed. Code 1240

Ed. Code 35010

Ed. Code 35160

Ed. Code 35186

Ed. Code 44805

Description

Uniform complaint procedures

Exclusion of books by Governing board that are sectarian, partisan, or denominational character

Prohibition of discrimination

Access to information about educational laws and policies regarding right to accurate and inclusive curriculum

Unlawful discrimination related to the use or prohibited use of textbooks and instructional materials

County superintendent of schools; duties

Control of district; prescription and enforcement of rules

Powers and duties of school boards

Williams uniform complaint procedures

Teacher enforcement of course of studies; use of textbooks, rules and regulations

MB

Ed. Code 44805	Enforcement of course of studies; use of textbooks, rules and regulations
<u>Ed. Code 48907</u>	<u>Exercise of free expression; time, place and manner rules and regulations</u>
<u>Ed. Code 48950</u>	<u>Speech and other communication</u>
<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51501	Subject matter reflecting on race, color, etc. <u>Nondiscriminatory subject matter</u>
<u>Ed. Code 51511</u>	<u>Religious matters properly included in courses of study</u>
<u>Ed. Code 51933</u>	<u>Sexual health education and HIV prevention materials</u>
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60040-60048 60052	Instructional requirements and materials <u>Requirements for instructional materials</u>
Ed. Code 60119	Public hearing on sufficiency of materials <u>Public hearing on sufficiency of textbooks and instructional materials</u>
Ed. Code 60200-60206 60213	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	High school textbooks <u>and instructional materials</u>
Ed. Code 60510-60511	Donation or sale of obsolete instructional materials
Management Resources	Description
<u>California Department of Education Publication</u>	Selection of Instructional Materials; CIL: 90/91-02 <u>FAQ</u>
California Department of Education Publication	Standards for Evaluation of <u>Evaluating</u> Instructional Materials with Respect to <u>for</u> Social Content, 1986 <u>2013</u> edition; revised 2001
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Curriculum and Instruction <u>Resources</u>
Website	CSBA
<u>Website</u>	<u>Department of Justice (https://oag.ca.gov/)</u>
<u>Website</u>	<u>U.S. Department of Education, Office for Civil Rights (https://www2.ed.gov/about/offices/list/ocr/index.html)</u>

Cross References

Code	Description
0410	Nondiscrimination in District Programs and Activities
1100	Communication With The Public
1250	Visitors/Outsiders

MP

1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
6000	Concepts And Roles
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
6142.94	History-Social Science Instruction
<u>6143</u>	<u>Courses Of Study</u>
6144	Controversial Issues
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6163.1	Library Media Centers
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9200	Limits Of Board Member Authority
9322	Agenda/Meeting Materials

MB

Regulation 1312.2: Complaints Concerning Instructional Materials

Status: ADOPTED

Original Adopted Date: 12/01/1990 | **Last Revised Date:** 03/10/01/2006/2023 | **Last Reviewed Date:** 03/10/01/2006/2023

CSBA NOTE: The following optional regulation is for complaints concerning the content or use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, and should be modified to reflect district practice. Complaints alleging unlawful discrimination based on a violation of Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library are required to be investigated or resolved in accordance with the procedures specified in BP/AR 1312.3 - Uniform Complaint Procedures, or may be directly filed with the Superintendent of Public Instruction. For a specific process that districts must use to resolve complaints regarding the sufficiency of instructional materials or textbooks pursuant to Education Code 35186, see AR/E(1)/E(2) 1312.4 - Williams Uniform Complaint Procedures.

For more information regarding the selection, evaluation, and prohibited use of individual instructional materials, see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials, BP 6161.11 - Supplementary Instructional Materials, and BP 6163.1 - Library Media Centers.

Step 1: Informal Complaint

If a staff member, district resident, or parent/guardian of a student enrolled in a district school has a complaint regarding the content or use of any specific instructional material, ~~he/she~~such individual shall informally discuss the material in question with the principal. (Education Code 35160)

Step 2: Formal Complaint

If the complainant is not satisfied with the principal's initial response, ~~he/she~~the complainant shall present a written complaint to the principal. Complaints regarding printed material shall name the author, title, and publisher and shall identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection and location of such material shall be given. ~~Complainants~~In order for the district to reply appropriately, complainants shall sign all complaints and provide identifying information ~~so that the district is able to make a proper reply.~~ Anonymous complaints will not be accepted.

Upon receiving a complaint, the principal shall ~~acknowledge~~provide the complainant with a written acknowledgement of its receipt and ~~answer~~respond to any procedural questions regarding procedure. the complainant may have. The principal then shall then notify the Superintendent or designee and, ~~the teacher(s) involved of the complaint), and other staff as appropriate.~~

During the investigation of the complaint, the challenged material may remain in use until a final decision has been reached. ~~However, upon request of the parent/guardian who has filed the complaint, his/her child may be excused from using challenged materials until a resolution has been reached.~~ The teacher shall assign the student an alternate material of equal merit.

Step 3: Superintendent Determination Review Committee

The Superintendent or designee shall determine whether to convene a review committee should be convened to review the complaint.

If the Superintendent or designee determines that a review committee is not necessary, he/she shall issue a decision regarding the complaint.

Step 4: Review Committee

an advisory

If the Superintendent or designee determines that a review committee is necessary, he/she shall appoint a committee composed of administrators and staff members selected from relevant instructional and administrative areas. The Superintendent or designee may also appoint parents/guardians, students, and community members, as appropriate, to serve on the committee.

The Superintendent or designee may provide training to the review committee shall to ensure that the review committee is informed regarding its responsibilities, the criteria specified into follow when reviewing instructional materials, and applicable laws, Board policy and shall determine the extent to which the challenged material supports the curriculum, the educational appropriateness of the material, and its suitability for the age level of the student. (ies), and administrative regulation(s).

Within 30 days of being convened, the review committee shall summarize its findings in a written report. The Superintendent or designee shall notify the complainant in writing of the committee's decision within 15 days of receiving the committee's report.

Step 5: Appeal to the Governing Board

If the complainant remains unsatisfied, he/she may appeal the Superintendent's or the review committee's decision to the Board. ~~The Board's decision shall be final.~~

Step 4: Superintendent Determination

If the Superintendent or designee determines that a review committee is not necessary, the Superintendent or designee shall, in a timely manner, issue a decision regarding the complaint.

Step 5: Appeal to the Governing Board

If the complainant remains unsatisfied, the complainant may appeal the Superintendent's or review committee's decision to the Board. The Board's decision shall be final.

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State

5 CCR 4600-4670

Description

Uniform complaint procedures

MS

Ed. Code 18111	<u>Exclusion of books by Governing board that are sectarian, partisan, or denominational character</u>
<u>Ed. Code 220</u>	<u>Prohibition of discrimination</u>
<u>Ed. Code 242</u>	<u>Access to information about educational laws and policies regarding right to accurate and inclusive curriculum</u>
<u>Ed. Code 243</u>	<u>Unlawful discrimination related to the use or prohibited use of textbooks and instructional materials</u>
<u>Ed. Code 1240</u>	<u>County superintendent of schools; duties</u>
Ed. Code 35010	Control of district; prescription and enforcement of rules
<u>Ed. Code 35160</u>	<u>Powers and duties of school boards</u>
Ed. Code 35186	Williams uniform complaint procedures
<u>Ed. Code 44805</u>	<u>Teacher enforcement of course of studies; use of textbooks, rules and regulations</u>
Ed. Code 44805	Enforcement of course of studies; use of textbooks, rules and regulations
<u>Ed. Code 48907</u>	<u>Exercise of free expression; time, place and manner rules and regulations</u>
<u>Ed. Code 48950</u>	<u>Speech and other communication</u>
<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51501	Subject matter reflecting on race, color, etc. <u>Nondiscriminatory subject matter</u>
<u>Ed. Code 51511</u>	<u>Religious matters properly included in courses of study</u>
<u>Ed. Code 51933</u>	<u>Sexual health education and HIV prevention materials</u>
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60040- 60048 <u>60052</u>	Instructional requirements and materials <u>Requirements for instructional materials</u>
Ed. Code 60119	Public hearing on sufficiency of materials <u>Public hearing on sufficiency of textbooks and instructional materials</u>
Ed. Code 60200- 60206 <u>60213</u>	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	High school textbooks <u>and instructional materials</u>
Ed. Code 60510-60511	Donation or sale of obsolete instructional materials
Management Resources	Description
<u>California Department of Education Publication</u>	Selection of Instructional Materials; CIL: 90/91-02 <u>FAQ</u>
California Department of Education Publication	Standards for Evaluation of <u>Evaluating</u> Instructional Materials with Respect to for Social Content, 1986 <u>2013</u> edition; revised 2001

Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Curriculum and Instruction Resources
Website	CSBA
Website	Department of Justice (https://oag.ca.gov/)
Website	U.S. Department of Education, Office for Civil Rights (https://www2.ed.gov/about/offices/list/ocr/index.html)

Cross References

Code	Description
0410	Nondiscrimination in District Programs and Activities
1100	Communication With The Public
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
5145.3	Nondiscrimination/Harassment
6000	Concepts And Roles
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6144	Controversial Issues
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials

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6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6163.1	Library Media Centers
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9200	Limits Of Board Member Authority
9322	Agenda/Meeting Materials

Exhibit 1312.2-E(1): Complaints Concerning Instructional Materials

Status: ADOPTED

Original Adopted Date: 12/01/1990 | Last Revised Date: 03/10/01/2006 **2023** | Last Reviewed Date: 03/10/01/2006 **2023**

**REQUEST FOR RECONSIDERATION OF EXISTING
INSTRUCTIONAL MATERIALS**

This form is only for use only by district employees, district residents, or parents/guardians of children enrolled in a district school to challenge the content or use of an any existing textbook, instructional material. **For complaints regarding sufficiency of, supplemental instructional materials, please use the Williams Uniform Complaint Procedure complaint form material, or other curriculum for classroom instruction, or any book or other resource in a school library.**

Date: _____

Name of person filing complaint: _____

Anonymous complaints will not be accepted.

Group represented (if any): _____

Phone: _____

E-mail address, if any: _____

Address: _____

Instructional Material Being Challenged:

Title: _____

Author: _____

Publisher: _____

Date of Edition: _____

Name of school/classroom instructional material was used: _____

1. 1. Please specifically state the nature of your concern or objection and identify your objection by page, ~~tape~~ website, webpage and/or link, recording or digital sequence, video frame, or words, as appropriate. You may use additional pages if necessary.

Did you _____

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2. 2. Was the instructional material of concern read/view/heard/viewed in isolation or was the entire selection?

3. For read/heard/viewed? If the entire selection was not read/heard/viewed, what age group would you recommend this material?

4. If not, what is your estimate regarding the percentage did you of the amount read/view, or what parts? heard/viewed?

5. 3. What do you feel might be the result is your concern regarding the consequence if a student reads/hears/views this/the instructional material?

In your assessment, is the instructional material appropriate for the age of the students being taught?

6. 4. What would you like the school to do about this/the instructional material?

- Do not assign it to my child
- Withdraw it from all students
- Reconsider it

Signature of complainant

For District Use:

Request received by: _____

Date: _____

Title: _____

Action taken: _____

Date: _____

Date: _____

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State

[5 CCR 4600-4670](#)

Ed. Code 18111

[Ed. Code 220](#)

[Ed. Code 242](#)

[Ed. Code 243](#)

[Ed. Code 1240](#)

Ed. Code 35010

[Ed. Code 35160](#)

Ed. Code 35186

[Ed. Code 44805](#)

Description

[Uniform complaint procedures](#)

[Exclusion of books by Governing board that are sectarian, partisan, or denominational character](#)

[Prohibition of discrimination](#)

[Access to information about educational laws and policies regarding right to accurate and inclusive curriculum](#)

[Unlawful discrimination related to the use or prohibited use of textbooks and instructional materials](#)

[County superintendent of schools; duties](#)

Control of district; prescription and enforcement of rules

[Powers and duties of school boards](#)

Williams uniform complaint procedures

[Teacher enforcement of course of studies; use of textbooks, rules and regulations](#)

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Ed. Code 44805	Enforcement of course of studies; use of textbooks, rules and regulations
<u>Ed. Code 48907</u>	<u>Exercise of free expression; time, place and manner rules and regulations</u>
<u>Ed. Code 48950</u>	<u>Speech and other communication</u>
<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51501	Subject matter reflecting on race, color, etc. <u>Nondiscriminatory subject matter</u>
<u>Ed. Code 51511</u>	<u>Religious matters properly included in courses of study</u>
<u>Ed. Code 51933</u>	<u>Sexual health education and HIV prevention materials</u>
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60040- 60048 <u>60052</u>	Instructional requirements and materials <u>Requirements for instructional materials</u>
Ed. Code 60119	Public hearing on sufficiency of materials <u>Public hearing on sufficiency of textbooks and instructional materials</u>
Ed. Code 60200- 60206 <u>60213</u>	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60400-60411	High school textbooks <u>and instructional materials</u>
Ed. Code 60510-60511	Donation or sale of obsolete instructional materials

Management Resources

California Department of Education Publication

California Department of Education Publication

Website

Website

Website

Website

Website

Description

Selection of Instructional Materials; CIL: 90/91-02 FAQ

Standards for Evaluation of Evaluating Instructional Materials with Respect to for Social Content, 19862013 edition, revised 2001

CSBA District and County Office of Education Legal Services

California Department of Education, Curriculum and Instruction Resources

CSBA

Department of Justice (https://oag.ca.gov/)

U.S. Department of Education, Office for Civil Rights (https://www2.ed.gov/about/offices/list/ocr/index.html)

Cross References

Code

0410

1100

1250

Description

Nondiscrimination in District Programs and Activities

Communication With The Public

Visitors/Outsiders

MB

1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
6000	Concepts And Roles
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.6	Visual And Performing Arts Education
6142.92	Mathematics Instruction
6142.94	History-Social Science Instruction
<u>6143</u>	<u>Courses Of Study</u>
6144	Controversial Issues
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6163.1	Library Media Centers
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9200	Limits Of Board Member Authority
9322	Agenda/Meeting Materials

Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 05/01/2017 | **Last Revised Date:** ~~12~~10/01/2024²⁰²³ | **Last Reviewed Date:** ~~12~~10/01/2024²⁰²³

CSBA NOTE: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 **mandates** districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan, and Education Code 8212, as ~~renumbered by AB 131 (Ch. 116, Statutes of 2021)~~ **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, districts are **mandated** pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are **mandated** pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. The following policy contains a list of programs and activities subject to these procedures pursuant to state law; see the section "Complaints Subject to UCP", below.

The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1; and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-~~2000e-17~~2000d-7), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). Whether a complaint of sexual harassment is addressed through the UCP or the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the section "Non-UCP Complaints" below, the accompanying administrative regulation, BP/AR 5145.7 - Sexual Harassment, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The following policy and accompanying administrative regulation reflect all components required by law, 5 CCR 4600-4670, as amended by Register 2020, No. 21, and the ~~2021-22~~2023-24 FPM instrument. Additional details provided herein may help districts during a compliance check by CDE or in the event that a CDE or OCR investigation occurs.

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The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

CSBA NOTE: The FPM process includes a review of a district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. ~~Items #1-23~~ The 2023-24 FPM instrument does not include school safety plans, as was provided for in the 2022-23 instrument. Items #1-22 list all programs and activities identified in the FPM instrument. According to CDE, the district's policy must list all such programs and activities and, at the district's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the district.

For further information regarding requirements for the following programs and activities, see the law cited and/or related CSBA policy and/or administrative regulation.

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

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group

identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 – Complaints Concerning Instructional Materials and AR 1312.4 – Williams Uniform Complaint Procedures.

Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243)

11. Educational and graduation requirements for students in foster care, homeless students experiencing homelessness, students from military families, and students formerly in a juvenile court school, students who are migratory, and students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)

14. Migrant education (Education Code 54440-54445)

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

16. Student fees (Education Code 49010-49013)

17. Reasonable accommodations to a lactating student (Education Code 222)

18. Regional occupational centers and programs (Education Code 52300-52334.7)

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

~~20. School safety plans (Education Code 32280-32289)~~

~~21.~~ 20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

~~22.~~ 21. State preschool programs (Education Code 8207-8225)

CSBA NOTE: Pursuant to Education Code 8212, as renumbered by AB 131, and CDE's ~~2021-~~ 2023-24 FPM instrument, the district must use the UCP, with modifications as necessary, to resolve complaints alleging deficiencies related to health and safety issues in license-exempt CSPPs.

Pursuant to 5 CCR 4610, such complaints must be addressed through the procedures described in 5 CCR 4690-4694, as added by Register 2020, No. 21. See the section "Health and Safety Complaints in License-Exempt Preschool Programs" in the accompanying administrative regulations.

~~23.~~ 22. State preschool health and safety issues in license-exempt programs (Education Code 8212)

CSBA NOTE: 5 CCR 4621 mandates that district policy ensure that complainants are protected from retaliation as specified in item #~~24~~ 23 below.

~~24.~~ 23. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

~~25.~~ 24. Any other state or federal educational program the Superintendent of Public Instruction SPI or designee deems appropriate

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CSBA NOTE: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

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

CSBA NOTE: The following paragraph is mandated pursuant to 5 CCR 4621. Appropriate disclosure will vary in each case depending on the facts and circumstances.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

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

CSBA NOTE: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is investigated by OCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

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

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5

CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in [ARAdministrative Regulation](#) 5145.71 - Title IX Sexual Harassment Complaint Procedures.

CSBA NOTE: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR 4611 requires that employment discrimination complaints be referred to the [Civil Rights](#) Department of Fair Employment and Housing. See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in [ARAdministrative Regulation](#) 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California [Civil Rights](#) Department of Fair Employment and Housing.

CSBA NOTE: 5 CCR 4610, as amended by Register 2020, No. 21, limits the applicability of the UCP for complaints regarding special education and child nutrition, as provided in Items #5-7 below.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with [ARAdministrative Regulation](#) 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with [BPBoard Policy](#) 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with [BPBoard Policy](#) 3555 - Nutrition Program Compliance. (5 CCR 15582)

CSBA NOTE: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for

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other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with [AR Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures](#). (Education Code 35186)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs

Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
<u>Ed. Code 51501</u>	<u>Nondiscriminatory subject matter</u>
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
<u>Ed. Code 60010</u>	<u>Instructional materials; definition</u>
<u>Ed. Code 60040-60052</u>	<u>Requirements for instructional materials</u>
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment

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Federal

20 USC 1221

20 USC 1232g

20 USC 1681-1688

20 USC 6301-6576

20 USC 6801-7014

28 CFR 35.107

29 USC 794

34 CFR 100.3

34 CFR 104.7

34 CFR 106.1-106.82

34 CFR 106.30

34 CFR 106.44

34 CFR 106.45

34 CFR 106.8

34 CFR 110.25

34 CFR 99.1-99.67

42 USC 11431-11435

42 USC 12101-12213

42 USC 2000d-2000e-172000d-7

42 USC 2000h-2-2000h-6

42 USC 6101-6107

Management ResourcesCalifornia Department of Education
PublicationCalifornia Department of Education
PublicationU.S. DOE, Office for Civil Rights
PublicationU.S. DOE, Office for Civil Rights
Publication**Description**

Application of laws

Family Educational Rights and Privacy Act (FERPA) of 1974

Title IX of the Education Amendments of 1972;
discrimination based on sexTitle I Improving the Academic Achievement of the
DisadvantagedTitle III language instruction for limited English proficient and
immigrant students

Nondiscrimination on basis of disability; complaints

Rehabilitation Act of 1973; Section 504

Prohibition of discrimination on basis of race, color or
national originSection 504; Designation of responsible employee and
adoption of grievances procedures

Nondiscrimination on the basis of sex in education programs

Discrimination on the basis of sex in education programs and
activities; definitions

Recipient's response to sexual harassment

Grievance process for formal complaints of sexual harassment

Designation of coordinator; dissemination of policy, and
adoption of grievance procedures

Notification of nondiscrimination on the basis of age

Family Educational Rights and Privacy

McKinney-Vento Homeless Assistance Act

Americans with Disabilities Act

Title VI and Title VII Civil Rights Act of 1964, as amended

Title IX of the Civil Rights Act of 1964

Age Discrimination Act of 1975

Description

Uniform Complaint Procedure 2021-22 Program Instrument

Sample UCP Board Policies and Procedures

Part 1: Questions and Answers Regarding the Department's
Title IX Regulations, January 2021Questions and Answers on the Title IX Regulations on Sexual
Harassment, July 2021

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U.S. DOE, Office for Civil Rights
Publication

Dear Colleague Letter: Responding to Bullying of Students
with Disabilities, October 2014

U.S. DOJ Publication

Guidance to Federal Financial Assistance Recipients
Regarding Title VI Prohibition Against National Origin
Discrimination Affecting Limited English Proficient Persons,
2007

Website

CSBA District and County Office of Education Legal Services

Website

Student Privacy Policy Office

Website

U.S. Department of Agriculture

Website

California Department of Social Services

Website

U.S. Department of Justice

Website

California Department of Education

Website

CSBA

Website

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

Website

California Civil Rights Department

Cross References

Code

Description

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Nondiscrimination In District Programs And Activities

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School Plans/Site Councils

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School Plans/Site Councils

0420.41

Charter School Oversight

0420.41-E(1)

Charter School Oversight

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Comprehensive Local Plan For Special Education

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Comprehensive Local Plan For Special Education

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Comprehensive Safety Plan

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Comprehensive Safety Plan

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Local Control And Accountability Plan

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Local Control And Accountability Plan

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COVID-19 Mitigation Plan

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District And School Websites

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District And School Websites

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District And School Websites

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3260	Fees And Charges
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4131	Staff Development
4212.9	Employee Notifications
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4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
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5141.4	Child Abuse Prevention And Reporting
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5145.71	Title IX Sexual Harassment Complaint Procedures
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6159	Individualized Education Program

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6159.3	Appointment Of Surrogate Parent For Special Education Students
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6173.2	Education Of Children Of Military Families
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Regulation 1312.3: Uniform Complaint Procedures

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CSBA NOTE: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021) mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination, harassment, intimidation, or bullying. For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Governing Board to (1) refuse to approve the use any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, may be brought under the district's UCP or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. For more information regarding complaints concerning instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials and AR 1312.4 - Williams Uniform Complaint Procedures.

Education Code 242, as added by AB 1078, requires the California Department of Education (CDE) to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

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Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, homeless students experiencing homelessness, former juvenile court school students, children of military families, migrant students who are migratory, and students participating in a newcomer program for newly arrived immigrants; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.

Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

Compliance Officers

CSBA NOTE: 5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, harassment, intimidation, or bullying and retaliation. During its Federal Program Monitoring (FPM) process, California Department of Education (CDE) CDE staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the lead compliance officer.

The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sexual harassment pursuant to AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions.

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR Administrative Regulation 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR Administrative Regulation 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment.

(title or position)

(unit or office)

(address)

(telephone number)

(email)

Superintendent

15305 Rockwood Rd, Escondido,
760.745.4931 CA 92027
SPUSD@sanpasqualunion.net

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CSBA NOTE: The following paragraph is for use by districts that have designated more than one compliance officer.

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

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

CSBA NOTE: 5 CCR 4621 mandates that the district's policy requires employees responsible for compliance and/or for investigating and resolving complaints to be knowledgeable about the laws and programs at issue in the complaints they are assigned. Compliance officers must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

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

CSBA NOTE: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

CSBA NOTE: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. The following list reflects those required components and additional content of the notice listed in CDE's FPM instrument.

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A sample of the annual notice is available through CDE's web site [website](#). It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, ~~homeless~~ students experiencing homelessness, children of military families, ~~and~~ former juvenile court school students now enrolled in the district, students who are migratory, and students participating in a newcomer program as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge



CSBA NOTE: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, a district and district school are required to post information related to Title IX on their ~~web sites~~websites, including specified information about complaint procedures under Title IX. See AR 5145.3 - Nondiscrimination/Harassment. A school or district that does not maintain a ~~web site~~website may comply by posting the information on the ~~web site~~website of its district or county office of education (COE), however a school, district, or COE is not required to establish a ~~web site~~website if it does not maintain one. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.6 shall be posted on the district and district school ~~web sites~~websites and may be provided through district-supported social media, if available.

CSBA NOTE: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's "2007 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on the balancing of four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

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

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

Filing of Complaints

CSBA NOTE: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination, harassment, intimidation, or bullying may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)

CSBA NOTE: Education Code 49013 and 52075 mandate districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.

CSBA NOTE: Pursuant to 5 CCR 4630, complaints related to the LCAP must be filed within a year of the date that the County Superintendent of Schools, the reviewing authority for districts, approves the district's LCAP.

3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

CSBA NOTE: Districts should consult [CSBA's District and County Office of Education Legal Services](#) or district legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault, as this may affect the district's ability to conduct a thorough investigation or provide supportive measures to the victim. In OCR's ["Part 1: Questions and Answers Regarding the Department's Title IX Regulations,"](#) it is stated that, "Title IX regulations balance a complainant's desire for confidentiality (in terms of, for instance, the complainant's identity not being disclosed to the respondent) with a school's discretion to pursue an investigation where factual circumstances warrant an investigation even though the complainant does not desire to file a formal complaint or participate in a grievance process."

These guiding principles would also apply to harassment on the basis of race, gender, disability, or other protected characteristic.

7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

CSBA NOTE: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution (ADR) procedures such as mediation; see the accompanying Board policy. The following section may be modified to specify the ADR method and timelines used within the district.

Districts may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

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

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

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

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

Investigation of Complaint

CSBA NOTE: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, the timeline specified below may be modified to reflect district practice.

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

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

CSBA NOTE: During the investigation, the compliance officer should consider all relevant circumstances, such as how the alleged misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

CSBA NOTE: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor

of the complainant. (5 CCR 4631)

Timeline for Investigation Report

CSBA NOTE: Pursuant to 5 CCR 4631, the district's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the ~~Governing~~ Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. However, under certain circumstances, some of the same rights should be extended to a respondent in order to make the process equitable. For example, since the respondent to a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is usually an individual, the respondent should be notified when the complainant has agreed to an extension of timelines. Options 1 and 2 reflect these recommendations and may be modified to reflect district practice. When questions arise as to what rights to provide to a respondent, the district should consult [CSBA's District and County Office of Education Legal Services](#) or district legal counsel accordingly.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

OPTION 1: (Districts that do not allow complainants to appeal to the Board)

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and/or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

OPTION 2: (Districts that allow complainants to appeal to the Board)

CSBA NOTE: The remainder of this section is for use by districts that select Option 2.

Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint.

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

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

If the Board hears the complaint, the compliance officer shall send the Board's decision to the

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No

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complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and/or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

END OF OPTION 2

Investigation Report

CSBA NOTE: 5 CCR 4631 specifies components that are required to be part of the district's investigation report. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to OCR, or if litigation is filed.

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

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

CSBA NOTE: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), now the Student Privacy Policy Office, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the respondent when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the respondent (e.g., an order that the respondent stay away from the alleged victim), FPCO interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with [CSBA's District and County Office of Education Legal Services](#) or district legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the respondent.

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In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, ~~and~~**or** bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the district response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed; see the section "Health and Safety Complaints in License-Exempt Preschool Programs" below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. In addition, based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

CSBA NOTE: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination, harassment, intimidation, ~~and~~**or** bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

CSBA NOTE: The following section may be revised to reflect district practice.

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

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

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

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

CSBA NOTE: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with required instructional minutes for physical education pursuant to Education

Code 51222 and 51223, course periods without educational content pursuant to Education Code 51228.3, and the LCAP requirements pursuant to Education Code 52075. Districts that do not maintain elementary schools should delete the reference to physical education below.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

CSBA NOTE: 5 CCR 4633 requires the district to submit the following documents to CDE within 10 days after the district has been notified that an appeal has been filed. The district's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the district.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report

3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

CSBA NOTE: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Pursuant to 5 CCR 4635, if CDE's decision was issued based on evidence in the investigation file CDE received from the district or evidence uncovered after further investigation of the allegations that were the basis of the appeal, either party may request reconsideration by the Superintendent of Public Instruction **SPI** or designee within 30 days of the appeal decision.

Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report; (2) the complainant requests anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile.

Health and Safety Complaints in License-Exempt Preschool Programs

CSBA NOTE: The following section is for use by districts that operate any license-exempt CSPP program. Education Code 8212, as renumbered by AB 131 (Ch. 116, Statutes of 2021), mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8212, the district must use the UCP, with modifications as necessary, to resolve such complaints. Pursuant to 5 CCR 4610, such complaints must be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice

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available from the CDE web site [website](#). (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

CSBA NOTE: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

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Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools

Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
<u>Ed. Code 51501</u>	<u>Nondiscriminatory subject matter</u>
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
<u>Ed. Code 60010</u>	<u>Instructional materials; definition</u>
<u>Ed. Code 60040-60052</u>	<u>Requirements for instructional materials</u>
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	Description
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex

20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d- 2000e-17 <u>2000d-7</u>	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources

California Department of Education
Publication

California Department of Education
Publication

U.S. DOE, Office for Civil Rights
Publication

U.S. DOE, Office for Civil Rights
Publication

U.S. DOE, Office for Civil Rights
Publication

U.S. DOJ Publication

Description

Uniform Complaint Procedure ~~2021-22~~ Program Instrument

Sample UCP Board Policies and Procedures

Part 1: Questions and Answers Regarding the Department's
Title IX Regulations, January 2021

Questions and Answers on the Title IX Regulations on Sexual
Harassment, July 2021

Dear Colleague Letter: Responding to Bullying of Students
with Disabilities, October 2014

Guidance to Federal Financial Assistance Recipients
Regarding Title VI Prohibition Against National Origin
Discrimination Affecting Limited English Proficient Persons,
2007

Website	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office
Website	U.S. Department of Agriculture
Website	California Department of Social Services
Website	U.S. Department of Justice
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1250	Visitors/Outsiders

1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action

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4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4244	Complaints
4244	Complaints
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.1	Civil And Legal Rights
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4344	Complaints
4344	Complaints
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5131.62	Tobacco
5131.62	Tobacco
5137	Positive School Climate
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process

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5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education

6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
<u>6161.1</u>	<u>Selection and Evaluation of Instructional Materials</u>
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
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6171	Title I Programs
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6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6178.2	Regional Occupational Center/Program
6200	Adult Education
6200	Adult Education
9000	Role Of The Board

9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
9200	Limits Of Board Member Authority
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

Regulation 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 11/01/2010 | Last Revised Date: 06/10/01/2022/2023 | Last Reviewed Date: 06/10/01/2022/2023

CSBA NOTE: Education Code 35186 mandates that districts establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. When such a complaint is filed with the district, the district is required to investigate and resolve the complaint in accordance with the Williams uniform complaint procedures established pursuant to 5 CCR 4680-4687.

It is recommended that districts use these procedures only for complaints specified in law and this administrative regulation. See BP/AR 1312.3 - Uniform Complaint Procedures for a discussion of the types of complaints subject to the uniform complaint procedures established pursuant to 5 CCR 4600-4670- , and for license-exempt preschool programs pursuant to 5 CCR 4690-4694. For procedures related to complaints about employees, see BP/AR 1312.1 - Complaints Concerning District Employees. For complaints concerning the district's adoption and selection of specific instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials. For complaints regarding the district's nutrition program, see BP 3555 - Nutrition Program Compliance.

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

CSBA NOTE: Education Code 242, as added by AB 1078 (Ch. 229, Statutes of 2023), requires the California Department of Education (CDE) to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

Pursuant to Education Code 60119, boards are required to hold a public hearing annually regarding the sufficiency of instructional materials. If, at the public hearing, the Governing Board makes a determination of "insufficient materials", Education Code 1240, as amended by AB 1078, requires the Board to take certain actions and specifies potential consequences for not remedying the deficiency as required by law; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

1. 1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
 - a. a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - b. b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

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- e. **c.** Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. **d.** A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. **2.** Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)
- a. **a.** A semester begins and a teacher vacancy exists.

CSBA NOTE: Education Code 35186, as amended by SB 114 (Ch. 48, Statutes of 2023), requires that the Williams uniform complaint procedure be used to address a complaint related to teacher misassignment that claims that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class.

- b. **b.** A teacher who lacks credentials or training to teach English learners is assigned to teach a class with **one or** more than 20 percent English learners in the class.
- c. **c.** A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

CSBA NOTE: 5 CCR 4600, as amended by Register 2020, No. 21, revises the definition of "beginning of the year or semester" as provided below

- d. **d.** *Beginning of the year or semester* means the time period from the first day students attend classes for a year-long course or semester-long course, though not later than 20 business days afterwards. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

- 3. **3.** Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)

- a. **a.** A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, ~~or~~ **and** paper towels or functional hand dryers. (Education Code 35292.5)

CSBA NOTE: Pursuant to Education Code 35292.5, as amended by SB 760 (Ch. 227, Statutes of 2023), districts may temporarily close a restroom for (1) a documented student safety concern, (2) an immediate threat to student safety, or (3) to repair the facility.

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for **a documented student safety concern, an immediate threat to student safety,** or to ~~make repairs~~ **repair the facility.** (Education Code 35292.5)

CSBA NOTE: The following optional paragraph is for use by districts that maintain any of grades 6-12, and may be revised to reflect the grade levels served by the district.

Pursuant to Education Code 35292.6, as added by AB 367 (Ch. 664, Statutes of 2021), ~~before the start of the 2022-23 school year,~~ a school that serves any of grades 6-12 is required to stock the school's restrooms with menstrual products for use in connection with the menstrual cycle free of charge. See AR 3517 - Facilities Inspection.

Although Education Code 35292.6 does not require a complaint process, it is recommended that the Williams uniform complaint procedures be used to address any allegation of noncompliance with Education Code 35292.6 in order to ensure consistency in the procedures that districts use to address allegations of noncompliance with all restroom maintenance requirements. **However, pursuant to 5 CCR 4610, any such district-permitted complaint may not be appealed to CDE.**

In any school serving any of grades 6-12, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom. (Education Code 35292.6)

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

CSBA NOTE: Education Code 35186 requires that the district's complaint form contain the elements stated in the following paragraph. In addition, Education Code 35186 requires that a notice be posted in each classroom in each school in the district, as specified below. See the accompanying exhibits for a sample form and classroom notice.

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code 35186. (Education Code 35186)

Filing of Complaint

CSBA NOTE: Education Code 35186 requires that complaints be investigated and resolved within the timelines specified below. During the Federal Program Monitoring (FPM) process, the California Department of Education (CDE) staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the complainant's right to appeal to the Governing Board and to appeal facilities complaints to CDE, as detailed in the following section and the section "Investigation and Response" below.

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

CSBA NOTE: Pursuant to Education Code 35186, as amended by AB 1078, complaints related to instructional materials alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the Board, or the Board's failure to remedy the deficiency, may be filed with the Superintendent of Public Instruction (SPI) directly in addition to or in lieu of being filed with the district, and the SPI may directly intervene without waiting for an investigation, as described in the section "Investigation and Response" below.

Pursuant to Education Code 60150, as added by AB 1078, if the SPI finds that a district has not provided sufficient textbooks or instructional materials as required, CDE is required to take all remedial actions as specified in Education Code 1240, including purchasing textbooks and instructional materials. Additionally, the SPI is required to assess a financial penalty against the district's local control funding formula allocation.

A complaint alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the Board, or the Board's failure to remedy the deficiency, may be filed with the Superintendent of Public Instruction (SPI) directly in addition to or in lieu of being filed with the district. Any such complaint shall identify the basis and provide evidence to support its filing directly with the SPI. (Education Code 35186)

If the Superintendent or designee becomes aware that a complaint alleging insufficient textbooks or instructional materials that has been filed directly with the SPI but not with the district, the

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Superintendent or designee may initiate an investigation in accordance with this administrative regulation, as described below, if there is sufficient evidence to do so.

Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority. (Education Code 35186; 5 CCR 4685)

The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall send written resolution of the complaint to the mailing address of the complainant as indicated on the complaint within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

CSBA NOTE: Education Code 48985 specifies that, when 15 percent or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code 35186 requires that, when Education Code 48985 is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in Item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction **SPI** within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Reports

CSBA NOTE: During the FPM process, CDE staff will expect to see the following statement.

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

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State

5 CCR 4600-4670

Description

Uniform complaint procedures

5 CCR 4600-4687

Uniform complaint procedures and Williams complaints

[5 CCR 4690-4694](#)[Health and safety complaints in license-exempt preschool programs](#)

Ed. Code 1240

County superintendent of schools; duties

Ed. Code 17592.72

Urgent or emergency repairs; School Facility Emergency Repair Account

[Ed. Code 200-262.4](#)[Prohibition of discrimination](#)

Ed. Code 234.1

Student protections relating to discrimination, harassment, intimidation, and bullying

Ed. Code 33126

School accountability report card

Ed. Code 35186

Williams uniform complaint procedures

Ed. Code 35292.5-35292.6

Restrooms; maintenance and cleanliness

[Ed. Code 48907](#)[Exercise of free expression; time, place and manner rules and regulations](#)[Ed. Code 48950](#)[Speech and other communication](#)

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Notices to parents in language other than English

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Ed. Code 60119

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[Ed. Code 60150](#)[Penalty for insufficiency of textbooks and instructional materials](#)**Federal**

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State Allocation Board, Office of Public School Construction

[Website](#)[California Department of Education](#)
(<https://www.cde.ca.gov/>)[Website](#)[California County Superintendents Educational Services Association](#) (<https://ccsesa.org/>)

Website	Department of Justice (https://oag.ca.gov/)
<u>Website</u>	U.S. Department of Education, Office for Civil Rights (https://www2.ed.gov/about/offices/list/ocr/index.html)
Website	<u>California Department of Education, Williams Case</u>
Website	<u>California County Superintendents</u>
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Exhibit 1312.4-E(1): Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 11/01/2007 | **Last Revised Date:** 03/10/01/2019 ~~2023~~ | **Last Reviewed Date:** 03/10/01/2019 ~~2023~~

CSBA NOTE: Education Code 35186 requires that the following notice be posted in each K-12 classroom in each school in the district. During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that a notice is placed in each classroom in each school and that the notice contains all the information described below.

**NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:
K-12 COMPLAINT RIGHTS**

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.

CSBA NOTE: Pursuant to Education Code 35292.5, as amended by SB 760 (Ch. 227, Statutes of 2023), districts may temporarily close a restroom for (1) a documented student safety concern, (2) an immediate threat to student safety, or (3) to repair the facility.

2. School facilities must be clean, safe, and maintained in good repair.

CSBA NOTE: Education Code 35186, as amended by SB 114 (Ch. 48, Statutes of 2023), requires that the Williams uniform complaint procedure be used to address a complaint related to teacher misassignment that claims that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class.

3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

CSBA NOTE: Education Code 35186 requires that the notice inform parents/guardians of the location to obtain a complaint form and provides that posting a notice downloadable from the CDE's [web site website](#) will satisfy this requirement. The law does not require that complaint form be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district [web site website](#) addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district [web site website](#). You may also download a copy of the California Department of Education ([CDE](#)) complaint form from the following web site: <http://www.cde.ca.gov/re/ep/uc> [CDE's, website when available](#). However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education [CDE](#).

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State

5 CCR 4600-4670

Description

Uniform complaint procedures

5 CCR 4600-4687

Uniform complaint procedures and Williams complaints

[5 CCR 4690-4694](#)

[Health and safety complaints in license-exempt preschool programs](#)

Ed. Code 1240

County superintendent of schools; duties

Ed. Code 17592.72

Urgent or emergency repairs; School Facility Emergency Repair Account

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Student protections relating to discrimination, harassment, intimidation, and bullying

Ed. Code 33126

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Ed. Code 35186

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Ed. Code 35292.5-35292.6

Restrooms; maintenance and cleanliness

[Ed. Code 48907](#)

[Exercise of free expression; time, place and manner rules and regulations](#)

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State Allocation Board, Office of Public School Construction

California Department of Education
(<https://www.cde.ca.gov/>)

California County Superintendents Educational Services Association (<https://ccsesa.org/>)

Department of Justice (<https://oag.ca.gov/>)

U.S. Department of Education, Office for Civil Rights
(<https://www2.ed.gov/about/offices/list/ocr/index.html>)

California Department of Education, Williams Case

California County Superintendents

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Exhibit 1312.4-E(2): Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 11/01/2010 | **Last Revised Date:** 0610/01/20222023 | **Last Reviewed Date:** 0610/01/20222023

CSBA NOTE: Education Code 35186 creates the Williams uniform complaint procedures for the filing of complaints concerning deficiencies in textbooks or instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The following form contains elements required by Education Code 35186 and 5 CCR 4681-4683. During the Federal Program Monitoring process, California Department of Education staff will check to ensure that the complaint form includes all of the elements specified below.

**K-12 COMPLAINT FORM:
WILLIAMS UNIFORM COMPLAINT PROCEDURES**

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)
 - A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required

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instructional materials to use in class.

- A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4682)

- A semester begins and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (5 CCR 4600)

CSBA NOTE: Education Code 35186, as amended by SB 114 (Ch. 48, Statutes of 2023), requires that the Williams uniform complaint procedure be used to address a complaint related to teacher misassignment that claims that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learners in the class.

- A teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more than 20 percent English learners in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facilities conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 5 CCR 4683)

- A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.
- A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, ~~or~~ and paper towels or functional hand dryers.

CSBA NOTE: The following optional item is for districts that choose to use the Williams uniform complaint procedures to address complaints alleging noncompliance with requirements to stock restrooms at certain schools with menstrual products pursuant to Education Code 35292.6; see the accompanying administrative regulation.

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- o For a school serving any of grades 6-12, the school has not, at all times, stocked and made available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom.

CSBA NOTE: Pursuant to Education Code 35292.5, as amended by SB 760 (Ch. 227, Statutes of 2023), districts may temporarily close a restroom for (1) a documented student safety concern, (2) an immediate threat to student safety, or (3) to repair the facility.

- o The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for a documented student safety concern, an immediate threat to student safety, or to make repairs/repair the facility.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff.

[Redacted area with horizontal dashed lines]

CSBA NOTE: Education Code 35186 requires that complaints be filed with the principal or designee and that the complaint form specify the location for filing the complaint. Districts should specify the name and/or location in the spaces below.

Please file this complaint at the following location:

Mark Burroughs
 (principal or designee)
15305 Rockwood Rd, Escondido, CA 92027
 (address)

CSBA NOTE: Pursuant to Education Code 35186, as amended by AB 1078 (Ch. 229, Statutes of 2023), complaints related to instructional materials alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the Governing Board, or the Board's failure to remedy the deficiency, may be filed with the Superintendent of Public Instruction (SPI) directly, and the SPI may directly intervene without waiting for an investigation by the district; see the accompanying administrative regulation for more information. The following paragraph may be used by districts to inform complainants about the option to file complaints directly with the SPI.

Please be aware that you may file a complaint directly with the Superintendent of Public Instruction if you are alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the Governing Board, or the Board's failure to remedy the deficiency.

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)

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State

5 CCR 4600-4670

Description

Uniform complaint procedures

5 CCR 4600-4687

Uniform complaint procedures and Williams complaints

5 CCR 4690-4694

Health and safety complaints in license-exempt preschool programs

Ed. Code 1240

County superintendent of schools; duties

Ed. Code 17592.72

Urgent or emergency repairs; School Facility Emergency Repair Account

Ed. Code 200-262.4

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Ed. Code 234.1

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Ed. Code 33126

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Ed. Code 35186

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Ed. Code 35292.5-35292.6

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Ed. Code 48907

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Ed. Code 48950

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Ed. Code 48985

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Ed. Code 51501

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Ed. Code 60010

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Ed. Code 60040-60052

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Ed. Code 60119

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CSBA

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Local Control And Accountability Plan

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Policy 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 10/01/2014 | **Last Revised Date:** 05/10/01/2020 **2023** | **Last Reviewed Date:** 05/10/01/2020 **2023**

CSBA NOTE: The following mandated policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual; including Education Code 220, which prohibits discrimination based on disability, race, nationality, immigration status, ethnicity, gender, gender identity, gender expression, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55; Government Code 11135, which prohibits discrimination based on all **most of** the foregoing characteristics and on sex, color, ancestry, age, medical condition, marital status, and an individual's genetic information; Title VI of the **Civil Rights Act of 1964** (42 USC 2000d-2000e-17), which **2000d-7** prohibits discrimination based on race, color, or national origin; Title IX (20 USC 1681-1688), which prohibits discrimination based on sex, gender, gender identity, pregnancy, and parental status; the **The Age Discrimination Act of 1975** (42 USC 6101-6107), which prohibits discrimination based on age; and Title II, **The Americans with Disabilities Act (ADA)** (20 USC 12101-12213) and Section 504 (29 USC 794), which prohibit discrimination based on disability. Education Code 260 gives the Governing Board primary responsibility for ensuring that district programs and activities are free from discrimination based on age or any of the characteristics listed in Education Code 220. See also BP 0410 - Nondiscrimination in District Programs and Activities.

Moreover, this sample Board policy and the accompanying administrative regulation reflect the statutory right of a transgender student to participate in sex-segregated educational programs and use facilities consistent with one's gender identity as specified in Education Code 221.5, and best practices based on existing state and federal law. Districts with questions about the rights of transgender and gender-nonconforming students should consult **CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate**. For more information on the rights of transgender students, see CSBA's Updated, "**Legal Guidance: Protecting on Rights of Transgender and Gender Nonconforming Students Against Sex Discrimination in Schools.**"

Education Code 234.1 mandates that districts adopt policy **as well as a process for** prohibiting discrimination which applies to all acts related to school activity or school attendance occurring within a school or under the authority of the district, including discriminatory harassment, intimidation, and bullying, based on the foregoing characteristics. The California Department of Education (CDE), through its Federal Program Monitoring process, reviews districts' uniform complaint procedures (UCP) and other anti-discrimination policies and **practices processes** to ensure compliance with these requirements. In addition, the U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures.

Education Code 234.1 requires that the district's nondiscrimination policy include a statement that the policy applies to all acts related to a school activity or school attendance and, as amended by AB 1078 (Ch. 229, Statute of 2023), all acts of the Board and the Superintendent in enacting policies and procedures that govern the district. Education Code 234.1, as amended by AB 1078,

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contains similar language regarding the County Board of Education and the County Superintendent of Schools.

Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

OCR has clarified in several publications that conduct that occurs off campus may have an adverse effect on a student at school (i.e.g., create a "hostile environment" for the student). When that happens, the district has an obligation to investigate and to take steps to protect the student.

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school:

The , and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

CSBA NOTE: OCR's August 2023 Dear Colleague Letter, "Race and School Programming," states that a district may not separate students based on race, but may include group discussions or activities that focus on race as part of the curriculum, courses, or programs so long as access or participation is not permitted or limited based on race. OCR guidance also provides that a school-sponsored program with emphasis on race, such as a student club, that is open to all students, typically would not violate Title VI solely because of its race-related theme.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

CSBA NOTE: In addition to the types of prohibited student conduct described above, unlawful discrimination includes different treatment of students with respect to the provision of

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opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services. See BP 0410 - Nondiscrimination in District Programs and Activities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

CSBA NOTE: Unlawful discrimination may occur when disciplining students. OCR's guidance, "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973," "Resource on Confronting Racial Discrimination in Student Discipline," and "Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students," address discrimination in the use of discipline based on disability, race, and gender expression. For more information regarding student discipline, see BP/AR 5144 – Discipline, BP/AR 5144.1 – Suspension and Expulsion/Due Process, and AR 5144.2 – Suspension and Expulsion/Due Process (Students With Disabilities).

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 – Discipline, Board Policy and Administrative Regulation 5144.1 – Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 – Suspension and Expulsion/Due Process (Students With Disabilities).

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

CSBA NOTE: Pursuant to Education Code 234.1 and 34 CFR 106.98, a district is required to publicize its nondiscrimination policies to the school community. In addition, Education Code 234.6; as added by AB 34 (Ch. 282, Statutes of 2019), requires the district, starting in the 2020-21 school year, to make readily accessible on its web site website its nondiscrimination, sexual harassment, suicide prevention, and other specified policies and information related to specified state and federal laws and resources. For further information regarding specific posting requirements, see "Measures to Prevent Discrimination" in the accompanying administrative regulation.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. (Education Code 234.1, 234.6)

CSBA NOTE: In its October 2010 Dear Colleague Letter: Harassment and Bullying, OCR identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. See the accompanying administrative regulation for specific measures to prevent discrimination and facilitate students' access to the educational program. The following paragraph may be modified to reflect district practice.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school

community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

CSBA NOTE: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a district from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. The district should consult [CSBA's District and County Office of Education Legal Services](#) or district legal counsel as necessary.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

CSBA NOTE: [Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying that is consistent with the district's UCP specified in 5 CCR 4600-4670.](#)

[All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.](#)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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State

Description

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5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 48900.3	Suspension or expulsion for act of hate violence
Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49020-49023	Athletic programs
Ed. Code 49060-49079	Student records
<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51501	Prohibited means of instruction <u>Nondiscriminatory subject matter</u>
<u>Ed. Code 60010</u>	<u>Instructional materials; definition</u>
Ed. Code 60044 <u>60040-60052</u>	Prohibited <u>Requirements for</u> instructional materials
Gov. Code 11135	Prohibition of discrimination
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap

34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
<u>34 CFR 106.30</u>	<u>Discrimination on the basis of sex; definitions</u>
34 CFR 106.9 <u>44-106.45</u>	<u>Severability</u> <u>Grievance process for formal complaints of sexual harassment</u>
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	Description
CA Office of the Attorney General Publication	Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA California's K-12 Schools in Responding to Immigration Issues, 4/April 2018 (https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf)
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Updated Legal Guidance: <u>Protecting on Rights of Transgender and Gender Nonconforming Students Against Sex Discrimination</u> , March 2017 <u>in School, October 2022</u> (https://www.csba.org/-/media/CSBA/Files/Advocacy/LegalAdvocacy/Legal-Guidance-Transgender-Legal-10-2022.ashx?la=en&rev=a3fb600ee6d640598c038dfceaef871c)
First Amendment Center Publication	<u>Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground</u> , 2006
<u>California Department of Education Publication</u>	<u>California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS</u> , July 2019 (https://www.cde.ca.gov/ds/sp/cl/calpadsupdf158.asp)
U.S Dept of Ed <u>DOE</u> , Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70 (https://www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf)
U.S. Dept. of Health & Human Services Publication	<u>Guidance to Fed Fin. Assist. Federal Financial Assistance Recipients Re: Regarding Title VI Prohibition Against</u>

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	<p><u>National Origin Discrimination Affecting Limited English Proficient Persons, Aug. 2013</u> August 2003 (https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html)</p>
<p><u>U.S. DOE, Office for Civil Rights</u> <u>Publication</u></p>	<p><u>Questions and Answers on the Title IX Regulations on Sexual Harassment, June 2022</u> (https://www2.ed.gov/about/offices/list/ocr/docs/202107-ga-titleix.pdf)</p>
<p><u>U.S. DOE, Office for Civil Rights</u> <u>Publication</u></p>	<p><u>U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023</u> (https://www2.ed.gov/about/offices/list/ocr/docs/lgbtqi-student-resources-toolkit-062023.pdf)</p>
<p><u>U.S. DOE, Office for Civil Rights</u> <u>Publication</u></p>	<p><u>Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022</u> (https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf)</p>
<p><u>U.S. DOE, Office for Civil Rights and U.S. DOJ, Civil Rights Division</u> <u>Publication</u></p>	<p><u>Dear Colleague Letter: Harassment and Bullying, October 2010</u> <u>Resource on Confronting Racial Discrimination in Student Discipline, May 2023</u> (https://www2.ed.gov/about/offices/list/ocr/docs/tvi-student-discipline-resource-202305.pdf)</p>
<p><u>U.S. DOE Publication</u></p>	<p><u>Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</u> (https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)</p>
<p><u>U.S. DOE, Office for Civil Rights</u> <u>Publication</u></p>	<p><u>Dear Colleague Letter: Title IX Coordinators, April 2015</u> <u>Addressing Discrimination Against Jewish Students, May 2023</u> https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=</p>
<p><u>U.S. DOE, Office for Civil Rights</u> <u>Publication</u></p>	<p><u>Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County, June 2021</u> https://www2.ed.gov/about/offices/list/ocr/docs/202106-titleix-noi.pdf?_cldee=YmxhaWZtYW5AY3NiYS5vcmc%3d&recipientid=contact-a1fe1b1b458fe61180ef005056b02a09-2649c94bee724cf58c51a008ab8c6b92&esid=a7f7c74b-7cd3-eb11-8145-005056b02a09)</p>

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[U.S. DOE, Office for Civil Rights Publication](#)

U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication Website

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[Dear Colleague Letter: Race and School Programming, August 2023](#)

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf>

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Notice of Non-Discrimination, Fact Sheet, August 2010

CSBA District and County Office of Education Legal Services

First Amendment Center

California Office of the Attorney General

California Safe Schools Coalition

CSBA

California Department of Education

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

Cross References

Code

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0415

0450

0450

0470

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1312.1

1312.1

[1312.2](#)

1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

[1312.4](#)

Description

Nondiscrimination In District Programs And Activities

Equity

Comprehensive Safety Plan

Comprehensive Safety Plan

COVID-19 Mitigation Plan

District-Sponsored Social Media

District-Sponsored Social Media

Volunteer Assistance

Volunteer Assistance

Complaints Concerning District Employees

Complaints Concerning District Employees

[Complaints Concerning Instructional Materials](#)

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

[Williams Uniform Complaint Procedures](#)

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1340	Access To District Records
1340	Access To District Records
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3530	Risk Management/Insurance
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
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3580	District Records
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4112.9	Employee Notifications
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4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.21	Professional Standards

4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
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5111	Admission
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.3	Challenging Student Records
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5131.2	Bullying
5131.2	Bullying
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5132	Dress And Grooming
5132	Dress And Grooming
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5138	Conflict Resolution/Peer Mediation
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5141.22	Infectious Diseases
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5141.27	Food Allergies/Special Dietary Needs
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention

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5144	Discipline
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5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.6	Parent/Guardian Notifications
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5145.7	Sexual Harassment
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5145.71	Title IX Sexual Harassment Complaint Procedures
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6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
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6145.2	Athletic Competition
6145.2	Athletic Competition
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials

6161.1	Selection And Evaluation Of Instructional Materials
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<u>6161.11</u>	<u>Supplementary Instructional Materials</u>
<u>6163.1</u>	<u>Library Media Centers</u>
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
7110	Facilities Master Plan

Policy 6143: Courses Of Study

Status: ADOPTED

Original Adopted Date: 03/01/2003 | **Last Revised Date:** ~~12~~10/01/2024~~2023~~ | **Last Reviewed Date:** ~~12~~10/01/2024~~2023~~

The Governing Board recognizes that a well-aligned sequence of courses fosters academic growth and provides for the best possible use of instructional time. The district's course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful academically, professionally, and personally.

CSBA NOTE: The following optional paragraph should be revised to reflect the grade levels offered by the district. For example, unified school districts need to be concerned about articulation of courses within the district and with postsecondary institutions, whereas elementary districts and high school districts will need to address articulation with each other.

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the district. As necessary, the Superintendent or designee shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which district students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, only utilizes prerequisites that are essential to success in a given program or course, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

CSBA NOTE: OCR's August 2023 Dear Colleague Letter, "Race and School Programming," states that a district may not separate students based on race, but may include group discussions or activities that focus on race as part of the curriculum, courses, or programs so long as access or participation is not permitted or limited based on race. OCR's guidance also provides that a school-sponsored program with emphasis on race, such as a student club, that is open to all students, typically would not violate Title VI solely because of its race-related theme.

The district shall not provide any course separately or require or refuse participation by any student on the basis of the student's actual or perceived sex, sexual orientation, gender, gender expression, gender identity, ethnic group identification, immigration status, race, ancestry, national origin, religion, color, mental or physical disability, age, medical condition, genetic information, marital status, or any other characteristic listed in Education Code 200 and 220, Government Code 11135, or Penal Code 422.55, or the student's association with a person or group with one or more of such actual or perceived characteristics. (Education Code 200, 220; Government Code 11135; Penal Code 422.55; 5 CCR 4940)

Elementary Grades

CSBA NOTE: The following section is for use by districts offering elementary grades and may be revised to reflect district practice. Education Code 51225.4 mandates elementary school districts to certify to the Superintendent of Public Instruction that they have adopted a policy to implement a course of instruction that sufficiently prepares students for the secondary courses required for graduation pursuant to Education Code 51225.3.

The Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary course of study.

Secondary Grades

CSBA NOTE: Education Code 51228 requires districts to offer students in grades 7-12 a course of study that fulfills the requirements and prerequisites for admission to California public colleges. Education Code 51228 also requires districts to offer such students the opportunity to attain entry-level employment skills. Pursuant to Education Code 51228, districts that adopt a course of study that meets or exceeds the state model curriculum standards in career technical education will be deemed to have satisfied the requirement.

Education Code 66204 prohibits a public school from establishing any policy or practice that directs any student away from choosing programs that prepare a student academically for college, especially for cultural or linguistic reasons.

The following paragraph is for use by districts maintaining any of grades 7-12 and should be revised to reflect the grade levels offered by the district.

The district shall offer all otherwise qualified students in grades 7-12 a course of study that prepares them, upon graduation from high school, to meet the requirements and prerequisites for admission to California public colleges and universities and to attain entry-level employment skills in business or industry. The district's course of study may provide for a rigorous academic curriculum that integrates academic and career skills, includes applied learning across all disciplines, and prepares all students for high school graduation and career entry. (Education Code 51228)

CSBA NOTE: The remainder of this policy is for use by districts maintaining any of grades 9-12.

In addition, the course of study for students in grades 9-12 shall include instruction in skills and knowledge for adult life, career technical training, and a timely opportunity for all otherwise qualified students to enroll, within four years, in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation. (Education Code 51224, 51228)

CSBA NOTE: Among the criteria for admission to the University of California (UC) or California State University system is a requirement that high school students satisfactorily complete 15 yearlong/30 semesters of specified courses ("a-g A-G" courses). These include a growing number of career technical education courses that connect knowledge of academic content with practical or work-related applications.

In order to qualify as an "a-g A-G" course, the course must first be submitted to and approved by UC. Education Code 51229 requires that districts annually provide the list of certified courses to the parents/guardians of students in grades 9-12 and their parents/guardians; see the accompanying administrative regulation and E 5145.6 - Parental Notifications.

The Superintendent or designee shall develop a process by which courses that meet California college admission criteria (referred to as "a-g A-G" course requirements) are submitted to the University of California for review and certification. The Superintendent or designee shall maintain an accurate list of all current high school courses that have been so certified, shall ensure that the list is provided annually to all students in grades 9-12 and their parents/guardians, and shall make updated lists readily available. (Education Code 51229, 66204)

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State

[5 CCR 10020](#)

5 CCR ~~10020~~10040-10043

5 CCR 10060

5 CCR 430-438

5 CCR 4940

Ed. Code 200

Ed. Code 220

Ed. Code 234.1

[Ed. Code 234.7](#)

Ed. Code [242](#)

Ed. Code 33319.3

Ed. Code 33540

Ed. Code 48980

Ed. Code 49060-49079

Ed. Code 51202

Ed. Code 51203

Ed. Code 51204

Ed. Code 51204.5

Ed. Code 51210

Ed. Code 51220

[Ed. Code 51225.3](#)

[Ed. Code 51226.7](#)

Ed. Code 51241

[Ed. Code 51501](#)

Ed. Code 51911-51921

[Ed. Code 51925-51929](#)

Description

[Automobile driver education](#)

Automobile driver education and training

Criteria for high school physical education programs

Individual student records

Nondiscrimination; course access

Equal rights and opportunities in state educational institutions

Prohibition of discrimination

Student protections relating to discrimination, harassment, intimidation, and bullying

[Student protections relating to immigration and citizenship status](#)

[Access to information about educational laws and policies regarding right to accurate and inclusive curriculum](#)

Driver education; CDE materials on road rage

Standards for government and civics instruction

Parent/Guardian notifications

Student records

Instruction in personal and public health and safety

Instruction on alcohol, narcotics, and dangerous drugs

Course of study designed for student's needs

~~History of California; contributions of men, women, and ethnic groups~~
[History of California; contributions of specified groups](#)

Course of study for grades 1-6

Course of study for grades 7-12

[High School Graduation Requirements](#)

[Model Curriculum in Ethnic Studies](#)

Temporary two-year or permanent exemption from physical education

[Nondiscriminatory subject matter](#)

Comprehensive health education

[Mandatory mental health education and in-service training](#)

Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 51940	Curriculum for brain and spinal cord injury prevention
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Gov. Code 11135	Prohibition of discrimination
Gov. Code 7282-7282.5	Standards for responding to U.S. Immigration and Customs enforcement holds
Gov. Code 7283-7283.2	Standards for participation in U.S. Immigration and Customs enforcement programs
Gov. Code 7284-7284.12	Cooperation with immigration authorities
H&S Code 11032	Definition of dangerous drugs
Pen. Code 422.55	Definition of hate crime
Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.1-99.67	Family Educational Rights and Privacy
Management Resources	Description
U.S. Department of Education, Office for Civil Rights Publication	Dear Colleague Letter: Race and School Programming, August 2023 (https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	Federal Student Aid
Website	American Red Cross, Hands-Only CPR Training (https://www.redcross.org/take-a-class/cpr/performing-cpr/hands-only-cpr)
Website	American Heart Association
Website	California Student Aid Commission
Website	University of California, A-G Course Submissions
Website	University of California, List of Approved A-G Courses
Website	California Career Resource Network
Website	California State University, Admission Requirements
Website	California Colleges.edu
Website	California Department of Education
Website	CSBA
Website	Department of Justice (https://oag.ca.gov/)

Website

Instructional Quality Commission
(<https://www.cde.ca.gov/be/cc/cd/>)

Website

U.S. Department of Education

Cross References

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0415

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0460

Local Control And Accountability Plan

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Sale And Disposal Of Books, Equipment And Supplies

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3513.3

Tobacco-Free Schools

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Student And Family Privacy Rights

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Alcohol And Other Drugs

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Child Abuse Prevention And Reporting

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Child Abuse Prevention And Reporting

5145.13

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Response To Immigration Enforcement

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5145.6	Parent/Guardian Notifications
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Regulation 6143: Courses Of Study

Status: ADOPTED

Original Adopted Date: 11/01/2014 | **Last Revised Date:** 12/10/01/2024/2023 | **Last Reviewed Date:** 12/10/01/2024/2023

CSBA NOTE: Education Code requirements for courses of study are generally classified into requirements for grades 1-6 and 7-12. Therefore, K-8 districts and high school districts need to collaborate with appropriate area districts to ensure that all required courses are offered sometime during grades 7-12.

The district should select the sections below ("Grades 1-6" and/or "Grades 7-12") that correspond with the grade levels offered.

For more information regarding the selection, evaluation, and prohibited use of individual instructional materials, see BP/AR 6161.1 – Selection and Evaluation of Instructional Materials, BP 6161.11 – Supplementary Instructional Materials, and BP 6163.1 – Library Media Centers.

Grades 1-~~6~~5

CSBA NOTE: Items #1-7 below are areas of study required by law for grades 1-6. The Governing Board may add other studies to this list.

Courses of study for grades 1-6 shall include the following:

1. English: knowledge and appreciation of language and literature, and the skills of speaking, reading, listening, spelling, handwriting, and composition (Education Code 51210)
2. Mathematics: concepts, operational skills, and problem solving (Education Code 51210)
3. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, including instruction in:
 - a. The history, resources, development, and government of California and the United States

CSBA NOTE: Education Code 51204.5 requires instruction in social sciences to include a study of the role and contributions of specified groups of people to the economic, political, and social development of California and the United States of America, which, as amended by AB 1078 (Ch. 229, Statutes of 2023), includes people of all genders (formerly "men and women"), Latino Americans (formerly "Mexican Americans"), LGBTQ+ Americans (formerly "lesbian, gay, bisexual, and transgender Americans"), and members of other ethnic, cultural, religious, and socioeconomic status groups (formerly "ethnic and cultural"). The complete list required by Education Code 51204.5, as amended by AB 1078, is reflected below.

Additionally, Education Code 60040, which requires the Board to only adopt instructional materials that in its determination accurately portray the cultural and

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racial diversity of our society, was amended by AB 1078 to mirror the changes made to Education Code 51204.5, explained above.

Instruction shall include the early history of California and a study of the role and contributions of ~~men and women~~ people of all genders, Native Americans, African Americans, Mexican Latino Americans, Asian Americans, Pacific Islanders, European Americans, ~~lesbian, gay, bisexual, and transgender~~ LGBTQ+ Americans, persons with disabilities, and members of other ethnic and cultural, religious, and socioeconomic status groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5, 60040)

- b. The development of the American economic system, including the role of the entrepreneur and labor
 - c. The relations of persons to their human and natural environments
 - d. Eastern and western cultures and civilizations
 - e. Contemporary issues
 - f. The wise use of natural resources
4. Science: biological and physical aspects, with emphasis on experimental inquiry and the place of humans in ecological systems (Education Code 51210)
 5. Visual and performing arts: instruction in dance, music, theatre, and visual arts aimed at developing aesthetic appreciation and creative expression (Education Code 51210)

CSBA NOTE: Education Code 51202 requires that certain health-related topics be addressed at "the appropriate elementary and secondary grade levels" during grades K-12. Districts may revise **ITEM #6a-e** below to indicate topics that will be addressed in grades K-6.

Education Code 51203 requires the Board to adopt regulations specifying the grade(s) and course(s) in which drug and alcohol education will be given. For language fulfilling this mandate, see AR 5131.6 - Alcohol and Other Drugs.

6. Health: principles and practices of individual, family, and community health, including instruction at the appropriate grade levels and subject areas in: (Education Code 51202, 51210)
 - a. Personal and public safety and accident prevention, including instruction in emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation (CPR) when appropriate equipment is available

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- b. Fire prevention
- c. The protection and conservation of resources, including the necessity for the protection of the environment
- d. Venereal disease
- e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body

CSBA NOTE: The following item is optional pursuant to Education Code 51202.

- f. Violence as a public health issue

CSBA NOTE: Education Code 51925 requires districts that offer a health education course to middle school students to include mental health instruction, as specified in Item #6g. Districts that offer a health education course to students in grade 6, and for which grade 6 is part of a middle school program, should include Item #6g. Districts that offer mental health instruction to any other elementary grade level(s) or for which grade 6 is not part of the middle school program, may delete or revise Item #6g, as appropriate.

Education Code 51929 requires the California Department of Education (CDE) to develop a plan to expand mental health instruction, and has created a webinar, "Student Mental Health Education Implementation: Why, What & How," available on its website.

- g. Mental Health, that provides for reasonably designed instruction on the overarching themes and core principles of mental health, which includes: (Education Code 51925)
 - i. Defining the signs and symptoms of common mental health challenges
 - ii. Explaining evidence-based services and supports that effectively help individuals manage mental health challenges
 - iii. Promoting mental health wellness and protective factors, including positive development, social and cultural connectedness and supportive relationships, resiliency, problem solving skills, coping skills, self-esteem, and a positive school and home environment in which students feel comfortable
 - iv. Identifying warning signs of common mental health problems in order to promote awareness and early intervention so that students know to take action before a situation turns into a crisis, including how to obtain assistance from the district or the community for themselves or others and evidence-based and culturally responsive practices that are proven to help overcome mental health challenges
 - v. Connecting the importance of mental health to overall health and academic success and to co-occurring conditions, such as chronic physical conditions, chemical dependence, and substance abuse

Remove

Remove

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- vi. Conveying an awareness and appreciation about the prevalence of mental health challenges across all populations, races, ethnicities, and socioeconomic statuses, including the impact of race, ethnicity, and culture on the experience and treatment of mental health challenges
- vii. Understanding the stigma surrounding mental health challenges and what can be done to overcome stigma, increase awareness, and promote acceptance, including, to the extent possible, classroom presentations of narratives by trained peers and other individuals who have experienced mental health challenges and how they coped with their situations, including how they sought help and acceptance

Mental health instruction offered by the district shall: (Education Code 51926)

1. Be appropriate for use with students of all races, genders, sexual orientations, ethnic and cultural backgrounds, students with disabilities, and English learners
2. Be accessible to students with disabilities, including, but not limited to, providing a modified curriculum, materials, and instruction in alternative formats, and auxiliary aids
3. Not reflect or promote bias against any person on the basis of any category protected by Education Code 220
4. Be coordinated with any existing on-campus mental health providers including, but not limited to, providers with a pupil personnel services credential, who may be immediately called upon by students for assistance

Students receiving mental health instruction shall not be required to disclose their confidential health or mental health information at any time in the course of receiving the instruction. (Education Code 51927)

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

CSBA NOTE: Item #8 below is optional. Education Code 51210.5 authorizes age-appropriate instruction on violence awareness and prevention within any area of study listed in items #1-7 above. Pursuant to Education Code 51210.5, such instruction may include personal testimony in the form of oral or video histories that illustrate the economic and cultural effects of violence within a city, the state, and the country. See BP 6142.94 - History-Social Science Instruction.

8. Violence awareness and prevention

CSBA NOTE: Optional item #9 below is not required by state law but is a highly recommended component of school-to-career instruction.

9. Career awareness exploration

CSBA NOTE: Items #1-11 below are areas of study required by law for grades 7-12. The Board may add other studies to this list.

Courses of study for grades ~~7-12~~ ⁶⁻⁸ shall include the following:

1. English: knowledge and appreciation of literature, language, and composition, and the skills of reading, listening, and speaking (Education Code 51220)
2. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, with instruction in:
 - a. The history, resources, development, and government of California and the United States, including instruction in:

CSBA NOTE: Education Code 51204.5 requires instruction in social sciences to include a study of the role and contributions of specified groups of people to the economic, political, and social development of California and the United States of America, which, as amended by AB 1078, includes people of all genders (formerly "men and women"), Latino Americans (formerly "Mexican Americans"), LGBTQ+ Americans (formerly "lesbian, gay, bisexual, and transgender Americans"), and members of other ethnic, religious, cultural, and socioeconomic status groups (formerly "ethnic and cultural"). The complete list required by Education Code 51204.5, as amended by AB 1078, is reflected below.

Additionally, Education Code 60040, which requires the Board to only adopt instructional materials that in its determination accurately portray the cultural and racial diversity of our society, was amended by AB 1078 to mirror the changes made to Education Code 51204.5, explained above.

- i. The early history of California and a study of the role and contributions of ~~both men and women~~ people of all genders, Native Americans, African Americans, ~~Mexican~~ Latino Americans, Asian Americans, Pacific Islanders, European Americans, ~~lesbian, gay, bisexual, and transgender~~ LGBTQ+ Americans, persons with disabilities, and members of other ethnic ~~and~~ cultural, religious, and socioeconomic status groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society (Education Code 51204.5, 60040)

CSBA NOTE: Education Code 51221.3 and 51221.4 encourage, but do not require, instruction on the topics described in optional subitems #(2)-(4) below. These items may be modified or deleted to reflect district practice.

For districts that choose to offer such instruction, Education Code 51221.3 and 51221.4 encourage that a component be drawn from personal testimony, especially in the form of oral or video history. If oral histories are used, they must conform to the requirements of Education Code 51221.3 and 51221.4. See BP 6142.94 - History-Social Science Instruction.

World War II, including the role of Americans and Filipino Americans who served in the United States Army during that time

NO High School

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No-HS

- iii. The Vietnam War, including the "Secret War" in Laos and role of Southeast Asians in that war
- iv. The Bracero program, in which there was a 1942 agreement between the United States and Mexico authorizing the temporary migration of laborers to the United States

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

CSBA NOTE: The following optional paragraph is for use by districts that offer a teen court or peer court program.

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

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

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

- e. Eastern and western cultures and civilizations

CSBA NOTE: Pursuant to Education Code 51220, instruction related to human rights issues, as provided in ~~item~~ **Item** #2f below, may include the study of the Armenian genocide. Education Code 51226.3 encourages the incorporation of oral testimony into instruction in human rights, the Holocaust, and genocide, including the Armenian, Cambodian, Darfur, and Rwandan genocides.

- f. Human rights issues, with particular attention to the study of the inhumanity of genocide (, which may include, but is not limited to, the Armenian, Cambodian, Darfur, and Rwandan genocides), slavery, and the Holocaust

High School

- g. Contemporary issues

3. World language(s): understanding, speaking, reading, and writing, beginning not later than grade 7 (Education Code 51220)
4. Physical education: with emphasis on physical activities conducive to health and vigor of body and mind, as required by Education Code 51222 (Education Code 51220)
5. Science: physical and biological aspects; emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems;

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appropriate applications of the interrelation and interdependence of the sciences (Education Code 51220)

6. Mathematics: mathematical understandings, operational skills, and problem-solving procedures; algebra (Education Code 51220, 51224.5)
7. Visual and performing arts: dance, music, theatre, and visual arts, with emphasis upon development of aesthetic appreciation and creative expression (Education Code 51220)
8. Applied arts: consumer education, family and consumer sciences education, industrial arts, general business education, or general agriculture (Education Code 51220)
9. Career technical/vocational-technical education: in the occupations and in the numbers appropriate to the personnel needs of the state and community served and relevant to the career desires and needs of students (Education Code 51220)

CSBA NOTE: Education Code 51934 requires that students be provided comprehensive sexual health and HIV prevention instruction at least once in middle school or junior high school and at least once in high school. See BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction for required components of such instruction.

10. Comprehensive sexual health and HIV prevention (Education Code 51225.36, 51934)

CSBA NOTE: Education Code 51202 requires that certain health-related topics be addressed at "the appropriate elementary and secondary grade levels" during grades K-12. Districts may revise item #11 below to indicate topics that will be addressed in grades 7-12.

Education Code 51203 requires the Board to adopt regulations specifying the grade(s) and course(s) in which drug and alcohol education will be given. For language fulfilling this mandate, see AR 5131.6 - Alcohol and Other Drugs.

11. Personal and public safety, accident prevention and health, including instruction in: (Education Code 51202, 51203)

- a. Emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and CPR when appropriate equipment is available

CSBA NOTE: The following paragraph is for use by districts that require a course in health education for high school graduation; see BP 6146.1 - High School Graduation Requirements. Pursuant to Education Code 51225.6, such districts are required to include instruction in performing compression-only cardiopulmonary resuscitation (CPR), as described below. Such instruction must be based on national evidence-based emergency cardiovascular care guidelines for the performance of compression-only CPR, such as those developed by the American Heart Association or the American Red Cross, and must include hands-on practice in compression-only CPR. On its web site, the California Department of Education On its website, CDE provides guidance on how to implement this requirement.

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Education Code 51225.6 also encourages districts to provide students with general information on the use and importance of an automated external defibrillator.

NO High School

Instruction shall be provided in compression-only CPR based on national guidelines and shall include hands-on practice. (Education Code 51225.6)

- b. Fire prevention
- c. The protection and conservation of resources, including the necessity for the protection of the environment
- d. Venereal disease
- e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body

CSBA NOTE: The following two items are optional pursuant to Education Code 51202.

NO

- f. Prenatal care for pregnant individuals
- g. Violence as a public health issue

CSBA NOTE: Education Code 51925 requires districts that offer a health education course to high school students to include mental health instruction, as specified in Item #11h. Districts that offer a health education course to high school students should include Item #11h, and may be deleted or revised by districts that do not offer such a course.

Education Code 51929 requires CDE to develop a plan to expand mental health instruction, and has created a webinar, "Student Mental Health Education Implementation: Why, What & How," available on its website.

- h. Mental Health, that provides for reasonably designed instruction on the overarching themes and core principles of mental health, which includes: (Education Code 51925)
 - i. Defining the signs and symptoms of common mental health challenges
 - ii. Explaining evidence-based services and supports that effectively help individuals manage mental health challenges
 - iii. Promoting mental health wellness and protective factors, including positive development, social and cultural connectedness and supportive relationships, resiliency, problem solving skills, coping skills, self-esteem, and a positive school and home environment in which students feel comfortable
 - iv. Identifying warning signs of common mental health problems in order to promote awareness and early intervention so that students know to take action before a situation turns into a crisis, including how to obtain assistance

NO

NO

from the district or the community for themselves or others and evidence-based and culturally responsive practices that are proven to help overcome mental health challenges

- v. Connecting the importance of mental health to overall health and academic success and to co-occurring conditions, such as chronic physical conditions, chemical dependence, and substance abuse
- vi. Conveying an awareness and appreciation about the prevalence of mental health challenges across all populations, races, ethnicities, and socioeconomic statuses, including the impact of race, ethnicity, and culture on the experience and treatment of mental health challenges
- vii. Understanding the stigma surrounding mental health challenges and what can be done to overcome stigma, increase awareness, and promote acceptance, including, to the extent possible, classroom presentations of narratives by trained peers and other individuals who have experienced mental health challenges and how they coped with their situations, including how they sought help and acceptance

Mental health instruction offered by the district shall: (Education Code 51926)

1. Be appropriate for use with students of all races, genders, sexual orientations, ethnic and cultural backgrounds, students with disabilities, and English learners
2. Be accessible to students with disabilities, including, but not limited to, providing a modified curriculum, materials, and instruction in alternative formats, and auxiliary aids
3. Not reflect or promote bias against any person on the basis of any category protected by Education Code 220
4. Be coordinated with any existing on-campus mental health providers including, but not limited to, providers with a pupil personnel services credential, who may be immediately called upon by students for assistance

Students receiving mental health instruction shall not be required to disclose their confidential health or mental health information at any time in the course of receiving the instruction. (Education Code 51927)

CSBA NOTE: Item #12 is optional. Education Code 51220.3 authorizes age-appropriate instruction on violence awareness and prevention within any area of study listed above for grades 7-12.

12. Violence awareness and prevention

CSBA NOTE: Pursuant to Education Code 51226.7, the State Board of Education (SBE) has adopted a model curriculum in ethnic studies upon which districts may offer an elective course in social sciences or English language arts in at least one year during grades 9-12.

Subject to funding in the annual Budget Act or other statute, Education Code 51225.3, as

amended by AB 101 (Ch. 661, Statutes of 2021), requires a one-semester course in ethnic studies for high school graduation beginning with students who graduate in the 2029-30 school year.

At its discretion, a district may require a full-year course. Districts that require a full-year course should revise Item #13 accordingly. A student who completes a course in ethnic studies will also accrue credit for coursework in the subject that the course is offered, including, if applicable, credit towards satisfying a course required for graduation.

Item #13 is currently optional, but, if funding is appropriated, districts will be required to offer a one-semester ethnic studies course, as specified, beginning in the 2025-26 school year.

13. Ethnic studies

Commencing in the 2025-26 school year, the district shall offer a one-semester course in ethnic studies as specified in Education Code 51225.3.

CSBA NOTE: Education Code 51220.5 requires the equivalent content of a one-semester course in parenting skills and education in grade 7 and/or 8, subject to funding which was not subsequently appropriated; thus the following paragraph is currently optional.

In addition, the course of study for grade 7 and/or 8 may include parenting skills and education, including, but not limited to, child growth and development, parental responsibilities, household budgeting, child abuse and neglect issues, personal hygiene, maintenance of healthy relationships, teen parenting issues, and self-esteem. (Education Code 51220.5)

CSBA NOTE: The following paragraph is for use by districts that maintain high schools.

High schools shall offer automobile driver education that includes instruction in: (Education Code 51220, 51220.1, 51220.4)

1. Vehicle Code provisions and other relevant state laws
2. Proper acceptance of personal responsibility in traffic
3. Appreciation of the causes, seriousness, and consequences of traffic accidents
4. Knowledge and attitudes necessary for the safe operation of motor vehicles
5. The safe operation of motorcycles
6. The dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle
7. The rights and duties of a motorist as they pertain to pedestrians and the rights and duties of pedestrians as they pertain to traffic laws and traffic safety

CSBA NOTE: The following optional section is for use by districts that maintain grades 9-12 and 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 students satisfactorily complete 15 yearlong/30 semesters of specified courses ("a-gA-G" courses). In order to qualify as an "a-gA-G" course, the course must first be submitted to and approved by UC. The district or school should develop course descriptions using the templates provided by UC and submit them through UC's online system.

Education Code 51225.37 encourages districts that offer world language courses specifically designed for native speakers to submit those courses to UC for certification and addition to the school's "a-gA-G" course list.

The following paragraph may be revised to reflect the position in the district or school(s) that is responsible for submitting and updating "a-gA-G" courses.

The Superintendent or designee shall identify district courses that may qualify for designation as "a-gA-G" college preparatory courses, including courses in history-social science, English, mathematics, laboratory science, languages other than English, visual and performing arts, career technical education, and college preparatory electives. The Superintendent or designee shall submit any necessary information regarding each identified course to the University of California (UC) for "a-gA-G" designation.

Notification and Information to Students in Grades 9-12

CSBA NOTE: The following section is for use by districts that maintain grades 9-12.

At the beginning of each school year, the Superintendent or designee shall provide written notice to parents/guardians of students in grades 9-12 that, to the extent possible, shall not exceed one page in length and that includes all of the following: (Education Code 51229)

1. A brief explanation of the course requirements for admission to UC and the California State University (CSU)

CSBA NOTE: The UC maintains a searchable ~~web site~~ [website](#) that lists certified "a-gA-G" courses for all regular California public high schools.

2. A list of the current UC and CSU ~~web sites~~ [websites](#) that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU
3. A brief description of what career technical education is, as defined by the California Department of Education (CDE)
4. The Internet address for the portion of the ~~CDE web site~~ [CDE's website](#) where students can learn more about career technical education
5. Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses

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CSBA NOTE: Education Code 51225.8 requires districts to provide specified information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application (CADAA), as appropriate, at least once before grade 12. At the district's discretion, the information provided may be disseminated through in-class instruction, an existing program, family information sessions, group or individual sessions with school counselors, or other appropriate means.

The Superintendent or designee shall provide information to students and parents/guardians regarding the completion and submission of the Free Application for Federal Student Aid (FAFSA) and/or the California Dream Act Application (CADAA) at least once before grade 12. (Education Code 51225.8)

Financial Aid Requirements for Students in Grade 12

CSBA NOTE: Pursuant to Education Code 51225.7, as added by AB 132 (Ch. 144, Statutes of 2021), starting in the 2022-23 school year, the district is required to confirm that each student in grade 12 completes and submits a FAFSA to the U.S. Department of Education and/or, if a student is exempt from paying nonresident tuition, a CADAA to the Student Aid Commission (CSAC), unless there is an exception as specified below.

To enable educators to ensure that each student has successfully completed and submitted a FAFSA or CADAA, Education Code 51225.7, as amended by SB 114 (Ch. 48, Statutes of 2023), requires CSAC to provide data to the California College Guidance Initiative to inform reports available through CaliforniaColleges.edu.

Pursuant to Education Code 51225.7, as added by AB 132, CSAC is required to, by July 1, 2022, adopt CSAC adopted regulations, available on its website, that include model opt-out forms and acceptable use policies for the purpose of providing guidance on the protection of student and parent/guardian data, which will be available on CSAC's web site.

Commencing in the 2022-23 school year, the Superintendent or designee shall ensure that each student in grade 12 completes and submits a FAFSA to the U.S. Department of Education or, if a student is exempt from paying nonresident tuition, a CADAA to the Student Aid Commission (CSAC), unless either: (Education Code 51225.7)

1. The student's parent/guardian, emancipated minor, or student age 18 years or older submits an opt-out form to the district
2. If the district determines that a student is unable to complete a requirement of Education Code 51225.7, the district shall exempt the student or the student's parent/guardian from completing the FAFSA, CADAA, or opt-out form and shall complete and submit an opt-out form on the student's behalf

CSBA NOTE: Pursuant to Education Code 51225.7, as added by AB 132, the district shall ensure that each high school student in Grade 12, and if applicable, the student's parent/guardian, is directed to any support and assistance necessary to complete the FAFSA and/or CADAA, as described below.

The Superintendent or designee shall ensure that each high school student in grade 12, and if applicable, the student's parent/guardian, be directed to any support and assistance necessary to complete the FAFSA and/or CADAA that may be available through outreach programs, including, but not limited to, programs operated by CSAC, postsecondary immigration resource centers, college readiness organizations, community-based organizations, and/or legal resource organizations. (Education Code 51225.7)

Information shared by students and parents/guardians in completing and submitting the FAFSA and/or CADAA shall be handled in compliance with the federal Family Rights and Privacy Act and applicable state law, regardless of any person's immigration status or other personal information. (Education Code 51225.7)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
<u>5 CCR 10020</u>	<u>Automobile driver education</u>
5 CCR 10020 <u>10040</u> -10043	Automobile driver education and training
5 CCR 10060	Criteria for high school physical education programs
5 CCR 430-438	Individual student records
5 CCR 4940	Nondiscrimination; course access
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
<u>Ed. Code 234.7</u>	<u>Student protections relating to immigration and citizenship status</u>
Ed. Code <u>242</u>	<u>Access to information about educational laws and policies regarding right to accurate and inclusive curriculum</u>
Ed. Code 33319.3	Driver education; CDE materials on road rage
Ed. Code 33540	Standards for government and civics instruction
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49060-49079	Student records
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 51203	Instruction on alcohol, narcotics, and dangerous drugs
Ed. Code 51204	Course of study designed for student's needs
Ed. Code 51204.5	History of California; contributions of men, women, and ethnic groups <u>History of California; contributions of specified groups</u>
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12

[Ed. Code 51225.3](#)

[Ed. Code 51226.7](#)

Ed. Code 51241

[Ed. Code 51501](#)

Ed. Code 51911-51921

[Ed. Code 51925-51929](#)

Ed. Code 51930-51939

Ed. Code 51940

Ed. Code 60040-60052

Ed. Code 66204

Gov. Code 11135

Gov. Code 7282-7282.5

Gov. Code 7283-7283.2

Gov. Code 7284-7284.12

H&S Code 11032

Pen. Code 422.55

Federal

20 USC 1232g

34 CFR 99.1-99.67

Management Resources

[U.S. Department of Education, Office for Civil Rights Publication](#)

Website

Website

Website

[Website](#)

Website

Website

Website

[High School Graduation Requirements](#)

[Model Curriculum in Ethnic Studies](#)

Temporary two-year or permanent exemption from physical education

[Nondiscriminatory subject matter](#)

Comprehensive health education

[Mandatory mental health education and in-service training](#)

California Healthy Youth Act

Curriculum for brain and spinal cord injury prevention

Requirements for instructional materials

Certification of high school courses as meeting university admission criteria

Prohibition of discrimination

Standards for responding to U.S. Immigration and Customs enforcement holds

Standards for participation in U.S. Immigration and Customs enforcement programs

Cooperation with immigration authorities

Definition of dangerous drugs

Definition of hate crime

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Family Educational Rights and Privacy

Description

[Dear Colleague Letter: Race and School Programming, August 2023](#)

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf>

CSBA District and County Office of Education Legal Services

Federal Student Aid

[American Red Cross, Hands-Only CPR Training](#)
<https://www.redcross.org/take-a-class/cpr/performing-cpr/hands-only-cpr>

[American Heart Association](#)

California Student Aid Commission

University of California, A-G Course Submissions

University of California, List of Approved A-G Courses

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Website	California Career Resource Network
Website	California State University, Admission Requirements
Website	California Colleges.edu
Website	California Department of Education
Website	CSBA
<u>Website</u>	<u>Department of Justice (https://oag.ca.gov/)</u>
<u>Website</u>	<u>Instructional Quality Commission (https://www.cde.ca.gov/be/cc/cd/)</u>
Website	U.S. Department of Education

Cross References

Code	Description
<u>0410</u>	<u>Nondiscrimination in District Programs and Activities</u>
0415	Equity
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
<u>1312.2</u>	<u>Complaints Concerning Instructional Materials</u>
<u>1312.4</u>	<u>Williams Uniform Complaint Procedures</u>
1340	Access To District Records
1340	Access To District Records
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs

5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
6000	Concepts And Roles
6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.5	Environmental Education
6142.6	Visual And Performing Arts Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction

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6142.94	History-Social Science Instruction
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.8	Assemblies And Special Events
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.5	Elementary/Middle School Graduation Requirements
6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6155	Challenging Courses By Examination
6155	Challenging Courses By Examination
6158	Independent Study
6158	Independent Study
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
<u>6161.11</u>	<u>Supplementary Instructional Materials</u>
<u>6163.1</u>	<u>Library Media Centers</u>
6164.2	Guidance/Counseling Services
6172.1	Concurrent Enrollment In College Classes
6172.1	Concurrent Enrollment In College Classes
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children

6173-E(2)	Education For Homeless Children
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6184	Continuation Education
6184	Continuation Education

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Policy 6161.1: Selection And Evaluation Of Instructional Materials

Status: ADOPTED

Original Adopted Date: 11/01/2011 | **Last Revised Date:** 10/01/2020²⁰²³ | **Last Reviewed Date:** 10/01/2020²⁰²³

CSBA NOTE: Pursuant to Education Code 60200 and 60400, the Governing Board is responsible for the adoption of textbooks and other instructional materials, as defined in Education Code 60010, for use in district schools. See the accompanying administrative regulation for required and optional criteria for the selection of instructional materials. See BP 6161.11 - Supplementary Instructional Materials and BP 6163.1 - Library Media Centers for selection processes regarding supplementary books and materials.

For more information, the California Department of Education's (CDE) website provides guidance on the removal of instruction or instructional materials. In addition, Education Code 60040.5, as added by AB 1078 (Ch. 229, Statutes of 2023), requires CDE to issue, by July 1, 2025, guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant. Additionally, Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, accurately reflect and value society's diversity, stimulate thought, the exploration of ideas and intellectual exchanges, and enhance instructors' ability to educate all students through the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades K-8 and may be revised to reflect the grade levels offered by the district. Pursuant to Education Code 60200, the State Board of Education (SBE) is required to adopt basic instructional materials in specified subjects that districts may select for use in grades K-8. Education Code 60200 provides that the SBE may adopt materials in any of the specified subject areas at least once, but not more than twice, every eight years. Education Code 60210 authorizes the Board to select materials that have not been approved by SBE, provided they are aligned with state academic content standards or Common Core State Standards.

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or that have, during the district's review process, been determined to be aligned with the state academic content standards adopted by SBE., which includes instructional materials for mathematics and English language arts that are aligned to Common Core State Standards. (Education Code 60200, 60210)

CSBA NOTE: The following paragraph is for use by districts that maintain high schools.

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

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In selecting or adopting instructional materials, the Board shall consider the recommendation of the Superintendent or designee and/or an advisory committee established to review the materials.

Public Hearing on Sufficiency of Instructional Materials

The degree to which every student has sufficient access to standards-aligned instructional materials shall be included in the district's local control and accountability plan. (Education Code 52060)

Sufficiency of Instructional Materials and Public Hearing

CSBA NOTE: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in English/language arts (including English language development), mathematics, science, and history-social science that are consistent with the content and cycles of the curriculum framework adopted by SBE. As clarified in the California Department of Education's (CDE) CDE's "Instructional Materials FAQ," state funding sources for instructional materials include local control funding formula funds and Proposition 20 (2000) lottery funds. Pursuant to Education Code 60119, the Board must also make a written determination during the hearing as to the sufficiency of textbooks or instructional materials in world language and health courses, as well as the availability of science laboratory equipment in science laboratory courses.

Pursuant to Education Code 60010, as amended by SB 820 (Ch. 110, Statutes of 2020), "technology-based materials" include the electronic equipment required to make use of those materials, including, but not limited to, laptop computers and devices that provide Internet access. Thus, when districts provide technology-based materials to students, such equipment is subject to the determination of sufficiency pursuant to Education Code 60119.

Education Code 1240 requires the County Superintendent of Schools to review the textbooks and instructional materials of underperforming schools and, if the County Superintendent determines that a school does not have sufficient materials, to prepare a report outlining the noncompliance and give the district a chance to remedy the deficiency. If the deficiency is not remedied by the second month of the school year, the County Superintendent may request that CDE purchase textbooks or materials for the district, and the cost must be repaid by the district. CDE will issue a public statement at an SBE meeting indicating the district's failure to provide instructional materials.

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials, including textbooks, technology-based materials, other educational materials, and tests. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audio tapes, lesson plans, databases, and the electronic equipment required to make use of those materials by students and teachers as a learning resource. (Education Code 60010, 60119)

CSBA NOTE: Education Code 60119 specifies that the hearing must be held within eight weeks of the beginning of the school year. Pursuant to Education Code 60119, for a district that operates schools on a multitrack, year-round calendar, the timeline begins with the first day students attend school in any track that begins in August or September.

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

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

CSBA NOTE: Education Code 60119 requires the Board to adopt a resolution indicating whether ~~or not~~ each student in each school has sufficient standards-aligned textbooks or instructional materials for the subjects specified in ~~items~~ Items #1-6 below. See the accompanying Exhibit for a sample resolution.

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

1. Mathematics
2. Science
3. History-social science
4. English language arts, including the English language development component of an adopted program
5. World language
6. Health

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades 9-12.

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

Nb In making these determinations, the Board shall consider whether each student has sufficient textbooks or other instructional materials to use in class and to take home. This does not require that each student have two sets of materials. However, materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

If materials are in a digital format, they shall be considered sufficient as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district, and has the ability to use and access them at home. (Education Code 60119)

CSBA NOTE: Pursuant to Education Code 60119, if the Board makes a determination determines, by resolution, that there are insufficient textbooks or other instructional materials, the Board must take action to ensure that the materials are provided within two months of the beginning of the school year. Education Code 60119, as amended by AB 1078, requires the Board to submit a copy of the resolution to the County Superintendent no later than three business days. CDE's, "Instructional Materials FAQ," states that, if a district has submitted purchase orders to the publisher to purchase materials to remedy the insufficiency, these materials should be received and made available to students by the end of the second month of the school year. Thus, districts

are strongly encouraged to hold the public hearing as early in the school year as possible in order to provide sufficient time to correct any deficiencies.

Pursuant to Education Code 1240, the County Superintendent conducts annual reviews of certain schools to determine, among other things, whether there are insufficient textbooks or instructional materials. Upon making such a determination, the County Superintendent is required to provide the district the opportunity to remedy the deficiency and ensure that the deficiency is remedied no later than the second month of the school term. If the deficiency is not remedied, Education Code 1240 requires the County Superintendent to request CDE to purchase the textbooks or instructional materials, the cost of which must be repaid by the district. CDE will issue a public statement at an SBE meeting indicating the Superintendent's and Board's failure to provide instructional materials. Additionally, Education Code 1240, as amended by AB 1078, requires the County Superintendent to take the actions specified above when the County Superintendent determines that there are insufficient textbooks or instructional materials based on (1) the Board's resolution, (2) the district's quarterly complaints report provided to the County Superintendent in accordance with Education Code 35186, or (3) an audit exception found in accordance with Education Code 41020.

Pursuant to Education Code 60150, as added by AB 1078, if the Superintendent of Public Instruction (SPI) finds that a district has not provided sufficient textbooks or instructional materials as required, CDE is required to take all remedial actions as specified in Education Code 1240, including purchasing textbooks and instructional materials. Additionally, the SPI will assess a financial penalty against the district's local control funding formula allocation.

If the Board determines that there are insufficient textbooks or other instructional materials, the district Board shall, by resolution, provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall submit a copy of the resolution to the County Superintendent of Schools no later than three business days after the hearing. The Board shall take any action to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119) (Education Code 60119)

~~The degree to which every student has sufficient access to standards-aligned instructional materials shall be included in the district's local control and accountability plan. (Education Code 52060)~~

Complaints

Complaints concerning instructional materials shall be handled in accordance with BP/AR 1312.2 - Complaints Concerning Instructional Materials or AR 1312.4 - Williams Uniform Complaint Procedures, as applicable

In addition, if the County Superintendent, in accordance with Education Code 1240, makes the district aware of a school that does not have sufficient textbooks or instructional materials, the district shall take any action to ensure that each student has sufficient materials within two months of the beginning of the school year.

Prohibition Against Refusal to Approve or Prohibit the Use of Specified Instructional Materials

CSBA NOTE: Education Code 243, as added by AB 1078, clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any textbook, instructional material, supplemental

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instructional material, or other curriculum for classroom instruction, or any book or resource in a school library or (2) prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library. The Board may not refuse to approve such use on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit such use on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Complaints

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library as described above, may be brought under the district's uniform complaint procedures or may be filed directly with the SPI. Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 – Uniform Complaint Procedures.

Complaints concerning instructional materials shall be handled in accordance with Board Policy 1312.2 - Complaints Concerning Instructional Materials, Board Policy 1312.3 – Uniform Complaint Procedures, or Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures, as applicable.

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

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State	Description
5 CCR 9505-9530	Instructional materials
Ed. Code 1240	County superintendent of schools; duties
<u>Ed. Code 18111</u>	<u>Exclusion of books by Governing Board that are sectarian, partisan, or denominational character</u>

Ed. Code 220	Prohibition of discrimination
<u>Ed. Code 242</u>	<u>Access to information about educational laws and policies regarding right to accurate and inclusive curriculum</u>
<u>Ed. Code 243</u>	<u>Unlawful discrimination related to the use or prohibited use of textbooks and instructional materials</u>
Ed. Code 33050-33053	General waiver authority
Ed. Code 33126	School accountability report card
Ed. Code 35272	Education and athletic materials
Ed. Code 44805	Enforcement <u>Teacher enforcement</u> of course of studies; use of textbooks, rules and regulations
<u>Ed. Code 48907</u>	<u>Exercise of free expression: time, place and manner rules and regulations</u>
<u>Ed. Code 48950</u>	<u>Speech and other communication</u>
Ed. Code 49415	Maximum textbook weight <u>standards</u>
<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51501	Nondiscriminatory subject matter
<u>Ed. Code 51511</u>	<u>Religious matters properly included in courses of study</u>
<u>Ed. Code 51933</u>	<u>Sexual health education and HIV prevention materials</u>
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60060-60063.5	Requirements for publishers and manufacturers
Ed. Code 60070-60076	Prohibited acts (re <u>regarding</u> instructional materials)
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
<u>Ed. Code 60150</u>	<u>Penalty for insufficiency of textbooks and instructional materials</u>
Ed. Code 60200- 60210 <u>60213</u>	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60350-60352	Core reading program instructional materials
Ed. Code 60400-60411	Instructional materials; high schools
Ed. Code 60510-60511	Donation for <u>or</u> sale of obsolete instructional materials

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Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
Ed. Code 60605.86-60605.88	Supplemental instructional materials aligned with Common Core State Standards
H&S Code 11032	<u>Narcotics, restricted dangerous drugs, and marijuana; definitions</u>

Management Resources

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

Website

Website

Website

Website

Website

[Website](#)

[Website](#)

Description

Instructional Materials FAQ

01-05 Guidelines for Piloting Textbooks and Instructional Materials, [Policy # 01-05](#), rev. January 2015

Standards for Evaluating Instructional Materials for Social Content, 2013

CSBA District and County Office of Education Legal Services

Association of American Publishers

California Academic Content Standards Commission, Common Core State Standards

California Department of Education

CSBA

[Department of Justice \(https://oag.ca.gov/\)](https://oag.ca.gov/)

[U.S. Department of Education, Office for Civil Rights \(https://www2.ed.gov/about/offices/list/ocr/index.html\)](https://www2.ed.gov/about/offices/list/ocr/index.html)

Cross References

Code

0400

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1312.2

1312.2

Description

Comprehensive Plans

Nondiscrimination In District Programs And Activities

Equity

District Technology Plan

District Technology Plan

Local Control And Accountability Plan

Local Control And Accountability Plan

Citizen Advisory Committees

Citizen Advisory Committees

Complaints Concerning Instructional Materials

Complaints Concerning Instructional Materials

1312.2-E(1)	Complaints Concerning Instructional Materials
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
1700	Relations Between Private Industry And The Schools
3220.1	Lottery Funds
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
4136	Nonschool Employment
4143	Negotiations/Consultation
4236	Nonschool Employment
4243	Negotiations/Consultation
4331	Staff Development
4336	Nonschool Employment
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.2	World Language Instruction
6142.2	World Language Instruction

6142.6	Visual And Performing Arts Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6146.1	High School Graduation Requirements
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6162.5	Student Assessment
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6174	Education For English Learners
6174	Education For English Learners
6190	Evaluation Of The Instructional Program
9000	Role Of The Board
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9322	Agenda/Meeting Materials

Regulation 6161.1: Selection And Evaluation Of Instructional Materials

Status: ADOPTED

Original Adopted Date: 11/01/2010 | **Last Revised Date:** 10/01/2020 **2023** | **Last Reviewed Date:** 10/01/2020 **2023**

Review Process

CSBA NOTE: The following section may be revised to reflect district practice. Pursuant to Education Code 60002, the district must provide for "substantial" teacher involvement in the selection of instructional materials and must promote the involvement of parents/guardians and other members of the community in the selection of instructional materials. The Education Code does not define "substantial."

The district's review process for evaluating instructional materials shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members in accordance with Education Code 60002. The review process may also involve administrators, other staff who have subject-matter expertise, and students as appropriate. The Superintendent or designee shall seek input from stakeholders with diverse backgrounds and perspectives.

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades K-8.

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

CSBA NOTE: The following paragraph is optional. The use of review committees is recommended as a best practice, but is not required by law.

The Superintendent or designee may establish an advisory committee to conduct the review of instructional materials.

The Superintendent or designee shall present to the Governing Board recommendations for instructional materials and documentation that supports the recommendations.

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

CSBA NOTE: ~~The State Board of Education~~ **Education's** (SBE) policy on **"Guidelines for Piloting Textbooks and Instructional Materials"** provides a sample process for piloting instructional materials that addresses the selection of materials to pilot, a chronology of the process, and additional considerations, such as conflict of interest, contacts with publishers, and consideration of standards maps.

When possible, the district may pilot instructional materials in a representative sample of classrooms for a specified period of time during a school year, in order to determine the extent to which the materials support the district's curricular goals and academic standards, **and accurately reflect and value society's diversity**. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Criteria for Selection and Adoption of Instructional Materials

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In recommending instructional materials for adoption by the Board, the Superintendent or designee shall ensure that the materials:

CSBA NOTE: The California Department of Education (CDE) provides guidance, available on its website, for the selection of instructional materials that are not adopted by SBE, which includes that districts develop an evaluation instrument that reflects local and state criteria and concerns.

1. 1. Are aligned to the content standards adopted by SBE and consistent with the content and cycles of the curriculum framework adopted by SBE

CSBA NOTE: The following paragraph is for use by districts that offer any of grades K-8. Pursuant to Education Code 60200, SBE is responsible for adopting at least five basic instructional materials for grades K-8 in specified core subjects and any other subject for which SBE determines that the adoption of instructional materials is necessary or desirable.

Education Code 60210 authorizes the Governing Board to select instructional materials for grades K-8 that have not been approved by SBE, provided they are aligned with state academic content standards.

2. 2. For grades K-8, only instructional materials on the list of materials adopted by SBE and/or other instructional materials that have not been adopted by SBE but are aligned with the state academic content standards or the Common Core State Standards may be recommended for selection. (Education Code 60200, 60210)

CSBA NOTE: The following optional paragraph is for use by districts offering any of grades 9-12 and may be revised to reflect district practice. The California Department of Education CDE provides standards map templates, available on its website, for reference in determining alignment of instructional materials for ~~grade~~grades 9-12 core courses.

- NO
3. 3. For grades 9-12, instructional materials in history-social science, mathematics, English/language arts, and science shall be reviewed using a standards map in order to determine the extent to which the materials are aligned to state academic content standards.
 4. 2. Do not reflect adversely upon persons because of any characteristic specified in law and BP Board Policy 0410 - Nondiscrimination in District Programs and Activities, nor contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 51501, 60044)
 5. 3. To the satisfaction of the Board, are accurate, objective, current, and suited to the differing needs and comprehension of district students at their respective grade levels (Education Code 60045)
 6. 4. With the exception of literature and tradebooks, use proper grammar and spelling (Education Code 60045)

CSBA NOTE: Education Code 60048 and 60200 require that the Board not adopt basic instructional materials that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo, unless it makes specific findings that the use has an educational purpose or is incidental to the general nature of an illustration, as provided in ~~item #6~~item #5

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below. SBE's publication, "Standards for Evaluating Instructional Materials for Social Content," details standards for the use of brand names and corporate logos in instructional materials.

7. 5. Do not expose students to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60048, 60200)
- a. a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by SBE.
 - b. b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.

CSBA NOTE: Education Code 60040-60043 require that ~~specific~~certain subject matter be included in the district's instructional materials. , as specified below. Education Code 60040 requires that ~~instructional materials include accurate portrayals, as amended by AB 1078 (Ch. 229, Statutes of 2023), expands the accurate portrayal of society's~~ cultural and racial diversity of society as specified. Education Code ~~60041~~ requires (1) accurate portrayal of humanity's place in ecological ~~systemsto include the contributions of all genders (formerly "men and the need to protect the environmentwomen"), Latino Americans (formerly "Mexican Americans"), LGBTQ+ Americans (formerly "lesbian, gay, bisexual, and (2) the effects of tobacco, alcohol,transgender Americans"), and members of other drug use on the human system.~~ Education Code 60042 requires the Board to adopt materials as it deems necessary to encourage thrift, fire prevention~~ethnic, cultural, religious,~~ and the humane treatment of animals~~socioeconomic status groups (formerly "ethnic and people.~~ Education Code 60043 requires that the Board, when appropriate to the comprehension of students, adopt textbooks for social science, history, or civics classes that contain the Declaration of Independence~~cultural"). The complete list required by Education Code 60040, as amended by AB 1078, is reflected below.~~

Additionally, pursuant to Education Code 60040.5, as added by AB 1078, CDE is required to issue, by July 1, 2025, guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and the Constitution of the United States. If desired, the district may expand item #6 below to list these specific requirements:are culturally relevant.

8. 6. Meet the requirements of Education Code 60040-60043 for specific subject content, including, but not limited, accurately portraying society's cultural and racial diversity to:
- a. Accurately portraying society's cultural and racial diversity, including:
 - i. The contributions of all genders in all types of roles, including professional, vocational, and executive roles
 - ii. The role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, religious, and soocioeconomic groups to the total development of California and the United States

- iii. The role and contributions of the entrepreneur and labor in the total development of California and the United States
- b. Accurately portraying humanities place in ecological systems and the necessity for the protection of the environment
- c. Accurately portraying the effects on the human system of the use of tobacco, alcohol, and narcotics, and restricted dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances
- d. Encouraging thrift, fire prevention, and the humane treatment of animals and people
- e. Requiring, when appropriate to the comprehension of students, that textbooks for social science, history, or civics classes contain the Declaration of Independence and the United States Constitution

CSBA NOTE: Items #7-14 below are optional and may be revised to reflect district practice. The district may choose to develop subject-specific criteria as well as general criteria.

- 9. 7. Support the district's adopted courses of study and curricular goals, including the district's local control and accountability plan
- 10. 8. Contribute to a comprehensive, balanced curriculum
- 11. 9. Demonstrate reliable quality of scholarship as evidenced by:
 - a. a. Accurate, up-to-date, and well-documented information
 - b. b. Objective presentation of diverse viewpoints
 - c. c. Clear, concise writing and appropriate vocabulary
 - d. d. Thorough treatment of subject matter
- 12. 10. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels
- 13. 11. Stimulate discussion of contemporary issues, exploration of ideas, and intellectual exchanges, and improve students' thinking and decision-making skills
- 14. 12. As appropriate, have corresponding versions available in languages other than English
- 15. 13. Include high-quality teacher's guides

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CSBA NOTE: 5 CCR 9517.2 sets the following maximum weight standards for each student textbook: three pounds for grades K-4, four pounds for grades 5-8, and five pounds for grades 9-12. 5 CCR 9517.2 requires publishers submitting textbooks to SBE that exceed those weight standards to provide lighter weight alternatives, such as split volumes or electronic editions, soft cover editions, or other alternate physical formats. For materials for grades 9-12, publishers must disclose the availability of lighter weight alternatives. Item #14 below includes textbook weight as one of the criteria for Board consideration.

- 16- ~~14.~~ 14. When available, include options for lighter weight materials, including materials in digital format, in order to help minimize any injury to students by the combined weight of instructional materials

In addition to meeting the above criteria as applicable, technology-based materials shall:

- 1- ~~1.~~ 1. Be both available and comparable to other, equivalent instructional materials (Education Code 60052)
- 2- ~~2.~~ 2. Be accessible to all students, including economically disadvantaged students, students with disabilities, and English learners
- 3- ~~3.~~ 3. Protect the privacy of student data

Conflict of Interest

CSBA NOTE: The following optional section is for use by districts that choose to require individuals who will participate in the review process to first complete a disclosure statement which provides an opportunity to disclose any conflict of interest or appearance of conflict of interest.

To ensure integrity in the evaluation and selection of instructional materials, individuals who are participating in the evaluation of instructional materials and are not otherwise designated in the district's conflict of interest code shall sign a disclosure statement indicating that they:

CSBA NOTE: Education Code 60061 ~~requires~~ provides criteria and/or limitations for publishers to provide follow when establishing the cost of the materials being furnished; see CDE's website for a price list of adopted instructional materials free of charge within California to the same extent that they provide free materials to other states or school districts; see Price List of Adopted Instructional Materials on CDE's web site. However, Additionally, Education Code 60071 forbids publishers from offering "valuable thing(s)" to school officials for the purpose of influencing the purchase of instructional materials. CDE's Instructional Materials FAQ clarifies that, in accordance with the definition of "technology-based materials" in Education Code 60010, districts may accept electronic equipment necessary to make use of technology-based materials provided that such equipment is used by students and teachers as a learning resource, not to replace computers or related equipment in an existing computer lab or to establish a new computer lab.

1. Will not accept any emolument, money, or other valuable thing or inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)

Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)

CSBA NOTE: Items # 2-4 below are optional and should be modified to reflect district practice.

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2. Are not employed by nor receive compensation from the publisher or supplier of the instructional materials or any person, firm, organization, subsidiary, or controlling entity representing it

3. Do not have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the district

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 9505-9530	Instructional materials
Ed. Code 1240	County superintendent of schools; duties
<u>Ed. Code 18111</u>	<u>Exclusion of books by Governing Board that are sectarian, partisan, or denominational character</u>
Ed. Code 220	Prohibition of discrimination
<u>Ed. Code 242</u>	<u>Access to information about educational laws and policies regarding right to accurate and inclusive curriculum</u>
<u>Ed. Code 243</u>	<u>Unlawful discrimination related to the use or prohibited use of textbooks and instructional materials</u>
Ed. Code 33050-33053	General waiver authority
Ed. Code 33126	School accountability report card
Ed. Code 35272	Education and athletic materials
Ed. Code 44805	Enforcement <u>Teacher enforcement</u> of course of studies; use of textbooks, rules and regulations
<u>Ed. Code 48907</u>	<u>Exercise of free expression; time, place and manner rules and regulations</u>
<u>Ed. Code 48950</u>	<u>Speech and other communication</u>
Ed. Code 49415	Maximum textbook weight <u>standards</u>
<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51501	Nondiscriminatory subject matter
<u>Ed. Code 51511</u>	<u>Religious matters properly included in courses of study</u>
<u>Ed. Code 51933</u>	<u>Sexual health education and HIV prevention materials</u>

Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60060-60063.5	Requirements for publishers and manufacturers
Ed. Code 60070-60076	Prohibited acts (re <u>regarding</u> instructional materials)
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
<u>Ed. Code 60150</u>	<u>Penalty for insufficiency of textbooks and instructional materials</u>
Ed. Code 60200-60210 <u>60213</u>	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60350-60352	Core reading program instructional materials
Ed. Code 60400-60411	Instructional materials; high schools
Ed. Code 60510-60511	Donation for <u>or</u> sale of obsolete instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards
Ed. Code 60605.86-60605.88	Supplemental instructional materials aligned with Common Core State Standards
H&S Code 11032	<u>Narcotics, restricted dangerous drugs, and marijuana; definitions</u>

Management Resources

California Department of Education Publication
California Department of Education Publication

California Department of Education Publication

Website

Website

Website

Website

Description

Instructional Materials FAQ

01-05 Guidelines for Piloting Textbooks and Instructional Materials, Policy # 01-05, rev. January 2015

Standards for Evaluating Instructional Materials for Social Content, 2013

CSBA District and County Office of Education Legal Services

Association of American Publishers

California Academic Content Standards Commission, Common Core State Standards

California Department of Education

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Website

CSBA

Website

Department of Justice (<https://oag.ca.gov/>)

Website

U.S. Department of Education, Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/index.html>)

Cross References

Code

Description

0400

Comprehensive Plans

0410

Nondiscrimination In District Programs And Activities

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Equity

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District Technology Plan

0440

District Technology Plan

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Local Control And Accountability Plan

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Local Control And Accountability Plan

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Citizen Advisory Committees

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Citizen Advisory Committees

1312.2

Complaints Concerning Instructional Materials

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Complaints Concerning Instructional Materials

1312.2-E(1)

Complaints Concerning Instructional Materials

1312.3

Uniform Complaint Procedures

1312.4

Williams Uniform Complaint Procedures

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Williams Uniform Complaint Procedures

1312.4-E(2)

Williams Uniform Complaint Procedures

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Access To District Records

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Relations Between Private Industry And The Schools

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Sale And Disposal Of Books, Equipment And Supplies

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Sale And Disposal Of Books, Equipment And Supplies

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Gifts, Grants And Bequests

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Bids

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Nonschool Employment

4143	Negotiations/Consultation
4236	Nonschool Employment
4243	Negotiations/Consultation
4331	Staff Development
4336	Nonschool Employment
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5020	Parent Rights And Responsibilities
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.6	Visual And Performing Arts Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6144	Controversial Issues
6146.1	High School Graduation Requirements
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6162.5	Student Assessment
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials

6163.1	Library Media Centers
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6174	Education For English Learners
6174	Education For English Learners
6190	Evaluation Of The Instructional Program
9000	Role Of The Board
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9322	Agenda/Meeting Materials

Exhibit 6161.1-E(1): Selection And Evaluation Of Instructional Materials

Status: ADOPTED

Original Adopted Date: 11/01/2012 | **Last Revised Date:** 10/01/2020 **2023** | **Last Reviewed Date:** 10/01/2020 **2023**

RESOLUTION ON SUFFICIENCY OF INSTRUCTIONAL MATERIALS

CSBA NOTE: Education Code 60119 requires that the Governing Board hold an annual public hearing regarding the sufficiency of textbooks or other instructional materials and determine, through a resolution, whether each student has sufficient materials; see the accompanying Board policy. "Sufficient textbooks or instructional materials," as defined in Education Code 60119, means that each student in the district, including each English learner, has a standards-aligned textbook or instructional materials, which may include technology-based materials, to use in class and to take home.

The following sample resolution is based on the 2008 sample resolution developed by the California Department of Education (CDE) but has been updated to reflect current law. This resolution may be used to certify compliance with Education Code 60119.

Whereas, the Governing Board of the *(name of school district)*, in order to comply accordance with the requirements of Education Code 60119, held a public hearing on *(date)*, at *(time)* o'clock, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

Whereas, the Board provided at least 10 ~~days~~ days notice of the public hearing by posting it in at least three public places within the district stating the time, place, and purpose of the hearing, and;

Whereas, the Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

Whereas, information provided at the public hearing detailed the extent to which sufficient textbooks or other instructional materials were provided to all students, including English learners, in the *(name of school district)*, and;

Whereas, the definition of "sufficient textbooks or instructional materials" means that each student, including each English learner, has a standards-aligned ~~textbook~~ textbooks and/or instructional materials to use in class and to take home, which may include materials in a digital format as long as each student, at a minimum, has and can access the same materials in the class and at home as other students in the same class or course in the district, but shall not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage, and;

Whereas, textbooks or instructional materials in core curriculum subjects should be aligned with state academic content standards and/or the Common Core State Standards adopted by the State Board of Education;

Finding of Sufficient Textbooks or Instructional Materials

CSBA NOTE: The following section ~~is~~ **should be used to list the schools and subjects** for use when the Board is making a finding that **which** the district has "provided "sufficient"" materials. According to CDE, Education Code 60119 requires documentation of sufficiency of textbooks or instructional materials to be presented at the public hearing. Survey forms are available on CDE's web site **CDE's website** which may be used as a self-study and county office validation tool for grades K-12.

Whereas, ~~Therefore,~~ **be it resolved, for the (year) school year, the (name of school district),** sufficient standards-aligned textbooks or other instructional materials that are consistent with the cycles and content of the curriculum frameworks were provided to each student, including each English learner, **at the following schools** in the following subjects:

CSBA NOTE: To provide complete information about the basis for the ~~Board's~~ **Board's** determination of sufficiency, the district may wish to include the names of the textbooks or instructional materials provided to students, as well as the applicable state adoption cycle.

- Mathematics: -(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)

- Science: -(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)

- History-social science: -(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)

- English language arts, including the English language development component of an adopted program: -(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)

- World language: -(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)

- Health: -(List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle.)

~~CSBA NOTE: The following paragraph is for use by districts that maintain grades 9-12. The Board may provide a list of the science laboratory classes offered in grades 9-12 and details on the science laboratory equipment available for these classes.~~

~~Whereas, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive;~~

~~Therefore, it is resolved that for the (year) school year, the (name of school district) has provided each student with sufficient standards-aligned textbooks or other instructional materials that are consistent with the cycles and content of the curriculum frameworks.~~

Finding of Insufficient Textbooks or Instructional Materials in One or More Subjects

~~CSBA NOTE: The following section is for use when the Board is making a finding of "insufficient" materials. Education Code 60119 requires that the Board's resolution list, for each school for which an insufficiency exists, the percentage of students at each grade level who lack sufficient materials in each of the subject areas listed below.~~

~~CSBA NOTE: In addition to the section above, the following section should be used to list the schools and subjects for which the district has not provided "sufficient" materials, and should be deleted by districts when there is not a finding of insufficient materials in a particular year. Education Code 60119 requires that, for each school for which an insufficiency exists, the Board's resolution include the percentage of students at each grade level who lack sufficient materials in each of the subject areas listed below, and include the reason that each student does not have sufficient textbooks and/or instructional materials. For more information regarding the actions the Board is required to take upon a finding of "insufficient materials," and potential consequences for not remedying the deficiency as required by law, see the section "Sufficiency of Instructional Materials and Public Hearing" in the accompanying Board policy.~~

~~Whereas, information provided at the public hearing and to the Board at the public meeting detailed that insufficient standards-aligned textbooks or other instructional materials were provided to students in the following subjects and grade levels at district schools: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in mathematics, science, history-social science, English language arts, world language, and health.)~~

~~Whereas, sufficient textbooks or other instructional materials were not provided at each school listed above due to the following reasons: (For each school at which there is an insufficiency, list the reasons that each student does not have sufficient instructional materials in each subject and grade level listed above.)~~

Therefore, **Be** it is **further** resolved, that for the (year) school year, the (name of school district) has not provided each student with sufficient **insufficient standards-aligned** textbooks or other instructional materials that are consistent with **were provided to students at** the cycles and content of **following schools in** the curriculum framework, and; **following subjects:**

- **Mathematics: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)**

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[Redacted]

- Science: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)

[Redacted]

- History-social science: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)

[Redacted]

- English language arts, including the English language development component of an adopted program: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)

[Redacted]

- World language: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)

[Redacted]

- Health: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials and the reasons that each student does not have sufficient instructional materials.)

[Redacted]

Be it further resolved, that the following actions will be taken to ensure that all students have sufficient standards-aligned textbooks or other instructional materials in all subjects that are consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which this determination is made. (List actions to be taken to resolve insufficiency.)

[Redacted]

Finding of Available Science Laboratory Equipment for Grades 9-12

CSBA NOTE: The following optional section is for use by districts that maintain grades 9-12. It should be used to list the science laboratory courses offered in grades 9-12 and whether science laboratory equipment is available for these courses.

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Be it further resolved, laboratory science equipment was available or was not available for science laboratory courses offered in grades 9-12, inclusive, as indicated below:

NO

- Available: (List all science laboratory courses offered in grades 9-12 for which science laboratory equipment was available.)

[Redacted]

- Not Available: (List all science laboratory courses offered in grades 9-12 for which science laboratory equipment was not available.)

[Redacted]

CSBA NOTE: Education Code 60119, as amended by AB 1078 (Ch. 229, Statutes of 2023), requires the Board, upon a determination of insufficient textbooks or instructional materials, to submit a copy of the resolution making such a determination to the County Superintendent of Schools within three business days after the public hearing regarding the sufficiency of textbooks or other instructional materials. This section should be included in the resolution for every district.

Be it further resolved, that the Superintendent or designee, on behalf of the Board, shall submit a copy of this resolution to the County Superintendent of Schools within three business days of the hearing.

PASSED AND ADOPTED THIS [redacted] day of [redacted], [redacted] at a meeting, by the following vote:

AYES: [redacted] NOES: [redacted] ABSENT: [redacted]

Attest:

[redacted], Secretary

[redacted], President

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Policy Reference Disclaimer:

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State	Description
5 CCR 9505-9530	Instructional materials
Ed. Code 1240	County superintendent of schools; duties
<u>Ed. Code 18111</u>	<u>Exclusion of books by Governing Board that are sectarian, partisan, or denominational character</u>
Ed. Code 220	Prohibition of discrimination
<u>Ed. Code 242</u>	<u>Access to information about educational laws and policies regarding right to accurate and inclusive curriculum</u>

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<u>Ed. Code 243</u>	<u>Unlawful discrimination related to the use or prohibited use of textbooks and instructional materials</u>
Ed. Code 33050-33053	General waiver authority
Ed. Code 33126	School accountability report card
Ed. Code 35272	Education and athletic materials
Ed. Code 44805	Enforcement <u>Teacher enforcement</u> of course of studies; use of textbooks, rules and regulations
<u>Ed. Code 48907</u>	<u>Exercise of free expression; time, place and manner rules and regulations</u>
<u>Ed. Code 48950</u>	<u>Speech and other communication</u>
Ed. Code 49415	Maximum textbook weight <u>standards</u>
<u>Ed. Code 51204.5</u>	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51501	Nondiscriminatory subject matter
<u>Ed. Code 51511</u>	<u>Religious matters properly included in courses of study</u>
<u>Ed. Code 51933</u>	<u>Sexual health education and HIV prevention materials</u>
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 60000-60005	Instructional materials; legislative intent
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60060-60063.5	Requirements for publishers and manufacturers
Ed. Code 60070-60076	Prohibited acts (re <u>regarding</u> instructional materials)
Ed. Code 60110-60115	Instructional materials on alcohol and drug education
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
<u>Ed. Code 60150</u>	<u>Penalty for insufficiency of textbooks and instructional materials</u>
Ed. Code 60200- 60210 <u>60213</u>	Elementary school materials
Ed. Code 60226	Requirements for publishers and manufacturers
Ed. Code 60350-60352	Core reading program instructional materials
Ed. Code 60400-60411	Instructional materials; high schools
Ed. Code 60510-60511	Donation for <u>or</u> sale of obsolete instructional materials
Ed. Code 60605	State-adopted content and performance standards in core curricular areas
Ed. Code 60605.8	Common Core standards

Ed. Code 60605.86-60605.88

Supplemental instructional materials aligned with Common Core State Standards

H&S Code 11032

Narcotics, restricted dangerous drugs, and marijuana; definitions

Management Resources

Description

California Department of Education Publication

Instructional Materials FAQ

California Department of Education Publication

01-05 Guidelines for Piloting Textbooks and Instructional Materials, Policy # 01-05, rev. January 2015

California Department of Education Publication

Standards for Evaluating Instructional Materials for Social Content, 2013

Website

CSBA District and County Office of Education Legal Services

Website

Association of American Publishers

Website

California Academic Content Standards Commission, Common Core State Standards

Website

California Department of Education

Website

CSBA

Website

Department of Justice (<https://oag.ca.gov/>)

Website

U.S. Department of Education, Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/index.html>)

Cross References

Code

Description

0400

Comprehensive Plans

0410

Nondiscrimination In District Programs And Activities

0415

Equity

0440

District Technology Plan

0440

District Technology Plan

0460

Local Control And Accountability Plan

0460

Local Control And Accountability Plan

1220

Citizen Advisory Committees

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Citizen Advisory Committees

1312.2

Complaints Concerning Instructional Materials

1312.2

Complaints Concerning Instructional Materials

1312.2-E(1)

Complaints Concerning Instructional Materials

1312.3

Uniform Complaint Procedures

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1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
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1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
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4136	Nonschool Employment
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5020	Parent Rights And Responsibilities
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6000	Concepts And Roles
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6141	Curriculum Development And Evaluation
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6142.8	Comprehensive Health Education
6142.91	Reading/Language Arts Instruction
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9322	Agenda/Meeting Materials

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Policy 6161.11: Supplementary Instructional Materials

Status: ADOPTED

Original Adopted Date: 12/01/1990 | **Last Revised Date:** 11/10/01/2012 **2023** | **Last Reviewed Date:** 11/10/01/2012 **2023**

CSBA NOTE: The following optional policy addresses the selection of instructional materials that are used to supplement the basic textbooks and other instructional materials adopted by the Governing Board for use in grades K-8 pursuant to Education Code 60200 or for grades 9-12 pursuant to Education Code 60400. See BP/AR 6161.1 - Selection and Evaluation of Instructional Materials for requirements pertaining to the selection of those basic instructional materials.

The Governing Board encourages the use of supplementary instructional materials to enrich the curriculum and enhance student learning. Such materials shall be aligned with district goals, curriculum objectives, and academic standards and shall supplement and not supplant the use of Board-adopted basic instructional materials that serve as the primary learning resources.

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

1. To provide more complete coverage of one or more subjects included in a given course
2. To meet the various learning ability levels of students in a given age group or grade level
3. To meet the diverse educational needs of students with a language disability in a given age group or grade level
4. To meet the diverse educational needs of students reflective of a condition of cultural pluralism
5. To use current, relevant technology that further engages interactive learning in the classroom and beyond

Supplementary instructional materials may be selected by the Superintendent or designee, school administrators, or teachers, as applicable, and obtained through donations to the district and/or available funding sources designated for these purposes.

CSBA NOTE: In *McCarthy v. Fletcher*, a California appellate court clarified that the Board may exclude materials from classroom teaching because they are educationally unsuitable and unrelated to the goals specified in Education Code 233.5, but not simply because the materials contain ideas to which Board or community members object.

Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any supplemental instructional material or (2) prohibit the use of any supplemental instructional material. The Board may not refuse to approve the use of any supplemental instructional material on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit the use of any supplemental instructional material on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

For more information, the California Department of Education's (CDE) website provides guidance on the removal of instruction or instructional materials. In addition, Education Code 60040.5, as added by AB 1078, requires CDE to issue, no later than July 1, 2025, guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant. Additionally, Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

The use of any supplemental instructional material shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

As appropriate, supplementary instructional materials shall meet the criteria developed for the selection and evaluation of basic instructional materials as described in AR 6161.1 - Selection and Evaluation of Instructional Materials.

Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of the students.

The use or reproduction of supplementary instructional materials shall be in accordance with federal copyright law.

ADD "FILMS" From existing policy (see attached)

Supplementary Materials Aligned with Common Core Standards

CSBA NOTE: The following optional section is for use by districts that maintain any of grades K-8. Pursuant to Education Code 60605.8, the State Board of Education (SBE) has adopted Common Core Standards in English language arts and mathematics; see BP 6011 - Academic Standards. In November 2012, the SBE adopted updated English language development standards for English learners which are aligned to the Common Core Standards. However, the SBE has not yet adopted K-8 textbooks and instructional materials aligned to the Common Core Standards because Education Code 60200.7 suspended state adoptions of instructional materials until the 2015-16 school year. To bridge the gap, Education Code 60605.86, as added by SB 140 (Ch. 623, Statutes of 2011), and Education Code 60605.87-60605.88, as added by AB 1719 (Ch. 636, Statutes of 2012), require the California Department of Education (CDE) to recommend and the SBE to approve lists of supplementary instructional materials aligned with the Common Core Standards in English language arts by September 30, 2012, mathematics by July 30, 2013, and English language development by June 30, 2014. These lists of supplementary materials will be available on the CDE's web site and are informational only; districts are not required to purchase any of the supplementary materials.

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

CSBA NOTE: Pursuant to Education Code 60605.86-60605.88, as added by SB 140 (Ch. 623, Statutes of 2011) and AB 1719 (Ch. 636, Statutes of 2012), the district may select supplementary materials that are not on the SBE-approved lists. Such materials must be reviewed and recommended by content review experts who are selected by the Board, meet specified qualifications, and serve without compensation. The Board must ensure that the selected materials comply with SBE-approved evaluation criteria, which are available on the CDE's web site, and

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Films

Teachers may use videos, DVD's, motion pictures or films (these terms are used interchangeably) which are relevant to curriculum objectives and appropriate for students' ages and abilities. Any of these types of materials which are adopted, purchased, leased, or supplied by the district or County may be used in the classroom without prior approval. Films which are not obtained from the above sources may be used provided that they enrich the curriculum, enhance learning, help students make critical judgments and stimulate intellectual growth, subject to the conditions below.

Teachers must seek prior approval from a school administrator for films which include sexual situations, strong language, reference to substance abuse, and violence and horror. "G" rated motion pictures may be used in grades K-8 without prior approval. "PG" motion pictures may be used in grades 3-8 with prior written permission of a parent or guardian. "PG-13" motion pictures may be used in grades 6-8 with prior written permission of a parent or guardian. When obtaining parental permission for a "PG-13" motion picture, the teacher shall include the specific reasons for the "PG-13" rating and a link to more information. If a parent chooses not to allow their student to view a film then that student must be placed in another room and given an alternate assignment. "R" and rated motion pictures may not be shown. If the film is unrated then it must be submitted to administration for approval prior to use in the classroom.

Teachers are encouraged to show portions of films to illustrate the learning they wish to accomplish rather than entire movies.

specified legal requirements for instructional materials, including social content review requirements.

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

Appropriateness of Materials

CSBA NOTE: The following optional section may be revised to reflect district practice, including any district criteria for the appropriateness of supplementary instructional materials and/or circumstances under which materials should be submitted to the principal or other designee for review prior to their use (e.g., when materials relate to controversial issues or are presented in a controversial manner or context, such as when materials contain nudity, sexual content, graphic violence, or extensive profanity). The district is encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to adopting such criteria or processes or when banning films, electronic resources, or other materials solely on the basis of industry ratings.

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

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

The Superintendent or designee may provide training to administrators and teachers in the selection and evaluation of supplementary instructional materials, including the criteria to be utilized and applicable legal considerations.

Complaints

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, related to the use or prohibited use of any supplemental instructional material as described above, may be brought under the district's uniform complaint procedures or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures.

Complaints concerning supplemental instructional materials shall be handled in accordance with Board Policy 1312.2 - Complaints Concerning Instructional Materials and Board Policy 1312.3 - Uniform Complaint Procedures, as applicable.

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Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

[5 CCR 4600-4670](#)

Ed. Code 18111

[Ed. Code 220](#)

Ed. Code 233.5

[Ed. Code 242](#)

[Ed. Code 243](#)

[Ed. Code 48907](#)

[Ed. Code 48950](#)

[Ed. Code 51204.5](#)

[Ed. Code 51501](#)

Ed. Code 51510

Ed. Code 51511

Ed. Code 51933

[Ed. Code 60000-60005](#)

Ed. Code 60010

Ed. Code ~~60050~~[60040-60052](#)

Ed. Code ~~60060-60062~~[60063.5](#)

Ed. Code ~~60200.7-~~[60213](#)

Ed. Code 60226

Ed. Code ~~60400-~~[60411](#)

[Ed. Code 60605](#)

Description

[Uniform complaint procedures](#)

Exclusion of books by governing board [that are sectarian, partisan, or denominational character](#)

[Prohibition of discrimination](#)

Teaching of principles

[Access to information about educational laws and policies regarding right to accurate and inclusive curriculum](#)

[Unlawful discrimination related to the use or prohibited use of textbooks and instructional materials](#)

[Exercise of free expression; time, place and manner rules and regulations](#)

[Speech and other communication](#)

[Social sciences instruction; contributions of specified groups](#)

[Nondiscriminatory subject matter](#)

Prohibited study or supplemental materials

Religious matters properly included in courses of study

~~Sex education materials~~ [Sexual health education and HIV prevention materials](#)

Instructional materials; [legislative intent](#)

Instructional materials; definition

~~Social content review of~~ [Requirements for instructional materials](#)

~~Requirements of publishers~~ [Requirements for publishers and manufacturers](#)

~~Suspension of state instructional~~ [Elementary school materials adoptions](#)

Requirements for publishers and manufacturers

~~Adoption of high school instructional materials~~ [Instructional materials; high schools](#)

[State-adopted content and performance standards in core curricular areas](#)

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Ed. Code 60605.8

Common Core standards

~~Ed. Code 60605.86-60605.88~~

~~Supplemental instructional materials aligned with Common Core State Standards~~

Ed. Code 60811.3

English language development standards

Management Resources

Description

California Department of Education Publication

Standards for Evaluating Instructional Materials for Social Content, ~~2000~~2013

Court Decision

Fowler v. Board of Education of Lincoln County, (~~1978~~ 1987) 819 F.2d 657

Court Decision

McCarthy v. Fletcher, (1989) 207 Cal. App. 3d 130

Website

CSBA District and County Office of Education Legal Services

Website

California Department of Education

Website

CSBA

Website

Department of Justice (<https://oag.ca.gov/>)

Website

U.S. Department of Education, Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/index.html>)

Cross References

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Description

0000

Vision

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Goals For The School District

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Complaints Concerning Instructional Materials

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1312.2-E(1)

Complaints Concerning Instructional Materials

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Sale And Disposal Of Books, Equipment And Supplies

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Sale And Disposal Of Books, Equipment And Supplies

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Gifts, Grants And Bequests

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Bids

3311

Bids

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4232	Publication Or Creation Of Materials
4332	Publication Or Creation Of Materials
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
6000	Concepts And Roles
6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
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6141.2	Recognition Of Religious Beliefs And Customs
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
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6142.6	Visual And Performing Arts Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6142.94	History-Social Science Instruction
<u>6143</u>	<u>Courses Of Study</u>
6144	Controversial Issues
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.1	Library Media Centers
6174	Education For English Learners
6174	Education For English Learners

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Policy 6163.1: Library Media Centers

Status: ADOPTED

Original Adopted Date: 03/01/2011 | **Last Revised Date:** 04/10/01/20142023 | **Last Reviewed Date:** 04/10/01/20142023

CSBA NOTE: Education Code 18100 requires the Governing Board to provide library services for students and teachers by maintaining school libraries or contracting with another public agency. The following optional policy is intended for use by districts that maintain their own school libraries, but may be modified to meet the needs of districts that enter into an arrangement to receive services from either a county or city library pursuant to Education Code 18130 or 18134; also see BP 1330.1 - Joint Use Agreements.

The State Board of Education (SBE) has adopted model program standards for school libraries which describe staffing, resources, and infrastructure (1) school library standards for students that delineate what students should know and be able to do at each grade level (see section "Library Instruction," below), and (2) school library program standards that describe staffing, access, resources, and infrastructure, including technology, recommended for effective school library programs. The following policy may be modified to reflect state program standards that the district chooses to implement.

The Governing Board recognizes that school libraries support the educational program by providing access to a variety of informational and supplemental resources that can help raise inspire a love of reading, stimulate thought, the exploration of ideas and intellectual exchanges, and contribute to the academic achievement of all students. The Board desires that school libraries be stocked with up-to-date books, reference materials, and electronic resources that promote literacy, support academic standards, contain a broad spectrum of knowledge and viewpoints, accurately reflect and value society's diversity, and prepare students to become lifelong learners.

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

The Superintendent or designee may, in consultation with teacher librarians, classroom teachers, administrators, parents/guardians, and students as appropriate, develop and regularly update a plan for school libraries that describes the district's goals for school libraries and how the distribution of funds will be distributed to school sites to support libraries. As appropriate, the plan may also address staffing, facilities, selection and evaluation of materials, the development and maintenance of classroom libraries, prevention of loss or damage of library materials, prioritization of needs, and other related matters. The Superintendent or designee shall ensure that the library plan is aligned with the district's local control and accountability plan and other district and school plans.

Staffing

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant to Education Code 18120, the Board may appoint one or more librarians to staff school libraries, provided they possess an appropriate credential issued by the Commission on Teacher Credentialing (CTC) as required by Education Code 44868 and 5 CCR 80053. This may include a teacher librarian services credential issued since January 1, 2008 or a library media teacher services credential issued prior to that date. In addition, 5 CCR 80024.6 establishes requirements for an emergency teacher librarian services permit that may be issued when there is an insufficient number of qualified certificated persons to fill available positions.

SBE model program standards recommend a ratio of one full-time teacher librarian per 785 students, plus assignment of a classified paraprofessional (e.g., library technician, library aide) at least 34 hours per week.

If the district does not employ any teacher librarians, it should modify this policy to reflect the position(s) that are assigned to fulfill the related duties.

To staff school libraries, the district may employ one or more teacher librarians who possess appropriate credentials issued by the Commission on Teacher Credentialing. (Education Code 18120, 44868; 5 CCR 80024.6, 80053) ← ADD "library aide" here

CSBA NOTE: 5 CCR 80053 specifies the duties that any teacher librarian who possesses an appropriate credential or emergency permit from the CTC is authorized to perform. 5 CCR 80053.1 establishes a special class authorization which authorizes the holder to provide departmentalized instruction in information literacy, digital literacy, and digital citizenship. The district may revise items #1-8 below to reflect the duties of teacher librarians included in district job descriptions.

The Superintendent or designee may assign teacher librarians to perform the following duties in accordance with the authorizations of their credential: (5 CCR 80053, 80053.1)

- under the supervision of a teacher librarian of record, may also perform these duties*
1. Instruct students in accessing, evaluating, using, and integrating information and resources in the library program and/or provide departmentalized instruction in information literacy, digital literacy, and digital citizenship
 2. Plan and coordinate school library programs with the district's instructional programs through collaboration with teachers
 3. Select materials for school and district libraries
 4. Develop and deliver staff development programs for school library services
 5. Coordinate or supervise library programs at the school or district level
 6. Plan and conduct a course of instruction for students who assist in the operation of school libraries
 7. Supervise classified personnel assigned school library duties

8. Develop procedures for and management of the school and district libraries

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 35021, the district may not use volunteer aides in lieu of classified employees whose positions were abolished.

The Board also may appoint classified paraprofessionals to serve as library aides or library technicians. Volunteers may assist with school library services in accordance with law, Board policy, and administrative regulation.

Hours of Operation

School libraries shall be open for use by students and teachers during the school day. (Education Code 18103)

CSBA NOTE: The following paragraph is optional.

With the approval of the Board, a school library may be open at other hours outside the school day, including evenings and Saturdays. Any library open to serve students during evening and Saturday hours shall be under the supervision of a certificated employee who consents to the assignment. (Education Code 18103)

Selection and Evaluation of School Library Materials

CSBA NOTE: The following optional section may be revised to reflect district practice. At its discretion, the Board may establish selection criteria that exclude all materials of a sectarian, partisan, or denominational character as authorized by Education Code 18111.

Library materials shall include print and electronic resources that align with the curriculum and are accessible to students with varying cognitive and/or language needs.

Library materials shall be selected and evaluated and selected through a process that invites recommendations from administrators, teachers, other staff, parents/guardians, and students as appropriate.

CSBA NOTE: Education Code 243, as added by AB 1078 (Ch. 229, Statutes of 2023), clarifies when it is unlawful discrimination for the Board to (1) refuse to approve the use of any book or other resource in a school library or (2) prohibit the use of any book or other resource in a school library. The Board may not refuse to approve the use of any book or other resource in a school library on the basis that the material includes a study of the role and contributions of specified individuals or groups, unless the study of the role and contributions reflects adversely upon legally protected groups. Additionally, the Board may not prohibit the use of any book or other resource in a school library on the basis that the study of the role and contributions contain inclusive or diverse perspectives.

For more information, the California Department of Education's (CDE) website provides guidance on the removal of instruction or instructional materials. In addition, Education Code 60040.5, as added by AB 1078 (2023), requires CDE to issue, no later than July 1, 2025, guidance regarding

Move to prior page

ok

ok [ADD "The responsibility for the selection" #2 from current policy]

ADD "Objectives" + "Criteria" + "Controversial" sections HERE ok keep MB

how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant. Additionally, Education Code 242, as added by AB 1078, requires CDE to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and policies that safeguard the right to an accurate and inclusive curriculum.

The use of any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

Library materials shall be continually evaluated in relation to evolving curricula, new formats of materials, new instructional methods, and the needs of students and teachers. Materials that contain outdated subject matter or are no longer appropriate shall be removed.

All gifts and donations of school library materials shall be subject to the same criteria as materials selected for purchase by the district.

Complaints regarding the appropriateness of library materials shall be addressed using the district's procedures for complaints regarding instructional materials.

Fees

CSBA NOTE: Complaints alleging discrimination based on a violation of Education Code 243, as added by AB 1078, related to the use or prohibited use of any book or other resource in a school library as described above, may be brought under the district's uniform complaint procedures or may be filed directly with the Superintendent of Public Instruction (SPI). Complaints that are filed directly with the SPI are required to identify the basis for doing so, and present evidence that supports the basis for the direct filing. In such cases, the SPI may directly intervene without waiting for an investigation by the district. See BP/AR 1312.3 - Uniform Complaint Procedures. Complaints regarding the appropriateness of library materials shall be addressed in accordance with Board Policy 1312.2 - Complaints Concerning Instructional Materials and Board Policy 1312.3 - Uniform Complaint Procedures, as applicable.

Fees

Students shall be encouraged to return library materials in a timely manner, but no charge shall be assessed for the late return of materials.

CSBA NOTE: Pursuant to 5 CCR 16042, the district shall not charge students for the late return of library materials unless authorized to do so by the Board. The district should select the option below that reflects district practice. Option 2 may be modified to include the amount that will be charged.

OPTION 1: (No late fees)

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ADD "Student Responsibility" section here on

Students shall be encouraged to return library materials in a timely manner, but no charge shall be assessed for the late return of materials.

OPTION 1 ENDS HERE

OPTION 2: (Late fees charged)

To encourage students to return materials in a timely manner, a nominal fee shall be charged for the late return of materials.

OPTION 2 ENDS HERE

Library Instruction

CSBA NOTE: In September 2010, the SBE adopted model academic standards for library instruction which address what students should know and be able to do at each grade level or grade span in terms of information literacy skills. The introduction to the standards expresses the intent that the standards be taught collaboratively by the classroom teacher and the teacher librarian within the context of the curriculum. The following optional section reflects the four major categories addressed in the state standards and may be revised to reflect district practice.

The SBE has also developed a document identifying examples of where the library instruction standards are aligned with Common Core State Standards. See the California Department of Education's (CDE) web site: [See CDE's website.](#)

Teacher librarians and/or classroom teachers shall provide library instruction to ~~develop~~^{support} the development of students' information literacy skills. Such instruction shall be aligned with the state academic standards for library instruction and shall prepare students to:

1. Access information by applying knowledge of the organization of libraries, print materials, digital media, and other sources
2. Evaluate and analyze information to determine appropriateness in addressing the scope of inquiry
3. Organize, synthesize, create, and communicate information
4. Integrate information literacy skills into all areas of learning and pursue information independently to become life-long learners

Teacher librarians also may provide support to teachers, administrators, and other staff by identifying instructional materials that will aid in the development of curriculum and instructional activities and by providing information about effective and ethical uses of school library services and equipment.

Program Evaluation

library aides

and library aides

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CSBA NOTE: The following optional section may be revised to reflect district practice. The district may use an assessment tool such as the CDE's "Looking at the School Library: An Evaluation Tool," or may develop its own program evaluation indicators or checklist.

The Superintendent or designee shall annually assess and report to the Board regarding the condition and use of school libraries. The assessment shall evaluate, at a minimum:

1. Access of students and staff to school libraries during school hours and, as appropriate, access outside the school day
2. The process and frequency by which students are allowed to check out library materials
3. Staffing levels, qualifications, and number of hours worked
4. The quality of the collection at each library, including, but not limited to, the total number of books in the collection, number of books per student, types of materials (fiction, non-fiction, newspapers, magazines, encyclopedias, materials in other languages, and reference materials), alignment with curriculum, provision of a broad spectrum of knowledge and viewpoints, amount expended during the year for the purchase of new resources, and the number of resources discarded and added during the year
5. Any special programs offered at the school to encourage reading and/or library use
6. The adequacy of the facility space and equipment designated for the school library
7. The source(s) and adequacy of funding for school libraries
8. Knowledge by principals, teachers, and library personnel of the process to follow when a library material(s) is challenged

CSBA NOTE: Education Code 18122 requires districts to annually report to the CDE on the condition of their district school libraries. This survey is conducted online via the CDE's web site website.

The district shall, on or before August 31 each year, report to the CDE California Department of Education on the condition of its school libraries for the preceding year ending June 30. (Education Code 18122)

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 16040-16043

Description

School libraries

NO

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5 CCR 80023-80023.2	Emergency permits; general requirements
5 CCR 80024.6	Emergency teacher librarian services permit
5 CCR 80026-80026.6	Emergency permits; Declaration of Need
5 CCR 80053-80053.1	Teacher librarian services credential
Ed. Code 1703	Coordination of district library services by county superintendent
Ed. Code 1770-1775	Provision of library services by county superintendent
Ed. Code 18100-18203	School libraries
Ed. Code 18300-18571	Union high school district/unified school district libraries
Ed. Code 19335-19336	Reading Initiative Program; recommended books
Ed. Code 220	Prohibition of discrimination
Ed. Code 242	Access to information about educational laws and policies regarding right to accurate and inclusive curriculum
Ed. Code 35021	Volunteer aides
Ed. Code 44868-44869	Qualifications and employment of library media teachers
Ed. Code 45340-45349	Instructional aides
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60040 - 60052	Requirements for instructional materials
Management Resources	Description
California Department of Education Publication	Examples of Model School Library Standards for California Public Schools Supporting Common Core State Standards (CCSS) for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects , rev. February 2012
California Department of Education Publication	Looking at the School Library: An Evaluation Tool, 2003
California Department of Education Publication	Model School Library Standards for California Public Schools: K - 12, 2010 (includes standards for student instruction as well as program standards)

California Department of Education Publication	Recommended Literature: Kindergarten Through Grade Twelve
California School Library Association Publication	Standards and Guidelines for Strong School Libraries, 2004
Website	CSBA District and County Office of Education Legal Services
Website	American Association of School Libraries
<u>Website</u>	<u>California Department of Education, Curriculum and Instruction Resources (https://www.cde.ca.gov/ci/cr/)</u>
Website	California Department of Education, School Libraries
Website	California School Library Association
<u>Website</u>	<u>Department of Justice (https://oag.ca.gov/)</u>
<u>Website</u>	<u>U.S. Department of Education, Office for Civil Rights (https://www2.ed.gov/about/offices/list/ocr/index.html)</u>

Cross References

Code	Description
0200	Goals For The School District
0400	Comprehensive Plans
<u>0410</u>	<u>Nondiscrimination in District Programs and Activities</u>
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0440	District Technology Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1240	Volunteer Assistance
1240	Volunteer Assistance
1260	Educational Foundation
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>

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5125.2

5145.3

6011

6141

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6142.2

Williams Uniform Complaint Procedures

Joint Use Agreements

Access To District Records

Access To District Records

Fees And Charges

Fees And Charges

Sale And Disposal Of Books, Equipment And Supplies

Sale And Disposal Of Books, Equipment And Supplies

Gifts, Grants And Bequests

Bids

Bids

Certification

Certification

Assignment

Assignment

Staff Development

Publication Or Creation Of Materials

Teacher Aides/Paraprofessionals

Teacher Aides/Paraprofessionals

Staff Development

Publication ~~Or~~ Creation ~~Of~~ Materials

Staff Development

Publication ~~Or~~ Creation ~~Of~~ Materials

Withholding Grades, Diploma Or Transcripts

Nondiscrimination/Harassment

Academic Standards

Curriculum Development And Evaluation

Curriculum Development And Evaluation

World Language Instruction

6142.2	World Language Instruction
6142.6	Visual And Performing Arts Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.94	History-Social Science Instruction
<u>6143</u>	<u>Courses Of Study</u>
6144	Controversial Issues
6154	Homework/Makeup Work
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6161.2	Damaged Or Lost Instructional Materials
6162.6	Use Of Copyrighted Materials
6162.6	Use Of Copyrighted Materials
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
7110	Facilities Master Plan

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SELECTION OF SCHOOL LIBRARY MATERIALS

The school library supports the educational program of the school. In addition, the school library should develop reading skill, literary taste, and discrimination in choice of materials and should provide instruction in the use of books and libraries. The school library should contribute to the development of social, intellectual, and moral values of the students.

The responsibility for the selection of library books and media is delegated to the school librarian with the approval of the principal or designee. If a professionally trained librarian is not employed by the school, the responsibility will rest with the library media technician, who will work with the principal, teachers, and district library personnel to select appropriate materials.

Objectives of the Library Collection

Specific objectives of a school library collection are as follows:

1. To provide resource materials, including digital, for teachers and teaching tools and materials to implement the curriculum.
2. To provide a balanced collection to include titles representative of all areas of the curriculum.
3. To provide students materials that will be most meaningful in their growth and development as individuals.
4. To provide materials that will meet the needs of differing age groups, levels of maturity, cultural backgrounds, and interests.
5. To provide materials to stimulate reading and growth in critical judgment and appreciation.
6. To provide materials and an atmosphere to help students become skillful and discriminating users of libraries and of printed and digital materials.
7. To provide materials that will help students develop a wide range of significant and helpful interests.
8. To provide materials that will promote an aesthetic experience and help develop an appreciation of the arts.
9. To provide materials that will help students make satisfactory personal adjustments and acquire desirable social attitudes.
10. To provide technology which will assist students in assessing, retrieving, and utilizing materials.

SELECTION OF SCHOOL LIBRARY MATERIALS (continued)

11. To provide a variety of materials to meet recreational and enrichment needs of students.
12. To provide materials that will encourage the habit of personal investigation.
13. To encourage lifelong education through the use of library resources.

Criteria for Selection of Library Materials

The following criteria will be considered in the selection of books and other reading materials:

1. Authority - Authoritative author and reliable publisher.
2. Scope - Overall purpose of materials and treatment of subject.
3. Accuracy - Factual accuracy of materials.
4. Timeliness - Current or permanent value.
5. Relevancy - Usefulness in supporting the curriculum.
6. Potential Use - Subject interest, demand, and importance to the collection.
7. Style - Literary quality, readability, suitability for the age level, and appeal to students for which it is intended.
8. Format - Paper, print, illustrations, and binding of good, attractive quality.
9. Special features - Index, bibliography, illustrations, and other helps.
10. Recommendations - First-hand evaluation or recommended by one or more reliable reviewing media.

In addition to these factors, the following will be considered when choosing digital materials:

1. Technical quality - Tone fidelity, clarity of focus, effective use of color, and synchronization of sound and image.
2. Physical characteristics - Ease in handling, durable, and attractive packaging.
3. Flexibility - Potential for extensive use in many curriculum areas.

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SELECTION OF SCHOOL LIBRARY MATERIALS (continued)

4. Supporting material - Pertinent accompanying materials for students and a teacher's guide.
5. Training for effective use.

Books for recreational reading are an important part of a school library collection and will be selected to represent a well-rounded collection which is keyed to young people's need, interests, and level of maturity.

Gifts

All gifts will be subjected to the same critical examination and criteria used in evaluating other materials recommended for purchase. No book or publication whose primary purpose is dissemination of propaganda shall be added to the library collection. Advertising through library materials is not acceptable. Final selection and acceptance for use shall be at the discretion of the professionally trained personnel in accordance with the same criteria as all materials.

Controversial Material

Freedom of speech and free access to information are a cherished part of the democratic process and contribute to free discussion of controversial issues. Materials on controversial issues shall be presented by both sides of the issue and an attempt will be made to meet these additional criteria when selecting them:

1. Concepts are presented which are suitable to the ability and maturity of the students.
2. The sources, purposes, and points of view of the material are readily identifiable.
3. The material is free of stereotype role description and/or sexist bias.

While individual publications used in a study may be one-sided, the total material presented should provide a balanced view of the topic.

Special consideration should be given to the selection of materials on the following subjects:

1. **Religion:** Factual, unbiased material which represents all major religions of the world should be available.
2. **Ideologies:** Libraries should make available basic factual information on the level of its reading public on any ideology of philosophy which exerts a strong force, either favorably or unfavorably, in government, politics, education, or any other phase of life.

SELECTION OF SCHOOL LIBRARY MATERIALS (continued)

3. **Sexual Incidents:** Materials presenting incidents on sex should be subjected to a test of literacy merit. It is the District's objective to choose material that provides rich educational content appropriate to students in the District over material that may provide similar content but with elements that are inappropriate or unnecessary for minors in a school setting. Sexual content is generally inappropriate and/or unnecessary for minors in school. As such, the District will prioritize the inclusion of quality materials suitable for educational goals that do not contain sexualized content.
4. **Obscenity, vulgarity, and profanity:** Books which contain profanity are not a desirable addition to the school collection; however, if the use of profanity in some mature fiction is necessary for the development of character or situation, opens a clearer vision of life, develops understanding of other people, or breaks down intolerance, then the librarian will exercise judgment as to whether the total merit and the literary quality of the book itself transcend the objectionable passage.
5. **Science:** Medical and scientific knowledge should be made available without any biased selection of facts.

It is the right and responsibility of teachers and librarians to select reading material which will comprise a carefully balanced, complete collection.

Student Responsibility for Lost or Damaged Materials

When a student returns a library item which is damaged beyond repair or if the item is not returned, the student and parents/guardians shall be billed for the full replacement cost of the book. The replacement cost is determined by using the current issue of Books in Print.

When an item receives minor damage and may be repaired, a partial charge may be made, e.g., a charge for the rebinding of the book.

Payments received for lost and damaged materials will be deposited in the "Library Book Replacement" account.

If a lost library item is found and returned in good condition, a full refund will be made following district accounting procedures.

Reconsideration of Library Materials

~~A parent/guardian, resident, or employee of the District may formally challenge library material on the basis of appropriateness. The staff member receiving a complaint about the appropriateness of a library material shall try to resolve the matter informally.~~

~~If the complainant wishes to file a formal request for reconsideration, a copy of this policy shall be provided to the complainant by the Superintendent or designee with instructions to submit the information requested below.~~

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~~All formal concerns regarding library materials shall be submitted to the Superintendent or designee and shall state: 1) the complainant's name and contact information, 2) the name/author of the library resource, 3) cite page numbers and specific information in the material to support the objections, 4) offer suggestions as to replacements that are of equal or better merit and which convey the same or similar educational purpose that may have led to the objected material being included in the library in the first place, 5) and state whether the complainant is requesting a reevaluation of the material's inclusion in the district library or is simply making a request that the material not be assigned to or checked out by the complainant's child.~~

~~The School Site Council shall serve as the District Review Committee. The Superintendent or designee shall review the complaint and the challenged material and, if appropriate, forward to the District Review Committee for consideration of whether it conforms to the principles of selection set out in this policy.~~

~~The District Review Committee shall convene, in a private session, within 15 business days of receipt of the complaint to review the materials in question. The time frame may be extended to align with regularly scheduled meetings of the School Site Council.~~

~~The major criterion for the final decision on challenged library material is the appropriateness of the resource for its intended educational use and intended audience of minor students. The plurality opinion in Bd. of Educ. v. Pico, 457 U.S. 853 (1982), uses the standard that no challenged instructional resource shall be removed because of the ideas expressed therein. Removal of materials may be based upon the lack of educational suitability of the library material, lack of appropriateness for minors such as sexualized content, and for pervasive profanity or vulgarity. It need not rise to the levels of obscene material or material which would violate criminal laws in order to warrant replacing the material with better options.~~

~~The committee's written decision and its justification shall be forwarded to the Superintendent or designee for final review. Thereafter, the decision will be provided to the complainant. If the complainant remains unsatisfied, the decision may be appealed to the Governing Board. The decision of the Governing Board shall be final. (AR1312.2)~~

Complaints concerning instructional materials, including library materials, shall be handled in accordance with Board Policy 1312.2 - Complaints Concerning Instructional Materials, Board Policy 1312.3 - Uniform Complaint Procedures, or Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures, as applicable.

