

**CARDIFF SCHOOL DISTRICT
1888 Montgomery Avenue
Cardiff-by-the-Sea, California**

**REGULAR MEETING OF THE GOVERNING BOARD
AGENDA
THURSDAY, NOVEMBER 12, 2020 • 5:00 PM • PUBLIC MEETING**

The Governor of California has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka "Coronavirus"). The Governor issued Executive Order N-25-20, which directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference/video calls while still satisfying state transparency requirements.

TO ACCESS THE NOVEMBER 12, 2020 GOVERNING BOARD OF TRUSTEES REGULAR MEETING:

The public's health and well-being are the top priority for the Cardiff School District Governing Board of Trustees and you are urged to take all appropriate health and safety precautions. As such, the November 12, 2020 Regular Meeting of the Governing Board of Trustees will be available through telephonic/video means.

Please click the link below to join the webinar:

<https://zoom.us/j/98290949570?pwd=cWsrUzl0a0Z0L2hzQ3ZxTVlvVHpWZz09>

Passcode: 102527

Or iPhone one-tap :

US: +16699009128,,98290949570#,,,,,0#,,102527# or +12532158782,,98290949570#,,,,,0#,,102527#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 982 9094 9570

Passcode: 102527

International numbers available: <https://zoom.us/u/adbiW7ImJo>

TO ADDRESS THE GOVERNING BOARD REGARDING AN ITEM ON THE AGENDA:

Persons wishing to address the Board concerning items on the agenda are invited to do so when the item is addressed at the meeting. Please complete and submit the Request to Provide Public Input Form (see link below). When the Board President invites you to speak, the moderator will unmute your device. Please state your name for the record. In the interest of time and order, each speaker is allotted a maximum of three (3) minutes. When your speaking time expires you will be prompted with a 15-second warning, after which the moderator will mute your device. The [Request to Provide Public Input Form](#) will be available one hour prior to the meeting, beginning at 4:00pm, Thursday, November 12, 2020, in order to give the public an opportunity to complete a request to speak. If you are unable to access the live link to the form at 4:00pm on November 12, please email Emily Horta at:

emily.horta@cardiffschools.com

If reasonable accommodations are needed to access the meeting based on disability or other reasons, please contact emily.horta@cardiffschools.com or 760-632-5890 x101 at least twelve (12) hours in advance of the meeting to make arrangements for such reasonable accommodations. In compliance with Government Code 54957.5, agenda-related documents that have been distributed to the Board less than 72 hours prior to the Board meeting are

available for inspection upon request at the Cardiff School District, 1888 Montgomery Avenue, Cardiff or on our [website](#).

I. ORGANIZATIONAL ITEMS

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
 - Ms. Siena Randall, President
 - Mr. David Ross, Clerk
 - Ms. Nancy Orr, Member
 - Mr. Dave Clark, Member
 - Mr. Mark Whitehouse, Member
 - Ms. Jill Vinson, Superintendent
- D. Approve Agenda for November 12, 2020
All items are action unless labeled information.
- E. Approve [Minutes](#) from the Regular Meeting of October 8, 2020

II. HEARING SESSION

- A. Public Comments *(The purpose of the Board meeting is to conduct the School Board's business in public. The Board welcomes and encourages public comments, however, in accordance with the Brown Act, Board members may not respond to comments during the public comment portion of the agenda. Any member of the public who wishes to address the Board on an item on the agenda or on another topic which lies within the Governing Board's jurisdiction may do so, but must submit a written request. Presentations are limited to 3 minutes per person per topic. The total amount of time to be allowed on any item is fifteen minutes, unless the time limit is waived by a majority vote of the Board. The Board may 1) acknowledge receipt of the information; 2) refer to staff for further study; or 3) refer the matter to a future agenda.)*
- B. Cardiff Elementary Teachers Association
- C. ELAC/DELAC
- D. School Site Council
- E. Cardiff SEA
- F. School Reports
- G. Reports on Workshops/Conferences
- H. Superintendent's Report

III. CONSENT CALENDAR

Items listed in the Consent Calendar are considered to be routine and are acted on by the Board in one motion unless members of the Board request specific items to be discussed or pulled. It is understood that

the Superintendent recommends approval on all Consent Items. Each item of the Consent agenda approved by the Board shall be deemed to have been considered in full and adopted as recommended.

- A. Approve Current Business Items:
 - 1. [Purchase Orders for October 2020](#)
 - 2. Commercial Warrants #14-713325 to #14-722231, \$1,737,963.72
 - 3. Payroll Warrants, October 2020, \$686,990.24
- B. Approve [Enrollment Report as of November 6, 2020](#)
- C. Approve Cardiff School District's [Uniform Complaint Quarterly Report for July 1, 2020 through September 30, 2020](#)
- D. Removal of Items from Consent Calendar
- E. Approve Consent Calendar

IV. GENERAL FUNCTIONS

- A. COVID-19 Reopening Update 2020-21 (**Information**)
- B. Approve [District Calendars for School Years 2021-22, 2022-23 & 2023-24](#)
- C. Approve [CSBA Manual Policy Updates](#)

V. BUSINESS AND FINANCE

- A. Approve [2021-2022 Budget Assumptions](#)

VI. PERSONNEL

- A. Approve 100% Unpaid Leave Request for Classified Employee #325405, Effective October 5, 2020, through January 4, 2021
- B. Catastrophic Leave Bank Withdrawal for Employee #187506 (**Information**)
- C. Approve Renewal of the Superintendent's Employment Contract through

2023-2024

VII. FACILITIES

A. [Performance Audit Services](#) (**Information**)

B. Bond Program Manager Update (**Information**)

VIII. FUTURE AGENDA ITEMS

IX. ANNOUNCEMENT: ADJOURNING TO CLOSED SESSION

A. Conference with Legal Counsel- Existing litigation pursuant to
Government Code Section 54956.9(d)(1)
Save the Park and Build the School v. National Park Service et al.
Case #20CV1080L AHG

X. REPORT FROM CLOSED SESSION (If applicable)

XI. ADJOURNMENT OF MEETING

CARDIFF SCHOOL DISTRICT
1888 Montgomery Avenue
Cardiff-by-the-Sea, California 92007

MINUTES
REGULAR BOARD MEETING, OCTOBER 8, 2020

The Regular Meeting of the Governing Board of the Cardiff School District was held on Thursday, October 8, 2020, remotely via teleconference. President Randall called the meeting to order at 5:01 p.m. and led the Trustees and visitors in the Pledge of Allegiance.

Members Present: Clark, Orr, Randall, Whitehouse, Ross

Members Absent: 0

Administrators

Present: Vinson, Parker, Scheftner

The agenda for October 8, 2020, was approved as presented.

MOTION: Clark
SECOND: Orr
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

The minutes from the Special Board Meeting of September 4, 2020, were approved as written.

MOTION: Whitehouse
SECOND: Orr
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0

The minutes from the Regular Board Meeting of September 10, 2020, were approved as written.

MOTION: Whitehouse
SECOND: Orr
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

The minutes from the Special Board Meeting of September 11, 2020, were approved as written.

MOTION: Whitehouse
SECOND: Orr
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

The minutes from the Special Board Meeting of September 29, 2020, were approved as written.

MOTION: Whitehouse
SECOND: Orr
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

President Randall opened the meeting to public comment. Trish d'Entremont spoke regarding the District's proposed calendars.

Hearing Session

- CETA reported the teachers are off to a great start, adhering to the county health guidelines and protocols, and were excited to welcome the students back to campus.
- Cardiff SEA is selling t-shirts for a Virtual Monster Dash fundraiser for Halloween. They are also working on finding classroom representatives and planning to host an upcoming virtual SEA meeting.
- Julie Parker was happy to report that students are back on the Cardiff School campus. She thanked Bond Project Manager Randy Peterson and everyone involved in the project, for working collaboratively to help with the safe return of students.
- Principal Janelle Scheftner informed the Board that Ada is moving into their fourth week of the Hybrid Model. Students and staff are staying safe and adhering to protocols and procedures. Principal Scheftner was excited to announce that they are now moving into planning more routine functions such as student council and awards ceremonies. She advised the Board that construction on the shade structure over the main part of the playground has begun.
- Superintendent Vinson provided an ICOC update to the Board. The last ICOC meeting was held on September 17, 2020, where the expense report and San Diego County Taxpayers Association Report Card for the Bond Project were shared with the committee. In addition, the ICOC members participated in a walkthrough on September 22, 2020, and were able to see all of the construction progress on the Cardiff School campus.

- Superintendent Vinson shared that the teachers and staff are focused and doing a great job. Everything was coming together and she was really proud of the team. She also updated the Board on the construction project and announced that the court ruled to allow the basins and the sidewalk to move forward.

The Consent Calendar was approved as presented.

MOTION: Whitehouse
SECOND: Clark
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

The Amendment to the contract for Ecorp, was approved.

MOTION: Orr
SECOND: Ross
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

Bond Program Manager Randy Peterson informed the Board that construction on the Ada Harris shade structure has begun, with the roof will be installed by the end of the week. Mr. Peterson also provided an update on the Cardiff School construction progress. The classroom buildings will be complete in December. He stated that he received positive feedback on the colors of the school and the architecture by Studio E.

A COVID-19 informational update was provided to the Board. San Diego County rolled out four testing sites for employees to be tested. Moving forward, we will continue to monitor the county tiers and be vigilant about symptom checks going into the fall.

Principal Scheftner and District Technology Coordinator Craig Leach, presented a CVA program overview. The presentation highlighted the staff, curriculum learning platforms and support systems set in place to reflect the improvements and progress made within the program. Principal Scheftner noted that she has received positive feedback about the improvements. President Randall thanked the CVA team for all of their hard work and the detailed presentation illustrating the advancements.

The CSBA Manual Policy Updates were approved as presented.

MOTION: Whitehouse
SECOND: Orr
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

The First Reading of the Proposed District Calendars for School Years 2021-22, 2022-23, 2023-24, were presented as informational only. Version 1 aligns with San Dieguito Union High School District and Version 2 maintains the same general school year calendar structure that we currently have. Survey results from staff and families regarding calendar preference will be brought to the November meeting.

The Public Notice of Contract Articles, to be included in negotiations for 2020-21 between the Cardiff School District and the Cardiff Elementary Teachers Association (CETA), were reviewed and accepted.

The health & welfare cap increase for all current eligible district employees, was approved.

MOTION: Clark
SECOND: Whitehouse
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

Resolution 20-21-04 regarding the State Education Protection Account (EPA) funds for 2019-2020, was approved.

MOTION: Clark
SECOND: Whitehouse
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

The Public Hearing to determine sufficiency of instructional materials was opened at 5:57 p.m. There being no public comment, the Public Hearing was closed at 5:57 p.m.

Resolution 20-21-05, Determining Sufficiency of Instructional Materials, was adopted.

MOTION: Clark
SECOND: Whitehouse
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

The approval of 50% Unpaid Leave Request for Classified Employee #600438, Effective October 5, 2020, through December 15, 2020, was deferred to closed session.

The COVID-19 Reopening Update, Bond Project and District calendars review, will be agendized for a future meeting.

There being no other regular business to come before the Board, the meeting was adjourned to closed session at 5:58 p.m. The meeting was reconvened at 7:40 p.m. President Randall reported that the Board took the following action:

The unpaid leave request for classified employee #600438, effective October 5, 2020 through December 15, 2020, was approved.

MOTION: Ross
SECOND: Whitehouse
AYES: Clark, Orr, Randall, Whitehouse, Ross
NOES: 0
ABSENT: 0

There being no other business to come before the Board, the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

David Ross, Clerk

Jill Vinson, Superintendent

OCTOBER 2020 PO LISTING

PO	Date	Supplier	Fund	Resource	Goal	Function	Object	Site	Description	Inv Amount
INSTRUCTIONAL SUPPLIES										
3347	10/1/20	CAROLYN VAN LEAR	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 315.62
	10/1/20	KELLY PAPER	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 303.10
	10/1/20	SASHA PAZANOWSKI	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 113.90
3265	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 327.60
3271	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 31.24
3306	10/1/20	SYNCB/AMAZON	0100	6500000	5760	3120	4300000	000	SPED Instructional Supplies	\$ 101.06
3304	10/1/20	SYNCB/AMAZON	0100	6500000	5760	1190	4300000	111	SPED Instructional Supplies	\$ 96.96
3160	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 27.45
3184	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 93.72
3236	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 146.32
3250	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 42.51
3299	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 16.15
3285	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 79.62
3297	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 30.70
3256	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 190.62
3296	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 64.32
3255	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 777.24
3252	10/1/20	SYNCB/AMAZON	0100	6500000	5760	3120	4300000	000	SPED Instructional Supplies	\$ 19.38
3295	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 129.27
3235	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 19.36
3298	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 13.78
3186	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 1,265.28
3186	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 379.57
3166	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 35.98
3165	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 54.93
3164	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 36.30
3163	10/1/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 259.63
3329	10/5/20	AMY PRICE	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 272.47
	10/5/20	ANNE MIHALY	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 281.00
	10/5/20	DEMCO, INC.	0100	0000000	1110	1000	4300000	111	Library Supplies	\$ 133.38
	10/5/20	KATHERINE TERRIAULT	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 59.22
	10/5/20	MELINDA TREES	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 470.78
3315	10/8/20	BENCHMARK EDUCATION	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 1,868.39
	10/8/20	LYNNE SALLANS	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 161.24
	10/8/20	MARGIT BOYSEN	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 59.77
3374	10/19/20	KELLY PAPER	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 1,142.15
3360	10/19/20	OFFICE DEPOT	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 59.26
	10/22/20	KAREN KAVAN	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 79.17
3204	10/22/20	KP LLC - 8311	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 275.55
3371	10/22/20	NANCY FETZER'S LITERACY CONNECTIONS	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 52.80
3365	10/22/20	SOUTHWEST SCHOOL &	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 673.17
3334	10/22/20	SOUTHWEST SCHOOL &	0100	6500000	5760	3120	4300000	000	SPED Instructional Supplies	\$ 42.76
3361	10/22/20	SOUTHWEST SCHOOL &	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 195.63
3346	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 285.37
3344	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 125.45
3337	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 113.10
3332	10/22/20	SYNCB/AMAZON	0100	6500000	5760	1120	4300000	111	SPED Instructional Supplies	\$ 54.68
3333	10/22/20	SYNCB/AMAZON	0100	6500000	5760	3120	4300000	000	SPED Instructional Supplies	\$ 64.68
3331	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 198.65
3320	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 26.37
3328	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 211.67
3327	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 215.49
3309	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 146.48
3306	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 40.95
3306	10/22/20	SYNCB/AMAZON	0100	6500000	5760	3120	4300000	000	SPED Instructional Supplies	\$ 48.10
3336	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 18.32
3366	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 25.85
3362	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 11.84
3357	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 77.30
3351	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 435.03
3349	10/22/20	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	222	Instructional Supplies	\$ 5.99
	10/29/20	ANDREA MURPHY	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 50.31
	10/29/20	SUSAN MURRAY	0100	0000000	1110	1000	4300000	111	Instructional Supplies	\$ 271.32
3321	10/1/20	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Technology Supplies	\$ 362.85
3282	10/1/20	SYNCB/AMAZON	0100	0000000	0000	2420	4300005	222	Technology Supplies	\$ 103.41
3203	10/22/20	SECOND LIFE MAC	0100	0000000	0000	2420	4300005	111	Technology Supplies	\$ 1,499.00
3345	10/22/20	SYNCB/AMAZON	0100	0000000	0000	2420	4300005	111	Technology Supplies	\$ 270.61
3319	10/22/20	SYNCB/AMAZON	0100	0000000	0000	2420	4300005	111	Technology Supplies	\$ 442.53
3358	10/22/20	SYNCB/AMAZON	0100	0000000	0000	2420	4300005	111	Technology Supplies	\$ 55.42
3359	10/22/20	SYNCB/AMAZON	0100	0000000	0000	2420	4300008	111	Technology Supplies	\$ 96.94

										\$	16,056.06
NON-INSTRUCTIONAL SUPPLIES											
3246	10/1/20	SYNCB/AMAZON	0100	0000000	0000	3140	4300000	000	Health Supplies	\$	107.60
3303	10/1/20	SYNCB/AMAZON	0100	0000000	0000	3140	4300000	000	Health Supplies	\$	239.96
3300	10/1/20	SYNCB/AMAZON	0100	0000000	0000	8200	4300000	000	Maintenance Supplies	\$	115.55
3243	10/1/20	SYNCB/AMAZON	0100	6500000	5760	1120	4300000	222	SPED Supplies	\$	60.75
3218	10/1/20	WEX BANK	0100	8150000	0000	8110	4300000	000	Automotive Supplies	\$	147.98
	10/5/20	JOEL RAMIREZ	0100	0000000	0000	8200	4300000	000	Maintenance Supplies	\$	10.63
	10/5/20	LEE'S LOCK & SAFE	0100	0000000	0000	8200	4300000	000	Maintenance Supplies	\$	478.69
3208	10/8/20	HOME DEPOT CREDIT SERVICES	0100	8150000	0000	8110	4300000	000	Maintenance Supplies	\$	1,274.32
3312	10/8/20	MAINTEX, INC.	0100	0000000	0000	8200	4300000	000	Maintenance Supplies	\$	120.89
	10/19/20	FEDEX OFFICE	0100	0000000	0000	7200	4300000	000	Office Supplies	\$	152.10
3373	10/19/20	FRUTH GROUP	0100	0000000	1110	1000	4300000	111	Maintenance Services	\$	775.80
3212	10/19/20	READY REFRESH BY NESTLE	0100	0000000	0000	7200	4300000	000	Services for September	\$	57.70
3212	10/19/20	READY REFRESH BY NESTLE	0100	0000000	0000	2700	4300000	111	Services for September	\$	37.70
3212	10/19/20	READY REFRESH BY NESTLE	0100	0000000	0000	2700	4300000	222	Services for September	\$	92.66
	10/22/20	MISSION FEDERAL CREDIT UNION	0100	0000000	0000	7200	4300000	000	Office Supplies	\$	624.66
3335	10/22/20	SITEONE LANDSCAPE SUPPLY LLC	0100	8150000	0000	8110	4300000	000	Maintenance Supplies	\$	561.95
3356	10/22/20	SOUTHWEST SCHOOL &	0100	0000000	0000	7200	4300000	000	Office Supplies	\$	62.84
3355	10/22/20	SOUTHWEST SCHOOL &	0100	0000000	0000	7200	4300000	000	Office Supplies	\$	56.00
3094	10/22/20	SOUTHWEST SCHOOL &	0100	0000000	0000	3140	4300000	000	Health Supplies	\$	24.52
3350	10/22/20	SYNCB/AMAZON	0100	0000000	0000	7100	4300000	000	Office Supplies	\$	15.07
3270	10/29/20	SUPPLY SOLUTIONS	0100	0000000	0000	8200	4300000	000	Maintenance Supplies	\$	2,801.50
										\$	7,818.87

4000 (SUPPLIES)	TOTALS:	BALANCE: 199,096	ACCUMULATED BALANCE: 190,181	REMAINING BALANCE: 8,915
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UTILITIES											
3210	10/8/20	SAN DIEGUITO WATER DISTRICT	0100	0000000	0000	8200	5500003	111	Services for September	\$	3,171.53
3210	10/8/20	SAN DIEGUITO WATER DISTRICT	0100	0000000	0000	8200	5500003	222	Services for September	\$	1,058.91
3210	10/8/20	SAN DIEGUITO WATER DISTRICT	0100	0000000	0000	8200	5500003	222	Services for September	\$	817.44
3210	10/8/20	SAN DIEGUITO WATER DISTRICT	0100	0000000	0000	8200	5500003	222	Services for September	\$	2,859.98
3210	10/8/20	SAN DIEGUITO WATER DISTRICT	0100	0000000	0000	8200	5500003	222	Services for September	\$	52.48
	10/8/20	AT&T	0100	0000000	0000	7200	5900001	000	Services for September	\$	1,722.13
	10/8/20	AT&T	0100	0000000	0000	7200	5900001	000	Services for September	\$	1,722.13
	10/8/20	AT&T	0100	0000000	0000	7200	5900001	000	Services for September	\$	1,722.13
	10/8/20	AT&T	0100	0000000	0000	7200	5900001	000	Services for September	\$	1,722.13
	10/8/20	AT&T	0100	0000000	0000	7200	5900001	000	Services for September	\$	136.19
3211	10/19/20	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	111	Services for September	\$	10,787.22
3211	10/19/20	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	222	Services for September	\$	30.10
3211	10/19/20	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	222	Services for September	\$	671.82
3211	10/19/20	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	222	Services for September	\$	17.87
3210	10/19/20	SAN DIEGUITO WATER DISTRICT	0100	0000000	0000	8200	5500003	111	Services for September	\$	912.68
3210	10/19/20	SAN DIEGUITO WATER DISTRICT	0100	0000000	0000	8200	5500003	111	Services for September	\$	847.45
	10/19/20	AT&T	0100	0000000	0000	7200	5900001	000	Services for September	\$	257.57
	10/19/20	AT&T	0100	0000000	0000	7200	5900001	000	Services for September	\$	40.32
3211	10/26/20	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	222	Services for September	\$	4,909.57
										\$	33,459.65

SERVICES												
3283	10/1/20	TOSHIBA FINANCIAL SERVICES	0100	0000000	0000	7200	5600000	000	Lease Payment - September	\$	883.28	
3354	10/1/20	ADT COMMERCIAL LLC	0100	0000000	0000	8200	5800000	000	Maintenance Services	\$	694.10	
3322	10/1/20	DELL MARKETING L.P.	0100	0000000	0000	2420	5800000	000	Technology Support	\$	292.00	
3340	10/1/20	DELL MARKETING L.P.	0100	0000000	0000	2420	5800000	000	Technology Support	\$	444.32	
	10/1/20	DR. DEBRA DUPREE	0100	0000000	0000	7100	5800000	000	Professional Services	\$	500.00	
	10/1/20	VERIZON WIRELESS	0100	0000000	0000	7200	5900001	000	September Statement	\$	127.84	
	10/5/20	BILL HOWE PLUMBING	0100	8150000	0000	8110	5800000	000	Maintenance Repairs	\$	179.00	
	10/5/20	MONIKA VAN VLIET	0100	6500000	5760	1190	5800000	000	Services for September	\$	1,758.35	
	3209	10/8/20	MISSION LINEN & UNIFORM	0100	8150000	0000	8110	5600000	000	Services for September	\$	425.31
	3307	10/8/20	K.I.D.S. THERAPY ASSOCIATES	0100	6500000	5760	1130	5800000	000	Services for September	\$	5,493.03
	10/8/20	FAGEN FRIEDMAN & FULFROST, LLP	0100	0000000	0000	7100	5800005	000	Services for August	\$	1,454.00	
3354	10/12/20	ADT COMMERCIAL LLC	0100	0000000	0000	8200	5800000	000	Maintenance Services	\$	115.89	
3354	10/12/20	ADT COMMERCIAL LLC	0100	0000000	0000	8200	5800000	000	Maintenance Services	\$	694.10	
3181	10/12/20	INFINITY COMMUNICATIONS AND CONSULTING	0100	0000000	0000	7200	5800000	000	Professional Services	\$	325.00	
3367	10/12/20	JAN-PRO	0100	0000000	0000	8200	5800000	000	Maintenance Services	\$	1,848.00	
3341	10/12/20	SOUTHCOAST HEATING & A/C	0100	0000000	0000	8200	5800000	000	Maintenance Repairs	\$	903.06	
3339	10/12/20	VERBAL BEHAVIOR ASSOCIATES	0100	6500000	5760	1190	5800000	000	Services for September	\$	4,822.00	
3339	10/12/20	VERBAL BEHAVIOR ASSOCIATES	0100	6500000	5760	1190	5800000	000	Services for September	\$	5,766.00	
3182	10/15/20	AMERICAN PEST CONTROL	0100	0000000	0000	8200	5500004	222	Maintenance Services	\$	96.00	
3182	10/15/20	AMERICAN PEST CONTROL	0100	0000000	0000	8200	5500004	111	Maintenance Services	\$	60.00	
3274	10/15/20	FAGEN FRIEDMAN & FULFROST, LLP	0100	0000000	1110	1000	5200000	000	Conference-Law Special Edition	\$	115.00	
3115	10/19/20	HARRIS SCHOOL SOLUTIONS	0100	0000000	0000	2420	5800000	000	Annual Contract	\$	1,905.14	
	10/22/20	SAN DIEGO COUNTY VECTOR CONTROL PROGRAM	0100	0000000	0000	8200	5800000	000	Professional Services	\$	25.11	
	10/22/20	STANDARD ELECTRONICS	0100	0000000	0000	8200	5800000	000	Professional Services	\$	190.00	

5000 (SERVICES)	TOTALS:	BALANCE: 915,035	ACCUMULATED BALANCE: 220,167	REMAINING BALANCE: 694,868
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FUND 4000 - CAPITAL FACILITIES											
3149	10/1/20	MOBILE MINI	4000	0000000	0000	8500	6200000	000	Storage	\$	106.67
3149	10/1/20	MOBILE MINI	4000	0000000	0000	8500	6200000	000	Storage	\$	106.67
3149	10/1/20	MOBILE MINI	4000	0000000	0000	8500	6200000	000	Storage	\$	106.67
3258	10/1/20	SYNCB/AMAZON	4000	0000000	0000	8500	6200000	000	Cardiff School Measure GG	\$	98.21
	10/8/20	BEST BEST & KRIEGER LLP	4000	0000000	0000	8500	6200000	000	Professional Services	\$	41,713.18
3149	10/15/20	MOBILE MINI	4000	0000000	0000	8500	6200000	000	Storage	\$	127.13
3149	10/15/20	MOBILE MINI	4000	0000000	0000	8500	6200000	000	Storage	\$	98.04
	10/19/20	JPW COMMUNICATIONS	4000	0000000	0000	8500	6200000	000	Professional Services	\$	364.00
3330	10/22/20	SYNCB/AMAZON	4000	0000000	0000	8500	6200000	000	Cardiff School Measure GG	\$	308.19
										\$	43,028.76

**CARDIFF
GIRLS BOYS**

K Glass	<u>9</u>	<u>9</u>	
K McNamara	<u>5</u>	<u>13</u>	
K Milliken	<u>10</u>	<u>9</u>	
K Sallans	<u>9</u>	<u>6</u>	
K Stone	<u>8</u>	<u>9</u>	
K Van Lear (CVA)	<u>5</u>	<u>2</u>	
		TOT K	<u>94</u>

1 Easson	<u>10</u>	<u>9</u>	
1 Kavan	<u>8</u>	<u>9</u>	
1 Miller	<u>11</u>	<u>9</u>	
1 Rector	<u>8</u>	<u>10</u>	
1 Reinoso (CVA)	<u>3</u>	<u>4</u>	
		TOT 1	<u>81</u>

2 Boyesen	<u>9</u>	<u>9</u>	
2 Payte	<u>13</u>	<u>7</u>	
2 Redding	<u>7</u>	<u>12</u>	
2 Pacetti/Paz	<u>9</u>	<u>12</u>	
2 Trees (CVA)	<u>0</u>	<u>3</u>	
		TOT 2	<u>81</u>

Wilson	<u>0</u>	<u>0</u>	TOT	<u>0</u>
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Subtotal	<u>124</u>	<u>132</u>	
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SCHOOL TOTAL	<u>256</u>
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DISTRICT TOTAL	<u>629</u>
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**ADA HARRIS
GIRLS BOYS**

3 Doui/Stuart	<u>11</u>	<u>13</u>	
3 Herrman/Perez	<u>14</u>	<u>10</u>	
3 Murray	<u>16</u>	<u>9</u>	
3 Switzler	<u>13</u>	<u>12</u>	
3 Trees (CVA)	<u>4</u>	<u>5</u>	
		TOT 3	<u>107</u>

4 Brice	<u>12</u>	<u>6</u>	
4 Green	<u>6</u>	<u>14</u>	
4 Mihaly	<u>10</u>	<u>10</u>	
4 Price	<u>9</u>	<u>13</u>	
4 Trees (CVA)	<u>1</u>	<u>2</u>	
		TOT 4	<u>83</u>

5 d'Entremont	<u>11</u>	<u>11</u>	
5 Ensberg	<u>11</u>	<u>11</u>	
5 Heyer	<u>11</u>	<u>9</u>	
5 Yant	<u>11</u>	<u>11</u>	
5 Trees (CVA)	<u>1</u>	<u>2</u>	
		TOT 6	<u>89</u>

6 Jewell	<u>8</u>	<u>15</u>	
6 Nguyen	<u>11</u>	<u>11</u>	
6 Therriault	<u>9</u>	<u>10</u>	
6 Tiersma	<u>7</u>	<u>12</u>	
6 Trees (CVA)	<u>4</u>	<u>0</u>	
		TOT 6	<u>87</u>

Velit	<u>5</u>	<u>2</u>	TOT	<u>7</u>
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Subtotal	<u>185</u>	<u>188</u>	
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SCHOOL TOTAL	<u>373</u>
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**Cardiff School District
Cardiff-by-the-Sea, California 92007
November 12, 2020**

ITEM: Approval of Cardiff School District's Uniform Complaint Quarterly Report for July 1, 2020 – September 30, 2020

BACKGROUND

Governing boards of school districts in California are required to review and approve the District's Quarterly Report of Complaints regarding instructional materials, facilities and teacher staffing. This is the 1st Quarterly Report, prepared for the period of July 1, 2020 – September 30, 2020. No complaints have been received for this period.

CURRENT CONSIDERATION

The San Diego County Office of Education has created a link on their website for school districts to electronically report the required information and the Cardiff School District has completed the reporting process for the quarter specified above.

FINANCIAL IMPLICATION

There are no current financial implications at this time.

RECOMMENDATION

It is respectfully recommended that the Board acknowledge the Uniform Complaint Quarterly Report for July 1, 2020 – September 30, 2020.

SDCOE Uniform Complaint Quarterly Reports Database

Williams and Valenzuela Settlements

Quarterly Complaint Summary ADD a new summary record

Submitted By: Emily Horta
Title: Williams District Contact
Report Date: 10/6/2020
Quarter: 7/1/2020 - 9/30/2020

**Number of Complaints
for Quarter:**

	Received	Resolved	Unresolved
Instructional Material	0	0	0
Facilities	0	0	0
Misassignment	0	0	0

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San Diego County Office of Education

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San Diego, CA 92111-7319

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[Uniform Complaint Procedure](#)

Cardiff School District
Cardiff by the Sea, California 92007
November 12, 2020

ITEM: APPROVE DISTRICT CALENDARS FOR SCHOOL YEARS 2021-22,
2022-23 AND 2023-24

BACKGROUND:

Cardiff School District is in the final year of Board-adopted calendars, and it is time to approve District calendars for the coming years.

CURRENT CONSIDERATIONS:

Two sets of calendars are provided for consideration.

Version 1: Align to our Feeder District

San Dieguito Union High School District, our grade 7-12 feeder district, has Board-approved calendars for the 2021-22, 2022-23 and 2023-24 school years which reflect a shift of returning to school one week earlier in August and ending the year one week earlier in June. This one week shift was done for several reasons. The new calendar better aligns to their semester system, with finals taking place before winter break so that students and staff can have a true winter recess. The revised calendar also aligns with the majority of middle and high school instructional calendars, better aligns with CIF sports seasons, and provides more instructional time prior to state and national testing dates for students in the high school district.

The Version 1 draft calendars propose an alignment with the one week shift. To provide consistency for staff and families with elementary as well as middle/high school aged children, our District has routinely adopted calendars that largely align with the SDUHSD calendar.

Version 2: Start and End One Week Later Than Our Feeder District

The Version 2 draft calendars align to our old calendar model. The start date on each calendar is one week later in August than the high school district and the end date is one week later in June.

This calendar maintains consistency from previous years, yet presents challenges with student attendance and custodial care for working families with students in both districts.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION:

It is recommended that the Board review and approve version 1 or version 2 of the proposed District calendars for 2021-22, 2022-23 and 2023-24.

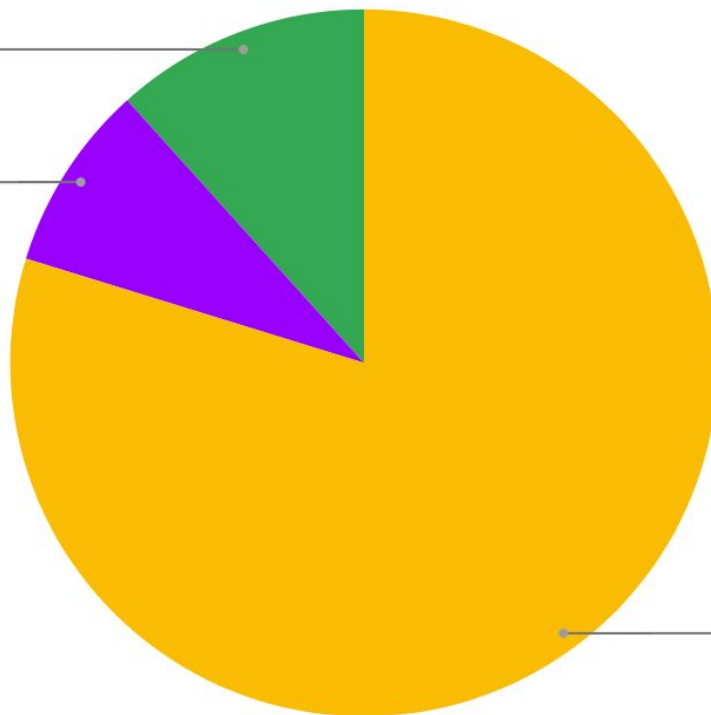
DISTRICT CALENDAR SURVEY RESULTS



I am a...

Teacher
11.7%

Staff member
8.6%



Parent
79.8%

Version 1

Align to our Feeder District



Version 2

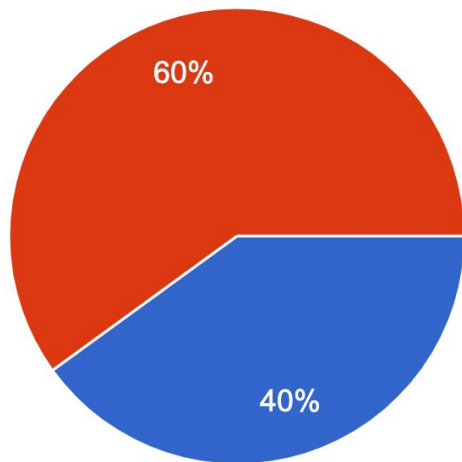
Start and End One Week Later than Feeder District



Teachers with SDUHSD Students

Please choose one of the following:

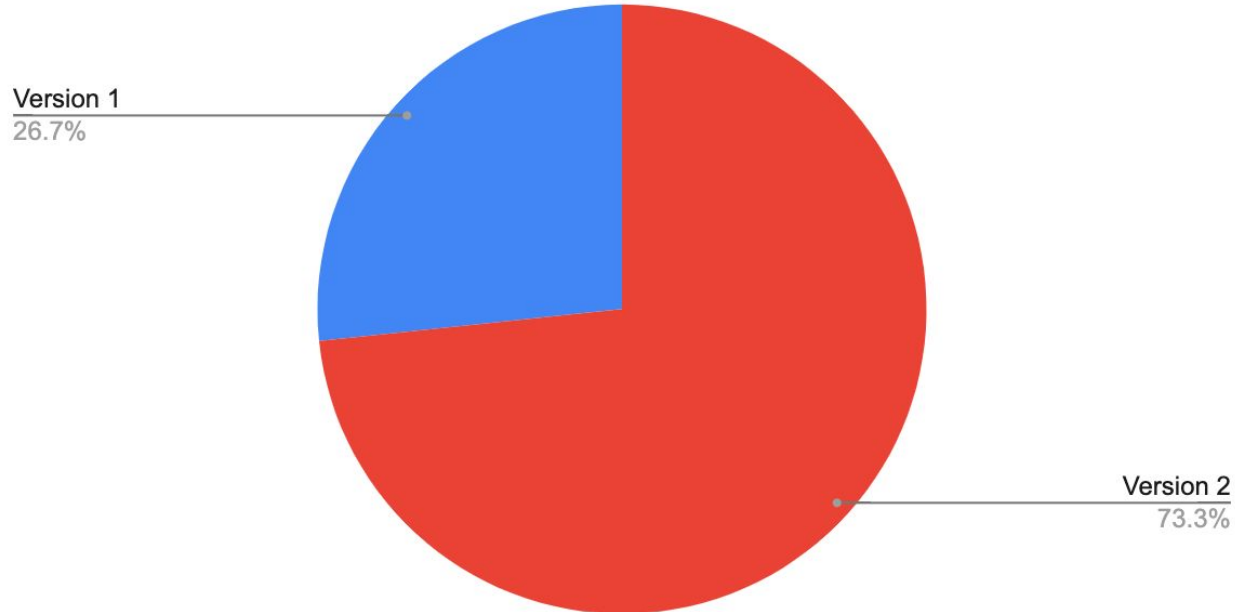
30 responses



- I have one or more children that attend SDUHSD.
- I do not have children that attend SDUHSD.

Teachers Preference for Version 1 or Version 2

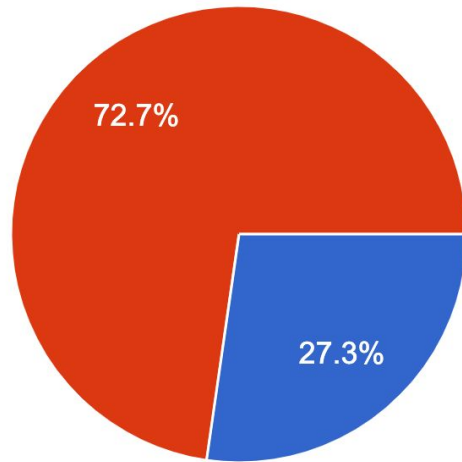
Count of Which draft calendar version do you feel would be best adopted by our District?



Staff with SDUHSD Students

Please choose one of the following:

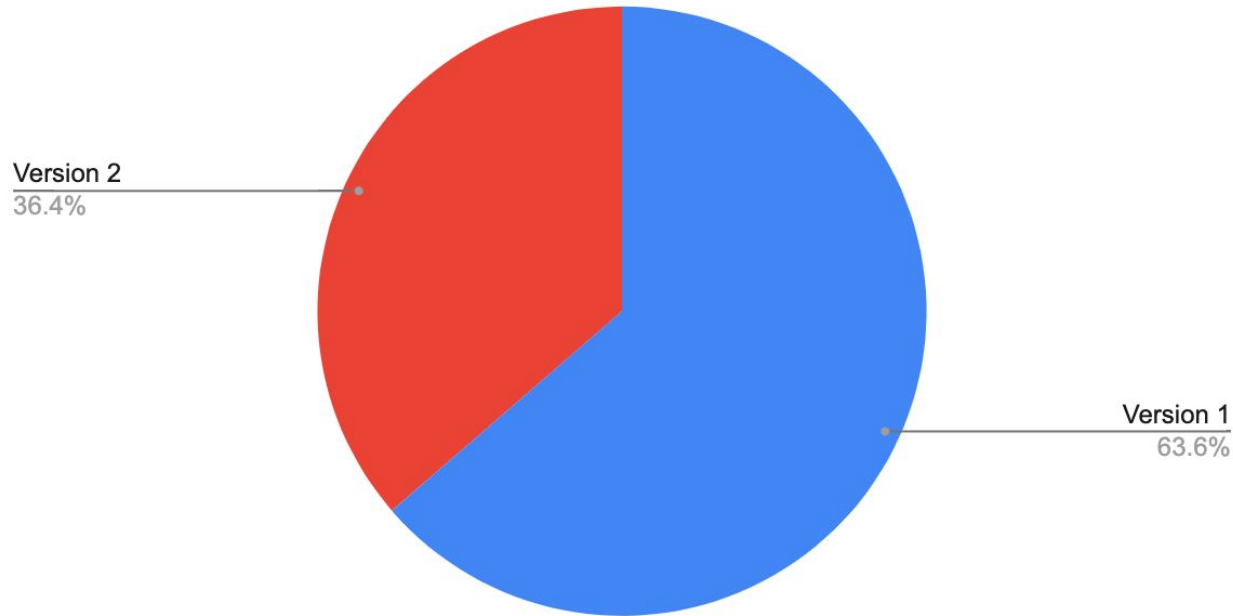
22 responses



- I have one or more children that attend SDUHSD.
- I do not have children that attend SDUHSD.

Staff Preference for Version 1 or Version 2

Count of Which draft calendar version do you feel would be best adopted by our District?



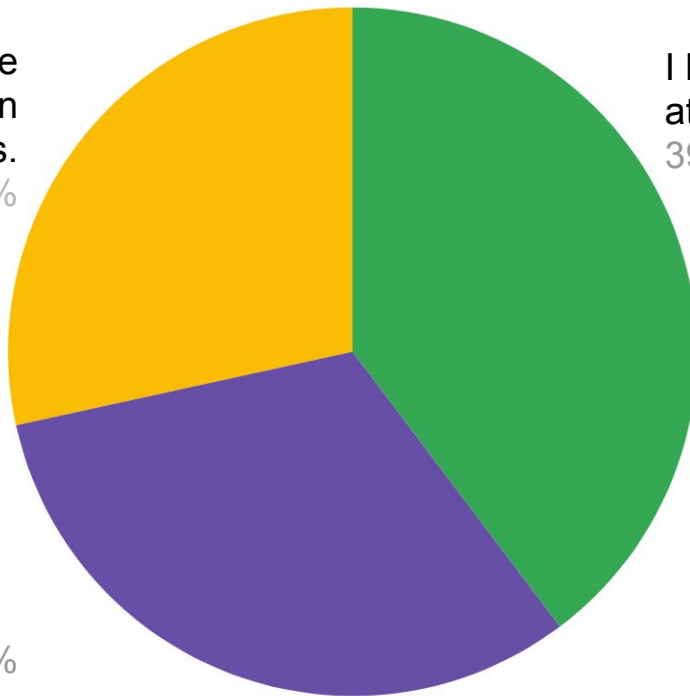
Parents with SDUHSD Students

Please choose one of the following:

I have children that will be attending SDUHSD within the next three years.
28.4%

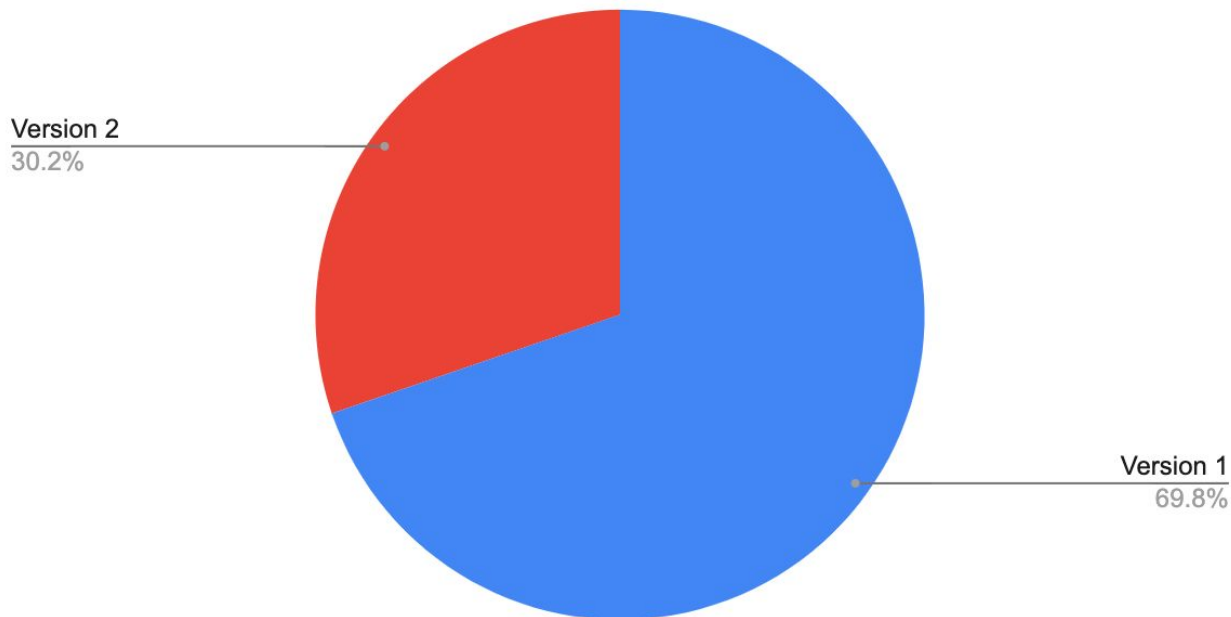
I have one or more children that attend SDUHSD.
39.7%

I do not have children who will be attending SDUHSD in the near future.
31.9%



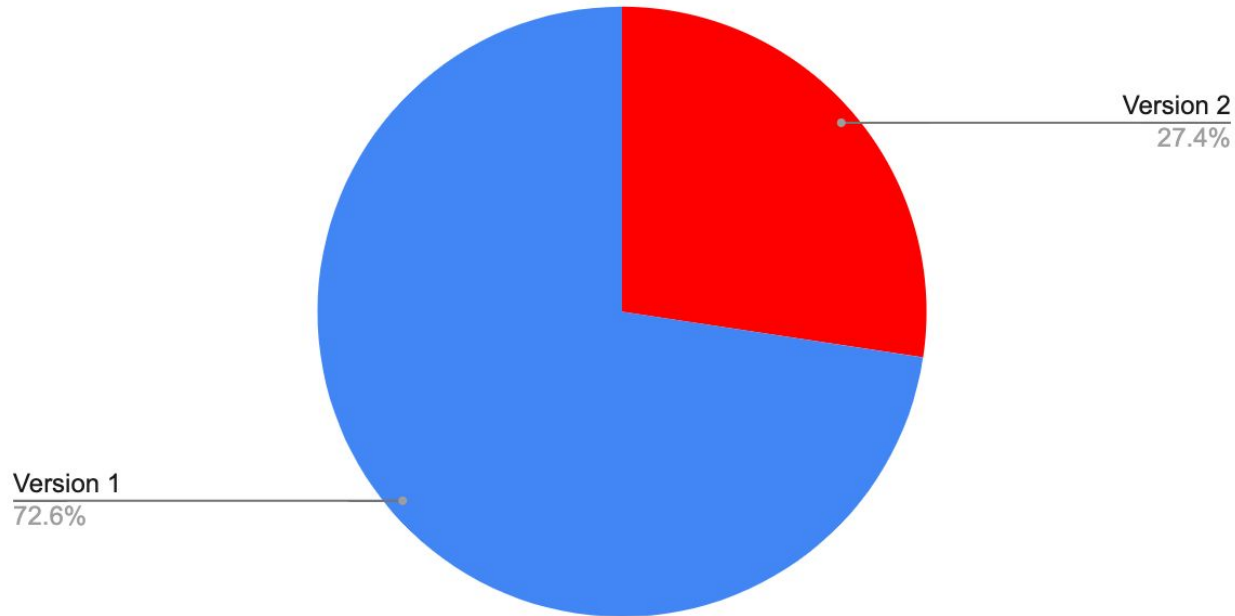
Parent Preference for Version 1 or Version 2

Count of Which draft calendar version do you feel would be best adopted by our District?



Preference for all stakeholders with children that attend or will soon attend SDUHSD

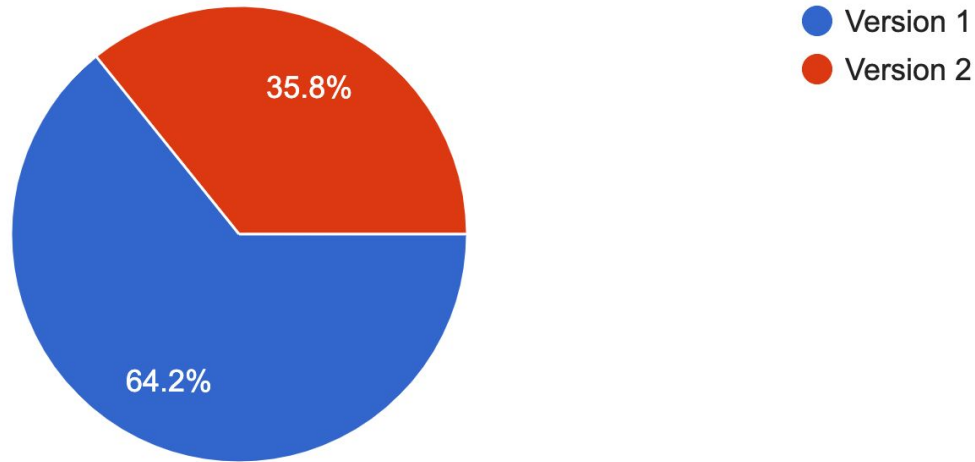
Count of Which draft calendar version do you feel would be best adopted by our District?



Total Preference for Version 1 or Version 2

Which draft calendar version do you feel would be best adopted by our District?

257 responses



**CARDIFF SCHOOL DISTRICT
2021-22 DISTRICT ATTENDANCE CALENDAR**

DRAFT-Version 1

(Align to Our Feeder District)

School Month		M	T	W	T	F	Student Days	Cumulative Student Days	Student Holidays/Recesses
	Aug	9	10	11	12	13	0	0	8/10-13 Teacher Inservice Days
1	Aug	16	17	18	19	20	4	4	8/17 First Day of School
	Aug	23	24	25	26	27	5	9	
	Aug	30	31	1	2	3	5	14	
	Sep	6	7	8	9	10	4(18)	18	
2	Sep	13	14	15	16	17	5	23	
	Sep	20	21	22	23	24	5	28	
	Sep	27	28	29	30	1	5	33	
	Oct	4	5	6	7	8	5(20)	38	
3	Oct	11	12	13	14	15	5	43	
	Oct	18	19	20	21	22	5	48	
	Oct	25	26	27	28	29	5	53	
	Nov	1	2	3	4	5	5(20)	58	
4	Nov	8	9	10	11	12	4	62	11/11 Veterans Day 11/22-26 Thanksgiving Break
	Nov	15	16	17	18	19	5	67	
	Nov	22	23	24	25	26	0	67	
	Nov	29	30	1	2	3	5	72	
	Dec	6	7	8	9	10	5(19)	77	
5	Dec	13	14	15	16	17	5	82	12/24-1/7 Winter Break
	Dec	20	21	22	23	24	4	86	
	Dec	27	28	29	30	31	0	86	
	Jan	3	4	5	6	7	0	86	
	Jan	10	11	12	13	14	5(14)	91	
6	Jan	17	18	19	20	21	4	95	1/17 M.L. King Jr. Day
	Jan	24	25	26	27	28	5	100	
	Jan	31	1	2	3	4	5	105	
	Feb	7	8	9	10	11	5(19)	110	
7	Feb	14	15	16	17	18	5	115	2/21-22 Presidents' Holidays 2/23-25 Local Holidays- Daycare Open
	Feb	21	22	23	24	25	0	115	
	Feb	28	1	2	3	4	5	120	
	Mar	7	8	9	10	11	5	125	
	Mar	14	15	16	17	18	5(20)	130	
8	Mar	21	22	23	24	25	5	135	4/4-8 Spring Break
	Mar	28	29	30	31	1	5	140	
	Apr	4	5	6	7	8	0	140	
	Apr	11	12	13	14	15	5	145	
	Apr	18	19	20	21	22	5(20)	150	
9	Apr	25	26	27	28	29	5	155	
	May	2	3	4	5	6	5	160	
	May	9	10	11	12	13	5(15)	165	
10	May	16	17	18	19	20	5	170	5/30 Memorial Day 6/6- Last Day of School; 6/7- Last Teacher Day
	May	23	24	25	26	27	5	175	
	May	30	31	1	2	3	4	179	
	Jun	6	7	8	9	10	1(15)	180	

Board Adopted: Pending

**CARDIFF SCHOOL DISTRICT
2022-23 DISTRICT ATTENDANCE CALENDAR**

DRAFT-Version 1

(Align to Our Feeder District)

School Month		M	T	W	T	F	Student Days	Cumulative Student Days	Student Holidays/Recesses
	Aug	8	9	10	11	12	0	0	8/9-12 Teacher Inservice Days
1	Aug	15	16	17	18	19	4	4	8/16 First Day of School
	Aug	22	23	24	25	26	5	9	
	Aug	29	30	31	1	2	5	14	
	Sep	5	6	7	8	9	4(18)	18	
2	Sep	12	13	14	15	16	5	23	
	Sep	19	20	21	22	23	5	28	
	Sep	26	27	28	29	30	5	33	
	Oct	3	4	5	6	7	5(20)	38	
3	Oct	10	11	12	13	14	5	43	
	Oct	17	18	9	20	21	5	48	
	Oct	24	25	26	27	28	5	53	
	Oct	31	1	2	3	4	5(20)	58	
4	Nov	7	8	9	10	11	4	62	11/11 Veterans Day 11/21-25 Thanksgiving Break
	Nov	14	15	16	7	18	5	67	
	Nov	21	22	23	24	25	0	67	
	Nov	28	29	30	1	2	5(14)	72	
5	Dec	5	6	7	8	9	5	77	12/26-1/6 Winter Break
	Dec	12	13	14	15	16	5	82	
	Dec	19	20	21	22	23	5	87	
	Dec	26	27	28	29	30	0	87	
	Jan	2	3	4	5	6	0(15)	87	
6	Jan	9	10	11	12	13	5	92	1/16 M.L. King Jr. Day
	Jan	16	17	18	19	20	4	96	
	Jan	23	24	25	26	27	5	101	
	Jan	30	31	1	2	3	5(19)	106	
7	Feb	6	7	8	9	10	5	111	2/20-21 Presidents' Holidays 2/22-24 Local Holidays- Daycare Open
	Feb	13	14	15	16	17	5	116	
	Feb	20	21	22	23	24	0	116	
	Feb	27	28	1	2	3	5	121	
	Mar	6	7	8	9	10	5(20)	126	
8	Mar	13	14	15	16	17	5	131	4/3-7 Spring Break
	Mar	20	21	22	23	24	5	136	
	Mar	27	28	29	30	31	5	141	
	Apr	3	4	5	6	7	0(15)	141	
9	Apr	10	11	12	13	14	5	146	
	Apr	17	18	19	20	21	5	151	
	Apr	24	25	26	27	28	5	156	
	May	1	2	3	4	5	5(20)	161	
10	May	8	9	10	11	12	5	166	5/29 Memorial Day 6/2- Last Day of School
	May	15	16	17	19	20	5	171	
	May	22	23	24	25	26	5	176	
	May	29	30	31	1	2	4(19)	180	
	Jun	5	6	7	8	9	0	0	6/5- Last Teacher Day

Board Adopted: Pending

**CARDIFF SCHOOL DISTRICT
2023-24 DISTRICT ATTENDANCE CALENDAR**

DRAFT-Version 1

(Align to Our Feeder District)

School Month		M	T	W	T	F	Student Days	Cumulative Student Days	Student Holidays/Recesses
	Aug	7	8	9	10	11	0	0	8/8-11 Teacher Inservice Days
1	Aug	14	15	16	17	18	4	4	8/15 First Day of School
	Aug	21	22	23	24	25	5	9	
	Aug	28	29	30	31	1	5(14)	14	
2	Sep	4	5	6	7	8	4	18	9/4 Labor Day
	Sep	11	12	13	14	15	5	23	
	Sep	18	19	20	21	22	5	28	
	Sep	25	26	27	28	29	5(19)	33	
3	Oct	2	3	4	5	6	5	38	
	Oct	9	10	11	12	13	5	43	
	Oct	16	17	18	19	20	5	48	
	Oct	23	24	25	26	27	5(20)	53	
4	Oct	30	31	1	2	3	5	58	11/10 Veterans Day (Observed)
	Nov	6	7	8	9	10	4	62	
	Nov	13	14	15	16	17	5	67	
	Nov	20	21	22	23	24	0(14)	67	
5	Nov	27	28	29	30	1	5	72	
	Dec	4	5	6	7	8	5	77	
	Dec	11	12	13	14	15	5	82	
	Dec	18	19	20	21	22	5	87	
	Dec	25	26	27	28	29	0(20)	87	
6	Jan	1	2	3	4	5	0	87	
	Jan	8	9	10	11	12	5	92	
	Jan	15	16	17	18	19	4	96	
	Jan	23	24	25	26	27	5(14)	101	
7	Jan	30	31	1	2	3	5	106	2/19-20 Presidents' Holidays 2/21-23 Local Holidays- Daycare Open
	Feb	5	6	7	8	9	5	111	
	Feb	12	13	14	15	16	5	116	
	Feb	19	20	21	22	23	0	116	
	Feb	26	27	28	29	1	5(20)	121	
8	Mar	4	5	6	7	8	5	126	
	Mar	11	12	13	14	15	5	131	
	Mar	18	19	20	21	22	5	136	
	Mar	25	26	27	28	29	5	141	
	Apr	1	2	3	4	5	0(20)	141	
9	Apr	8	9	10	11	12	5	146	
	Apr	15	16	17	18	19	5	151	
	Apr	22	23	24	25	26	5	156	
	Apr	29	30	1	2	3	5(20)	161	
10	May	6	7	8	9	10	5	166	5/27 Memorial Day 5/31 Last Day of School
	May	13	14	15	16	17	5	171	
	May	20	21	22	23	24	5	176	
	May	27	28	29	30	31	4(19)	180	
	Jun	3	4	5	6	7	0	0	6/3- Last Teacher Day

Board Adopted: Pending

**CARDIFF SCHOOL DISTRICT
2021-22 DISTRICT ATTENDANCE CALENDAR**

DRAFT-Version 2

(Start/End One Week Later than Feeder District)

School Month		M	T	W	T	F	Student Days	Cumulative Student Day	Student Holidays/Recesses
1	Aug	16	17	18	19	20	0	0	8/17-20 Teacher Inservice Days
	Aug	23	24	25	26	27	4	4	8/24- First Day of School
	Aug	30	31	1	2	3	5	9	
	Sep	6	7	8	9	10	4(13)	13	9/6 Labor Day
2	Sep	13	14	15	16	17	5	18	
	Sep	20	21	22	23	24	5	23	
	Sep	27	28	29	30	1	5	28	
	Oct	4	5	6	7	8	5(20)	33	
3	Oct	11	12	13	14	15	5	38	
	Oct	18	19	20	21	22	5	43	
	Oct	25	26	27	28	29	5	48	
	Nov	1	2	3	4	5	5(20)	53	
4	Nov	8	9	10	11	12	4	57	11/11 Veterans Day
	Nov	15	16	17	18	19	5	62	
	Nov	22	23	24	25	26	0	62	11/22-26 Thanksgiving Break
	Nov	29	30	1	2	3	5	67	
	Dec	6	7	8	9	10	5(19)	72	
5	Dec	13	14	15	16	17	5	77	
	Dec	20	21	22	23	24	4	81	12/24-1/7 Winter Break
	Dec	27	28	29	30	31	0	81	
	Jan	3	4	5	6	7	0	81	
	Jan	10	11	12	13	14	5(14)	86	
6	Jan	17	18	19	20	21	4	90	1/17 M.L. King Jr. Day
	Jan	24	25	26	27	28	5	95	
	Jan	31	1	2	3	4	5	100	
	Feb	7	8	9	10	11	5(19)	105	
7	Feb	14	15	16	17	18	5	110	2/21-22 Presidents' Holidays
	Feb	21	22	23	24	25	0	110	2/23-25 Local Holidays- Daycare Open
	Feb	28	1	2	3	4	5	115	
	Mar	7	8	9	10	11	5	120	
	Mar	14	15	16	17	18	5(20)	125	
8	Mar	21	22	23	24	25	5	130	
	Mar	28	29	30	31	1	5	135	
	Apr	4	5	6	7	8	0	135	4/4-8 Spring Break
	Apr	11	12	13	14	15	5	140	
	Apr	18	19	20	21	22	5(20)	145	
9	Apr	25	26	27	28	29	5	150	
	May	2	3	4	5	6	5	155	
	May	9	10	11	12	13	5(15)	160	
10	May	16	17	18	19	20	5	165	
	May	23	24	25	26	27	5	170	
	May	30	31	1	2	3	4	174	5/30 Memorial Day
	Jun	6	7	8	9	10	5	179	
	Jun	13	14	15	16	17	1(20)	180	6/13- Last Day of School;6/14- Last Teacher Day

Board Adopted: Pending

**CARDIFF SCHOOL DISTRICT
2022-23 DISTRICT ATTENDANCE CALENDAR**

DRAFT-Version 2

(Start/End One Week Later than Feeder District)

School Month		M	T	W	T	F	Student Days	Cumulative Student Days	Student Holidays/Recesses
1	Aug	15	16	17	18	19	0	0	8/16-19 Teacher Inservice Days
	Aug	22	23	24	25	26	4	4	8/23- First Day of School
	Aug	29	30	31	1	2	5	9	
	Sep	5	6	7	8	9	4(13)	13	9/5 Labor Day
2	Sep	12	13	14	15	16	5	18	
	Sep	19	20	21	22	23	5	23	
	Sep	26	27	28	29	30	5	28	
	Oct	3	4	5	6	7	5(20)	33	
3	Oct	10	11	12	13	14	5	38	
	Oct	17	18	9	20	21	5	43	
	Oct	24	25	26	27	28	5	48	
	Oct	31	1	2	3	4	5(20)	53	
4	Nov	7	8	9	10	11	4	57	11/11 Veterans Day
	Nov	14	15	16	7	18	5	62	
	Nov	21	22	23	24	25	0	62	11/21-25 Thanksgiving Break
	Nov	28	29	30	1	2	5(14)	67	
5	Dec	5	6	7	8	9	5	72	
	Dec	12	13	14	15	16	5	77	
	Dec	19	20	21	22	23	5	82	
	Dec	26	27	28	29	30	0	82	12/26-1/6 Winter Break
6	Jan	2	3	4	5	6	0(15)	82	
	Jan	9	10	11	12	13	5	87	
	Jan	16	17	18	19	20	4	91	1/16 M.L. King Jr. Day
	Jan	23	24	25	26	27	5	96	
7	Jan	30	31	1	2	3	5(19)	101	
	Feb	6	7	8	9	10	5	106	
	Feb	13	14	15	16	17	5	111	2/20-21 Presidents' Holidays
	Feb	20	21	22	23	24	0	111	2/22-24 Local Holidays- Daycare Open
8	Feb	27	28	1	2	3	5	116	
	Mar	6	7	8	9	10	5(20)	121	
	Mar	13	14	15	16	17	5	126	
	Mar	20	21	22	23	24	5	131	
9	Mar	27	28	29	30	31	5	136	
	Apr	3	4	5	6	7	0	136	4/3-7 Spring Break
	Apr	10	11	12	13	14	5(20)	141	
	Apr	17	18	19	20	21	5	146	
10	Apr	24	25	26	27	28	5	151	
	May	1	2	3	4	5	5	156	
	May	8	9	10	11	12	5(20)	161	
	May	15	16	17	18	19	5	166	
10	May	22	23	24	25	26	5	171	5/29 Memorial Day
	May	29	30	31	1	2	4	175	
	Jun	5	6	7	8	9	5(19)	180	6/9- Last Day of School
	Jun	12	13	14	15	16	0	0	6/12- Last Teacher Day

Board Adopted: Pending

**CARDIFF SCHOOL DISTRICT
2023-24 DISTRICT ATTENDANCE CALENDAR**

DRAFT-Version 2

(Start/End One Week Later than Feeder District)

School Month		M	T	W	T	F	Student Days	Cumulative Student Days	Student Holidays/Recesses
1	Aug	14	15	16	17	18	0	0	8/15-18 teacher Inservice Days
	Aug	21	22	23	24	25	4	4	8/22- First Day of School
	Aug	28	29	30	31	1	5(9)	9	
2	Sep	4	5	6	7	8	4	13	9/4 Labor Day
	Sep	11	12	13	14	15	5	18	
	Sep	18	19	20	21	22	5	23	
	Sep	25	26	27	28	29	5(19)	28	
3	Oct	2	3	4	5	6	5	33	
	Oct	9	10	11	12	13	5	38	
	Oct	16	17	18	19	20	5	43	
	Oct	23	24	25	26	27	5(20)	48	
4	Oct	30	31	1	2	3	5	53	11/10 Veterans Day (Observed)
	Nov	6	7	8	9	10	4	57	
	Nov	13	14	15	16	17	5	62	
	Nov	20	21	22	23	24	0(14)	62	
5	Nov	27	28	29	30	1	5	67	
	Dec	4	5	6	7	8	5	72	
	Dec	11	12	13	14	15	5	77	
	Dec	18	19	20	21	22	5	82	
	Dec	25	26	27	28	29	0(20)	82	
6	Jan	1	2	3	4	5	0	82	1/15 M.L. King Jr. Day
	Jan	8	9	10	11	12	5	87	
	Jan	15	16	17	18	19	4	91	
	Jan	23	24	25	26	27	5	96	
	Jan	30	31	1	2	3	5(19)	101	
7	Feb	5	6	7	8	9	5	106	2/19-20 Presidents' Holidays 2/21-23 Local Holidays- Daycare Open
	Feb	12	13	14	15	16	5	111	
	Feb	19	20	21	22	23	0	111	
	Feb	26	27	28	29	1	5	116	
	Mar	4	5	6	7	8	5(20)	121	
8	Mar	11	12	13	14	15	5	126	4/1-5 Spring Break
	Mar	18	19	20	21	22	5	131	
	Mar	25	26	27	28	29	5	136	
	Apr	1	2	3	4	5	0	136	
	Apr	8	9	10	11	12	5(20)	141	
9	Apr	15	16	17	18	19	5	146	
	Apr	22	23	24	25	26	5	151	
	Apr	29	30	1	2	3	5	156	
	May	6	7	8	9	10	5(20)	161	
10	May	13	14	15	16	17	5	166	5/27 Memorial Day 6/7- Last Day of School 6/10- Last Teacher Day
	May	20	21	22	23	24	5	171	
	May	27	28	29	30	31	4	175	
	Jun	3	4	5	6	7	5(19)	180	
	Jun	10	11	12	13	14	0	0	

Board Adopted: Pending

POLICY GUIDE SHEET

November 2020

Page 1 of 8

BP/AR 0420.4 - Charter School Authorization

(BP/AR revised)

Policy updated to delete the legal cite for the Parent Empowerment Act, as the criteria for that program include the Academic Performance Index which is no longer calculated, and to delete the outdated legal cite for California Department of Education (CDE) standards for the identification of academically low-achieving students. Policy also reflects **NEW LAW (SB 126, 2019)** which requires charter schools to comply with the Brown Act, California Public Records Act, and other specified state laws governing transparency and public integrity, and **NEW LAW (AB 406, 2018)** which, for any charter petition submitted on or after July 1, 2019, prohibits the charter school from operating as or by a for-profit corporation or organization. Regulation updated to reflect **NEW LAW (AB 1747, 2018)** which requires that the charter petition include provisions for the development and annual update of a school safety plan.

BP 3510 - Green School Operations

(BP revised)

Policy expands best practices for environmental accountability in district programs and operations, including involvement of staff at all levels, use of least toxic pest management practices, compliance with green building standards in any new construction, acquisition of reduced or zero emission school buses, limitation of unnecessary idling of school buses or personal vehicles, implementation of green practices in the district's food services program, and use of green school activities as tools for student learning.

BP/AR 3511 - Energy and Water Management

(BP/AR revised)

Policy and regulation updated to reflect recommendations in **NEW STATE GUIDANCE** from CDE, the Division of the State Architect in the Department of General Services, and the State Water Resources Control Board. Policy also deletes green school strategies duplicated in other policies, and adds coordination with local and regional entities to share expertise and resources. Section on "Storm Water Management" deletes specific requirements for "nontraditional MS4 entities" that are subject to the General Permit for Storm Water Discharges to Small Municipal Separate Storm Sewer Systems, and clarifies that districts may also be subject to the Construction General Permit and the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities. Section on "Emergency Interruption of Services" contains material formerly in AR. Regulation expands components of the district's resource management program to include strategies related to outdoor spaces, drought-tolerant habitats, and equipment maintenance and repair. Regulation also adds new section on "Storm Water Management" with examples of best practices and adds new material related to the emergency interruption of services.

AR 3514 - Environmental Safety

(AR revised)

Regulation updated to reflect **NEW LAW (AB 2453, 2018)** which (1) authorizes state facilities modernization grants to be used to update air filtration systems and (2) authorizes districts and schools in communities with a high cumulative exposure to toxic air contaminants to work with air districts and to be eligible for a grant to implement air quality mitigation efforts. Regulation also reflects the July 1, 2019 deadline for completing testing for lead in the drinking water of any school constructed before January 1, 2010, and **NEW LAW (AB 2370, 2018)** which requires a licensed child care center that is located in a building constructed before January 1, 2010 to have its drinking water tested for lead contamination.

BP/AR 3540 - Transportation

(BP revised; AR deleted)

Policy updated to include material formerly in AR regarding the means of transportation, contracts for transportation services, and the option to pay parents/guardians their actual and necessary expenses in transporting the student. Policy also addresses (1) the district's authority to require families to pay a

POLICY GUIDE SHEET

November 2020

Page 2 of 8

transportation fee, with specified exceptions; (2) the district's authority to transport students without parent/guardian permission when evacuation of students is necessary for their safety; and (3) the installation of a global positioning system on school buses to enhance safety and provide real-time location data. Regulation deleted and key concepts moved to BP.

BP 4119.22/4219.22/4319.22 - Dress and Grooming

(BP revised)

Policy updated to reflect laws which allow employees to appear and dress in a manner consistent with their gender identity, gender expression, or religious creed. Policy also adds material regarding the communication of the district's dress and grooming policy to employees.

AR 5132 - Dress and Grooming

(AR revised)

Policy updated to address communication of the dress code to students and staff; grant enforcement authority to the principal or designee; prohibit discriminatory enforcement of the dress code, including, but not limited to, discrimination based on gender identity, gender expression, or religious or cultural observance; and address disciplinary action for repeated violations or refusal to comply with the dress code. Policy also provides that the determination of specific items of clothing defined as gang apparel shall be free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics. Regulation updated to provide general, gender-neutral guidelines for the dress code that may be revised to reflect district practice; add circumstances under which the dress code should be modified for classes, activities, or individual students; and call for collaboration with law enforcement agencies to update definitions of gang-related apparel.

BP 6142.6 - Visual and Performing Arts Education

(BP revised)

Policy updated to reflect revised content standards for visual and performing arts, including media arts, adopted by the State Board of Education in January 2019. Policy incorporates the philosophical foundation, lifelong goals, and artistic processes upon which the state standards are based.

BP/AR 0460 - Local Control and Accountability Plan

(BP/AR revised)

Policy updated to delete the section on "Technical Assistance/Intervention," as that material is now addressed in BP 0520 - Intervention for Underperforming Schools. Paragraph added to generally address actions that may be taken whenever a school or a numerically significant student subgroup is not making sufficient progress toward the goals in the local control and accountability plan (LCAP). Regulation updated to reflect **NEW LAW (AB 1240)** which adds, as a measure of student achievement, the percentage of students who have successfully completed both college entrance courses and career technical education courses.

BP 0520 - Intervention for Underperforming Schools

(BP added)

New policy contains material formerly in BP 0460 - Local Control and Accountability Plan regarding interventions to support the continuous improvement of student performance within the priorities identified in the district's LCAP. Paragraph added to reference interventions that will be provided to schools identified by the California Department of Education (CDE) for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI).

BP 0520.1 - Comprehensive and Targeted Support and Improvement

(BP added)

New policy addresses the state's accountability system, developed in response to federal Title I requirements, to provide interventions to schools identified by CDE for CSI, TSI, or ATSI. Policy includes criteria for the

POLICY GUIDE SHEET

November 2020

Page 3 of 8

identification of schools, requirements for a school improvement plan, and actions to be taken if implementation of the school plan is unsuccessful after a specified period of years.

BP/AR 3515 - Campus Security

(BP/AR revised)

Policy updated to clarify that audio capability of surveillance equipment should be disabled in accordance with state law prohibiting the recording of conversations unless the parties to the conversation may reasonably expect that the communication may be overheard or recorded, and to reflect a National Institute of Justice recommendation that signage state that the district's surveillance system may or may not be actively monitored. Regulation adds section on "Locks" reflecting requirement for state-funded new construction projects, as well as certain modernization projects, to include locks that allow classroom doors to be locked from the inside. Regulation also adds strategies to increase adult presence and supervision on campus and to provide staff training in emergency response.

BP/AR 4116 - Probationary/Permanent Status

(BP/AR revised)

Policy updated to reflect court decisions clarifying the distinction between probationary employees and temporary employees. Material regarding eligibility for permanent status based on average daily attendance moved from AR to BP, except option for not granting permanent status deleted, as this option was only applicable to districts with less than 250 average daily attendance and the remainder of this policy and regulation is for use only by districts that grant permanent status. Policy also adds material regarding the notification of nonreelection of a probationary employee, formerly in AR 4117.6 - Decision Not to Rehire. Regulation updated to add material regarding the computation of the length of service required for classification as a permanent employee, including types of service excluded from that computation.

AR 4117.6 - Decision Not to Rehire

(AR deleted)

Regulation deleted and concepts moved to BP 4116 - Probationary/Permanent Status.

BP 4119.22/4219.22/4319.22 - Dress and Grooming

(BP revised)

Policy updated to reflect **NEW LAW (SB 188)** which prohibits discrimination against traits historically associated with race, including hair texture and "protective hairstyles" such as braids, locks, and twists.

BP 4216 - Probationary/Permanent Status

(BP revised)

Policy updated to reflect **NEW LAW (AB 1353)** which shortens the length of the probationary period in non-merit system districts from one year to either six months or 130 days of paid service, whichever is longer, for consistency with districts incorporating the merit system. Policy also revised to clarify that employees may be dismissed during the probationary period without cause.

BP/AR 4218 - Dismissal/Suspension/Disciplinary Action

(BP/AR revised)

Policy and regulation updated to reflect procedural rights that must be granted to permanent district employees based on the court decision in *Skelly v. State Personnel Board*, including notification of the materials upon which the proposed action is based and the employee's right to respond to a designated district official ("Skelly officer") who will decide whether the recommended discipline should be imposed.

POLICY GUIDE SHEET

November 2020

Page 4 of 8

BP 5131 - Conduct

(BP revised)

Policy updated to reflect **NEW LAW (AB 272)** which authorizes boards to limit or prohibit, except under specified circumstances, student use of smartphones while at school or while under the supervision and control of a district employee. Details regarding student use of mobile communication devices moved to BP 5131.8 - Mobile Communication Devices.

BP 5131.8 - Mobile Communication Devices

(BP added)

New policy reflects **NEW LAW (AB 272)** which authorizes boards to limit or prohibit student use of smartphones while at school or while under the supervision and control of a district employee, except under specified circumstances (i.e., in an emergency, with permission of teacher or administrator, when directed by student's health care provider, when required by student's individualized education program). Policy also addresses reasonable search of students' mobile communication devices, employees' authority to confiscate a device, and discipline for off-campus use of a mobile communication device which poses a threat of danger to the safety of students, staff, or district property or substantially disrupts school activities.

BP 5132 - Dress and Grooming

(BP revised)

Policy updated to reflect **NEW LAW (SB 188)** which prohibits discrimination against traits historically associated with race, including hair texture and "protective hairstyles" such as braids, locks, and twists.

AR 5141.26 - Tuberculosis Testing

(AR revised)

Regulation updated to reflect guidance from the California Department of Public Health and the Child Health and Disability Prevention office of the California Department of Health Care Services clarifying that the health screening for school entry includes testing for tuberculosis only when required by the local health department. Regulation also reflects law authorizing parents/guardians to submit a signed waiver indicating that they do not want or are unable to obtain the health screening for their child.

BP/AR 5142 - Safety

(BP/AR revised)

Policy updated to add the district's responsibility to provide for the proper supervision of students during before- and after-school programs, morning drop-off at school, and afternoon pick-up and to provide for appropriate student instruction in emergency procedures. Policy adds section reflecting the requirement to print safety hotline numbers on student identification cards for students in grades 7-12, including the National Suicide Prevention Lifeline and, pursuant to **NEW LAW (SB 316)**, the National Domestic Violence Hotline. Regulation updated to add communication of school rules to students, the responsibility of individuals supervising students to remain alert for unauthorized persons, and the requirement for inspection of new playgrounds by a certified safety inspector. Regulation also updates the list of activities with safety risks in accordance with the legal definition of "hazardous recreational activity" and prohibits any such activity unless it is properly supervised, students wear protective gear as appropriate, and participants have insurance coverage. Section on "Laboratory Safety" expanded to include student instruction in safety procedures, proper handling of hazardous materials and bloodborne pathogens, and accessibility of emergency information and first aid supplies.

BP/AR 7140 - Architectural and Engineering Services

(BP/AR revised)

Policy updated to clarify the district's responsibility to select a licensed architect and/or structural engineer as required by law when professional design services are used for construction or modernization of school facilities and to address the need to comply with state safety and design standards. Policy adds the general duties of the architect and/or structural engineer and the circumstances under which design specifications

POLICY GUIDE SHEET

November 2020

Page 5 of 8

must be submitted to CDE and the Division of the State Architect. Regulation updates the components of the selection process to more directly reflect law and adds the district's authority, if negotiations with the most qualified firm are unsuccessful, to negotiate a contract with the second most qualified firm and then the third most qualified firm. Regulation also includes the option to award a contract to a single entity for both the design and construction of a school facility in excess of \$1 million ("design build" contract).

BB 9323 - Meeting Conduct

(BB revised)

Bylaw updated to clarify circumstances under which the board may exercise flexibility in allocating time for public input to ensure full opportunity for public input and presentation of the diversity of viewpoints.

Exhibit 1113 - District and School Web Sites

New exhibit lists material which state and/or federal law explicitly requires to be posted on district and/or school web sites, including a citation to the legal authority and a reference to the board policy, administrative regulation, or board bylaw that further describes the requirement.

Board Policy 3280 - Sale or Lease of District-Owned Real Property

Policy updated to reflect **NEW LAW (SB 820, 2020)** which adds, until July 1, 2024, an exception to the requirement that boards appoint an advisory committee for the sale or lease of district-owned property if the property has not operated as an early childhood education facility or for elementary or secondary instruction, and **NEW LAW (SB 98, 2020)** which authorizes, until July 1, 2024, the proceeds from the sale or lease of property purchased entirely with local funds to be used for any one-time general fund purpose if certain conditions are met. Policy also adds material regarding the authorization for boards to meet in closed session with real property negotiators, the requirement to notify the Office of Public School Construction within 90 days if the district sells property that utilized funds received from a state school facilities program within the previous 10 years and the proceeds were not used for specified purposes, and conditions under which the State Allocation Board may require a return of the funds.

Board Policy 3530 - Risk Management/Insurance

Policy updated to address the basis upon which insurance decisions should be made and the provision of safety-related training and protective equipment for staff. Policy also updated to delete material regarding the removal of an insurance agent as being implicit in a governing board's authority and explicit in insurance contracts. Timeline for reporting to the board on risk management activities revised from twice a year to periodically to give boards flexibility based on district need.

Administrative Regulation 3530 - Risk Management/Insurance

Regulation updated to provide more detail in the list of risk management procedures, including examples of methods for identifying risks in district operations, the prioritization of risks based on frequency and potential impact, and examples of strategies to prevent loss. Regulation also adds optional language regarding the documentation of safety incidents.

Board Policy 4119.11/4219.11/4319.11 - Sexual Harassment

Policy updated to clarify that, in some instances, it may be necessary to concurrently review a sexual harassment complaint under both the Title IX sexual harassment complaint procedures and the district's procedure reflecting state law, as described in AR 4030 - Nondiscrimination in Employment, in order to meet the applicable timelines. Policy also adds the requirement to provide supportive measures to the respondent as well as the complainant.

Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment

Regulation updated to add section on "Definitions," including the federal definition of sexual harassment for purposes of applying the Title IX complaint procedures. Section identifying the Title IX Coordinator(s)

POLICY GUIDE SHEET

November 2020

Page 6 of 8

moved and revised to reference CSBA's AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Section on "Notifications" adds federal requirement to disseminate the district's sexual harassment policy and procedures, along with the name and contact information of the Title IX Coordinator, by posting them in a prominent location on the district's web site and including them in any handbook provided to employees or employee organizations. New section on "Complaint Procedures" references the applicable procedures and the responsibility of the district to take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures

Regulation updated to clarify that a sexual harassment complaint that is dismissed or denied under Title IX may still be subject to review under state law pursuant to AR 4030 - Nondiscrimination in Employment and thus the two procedures should be implemented concurrently in order to meet the applicable timelines. Regulation also updated to clarify that the applicability of the Title IX sexual harassment complaint procedures is limited to conduct that allegedly occurs in an education program or activity over which the district exercises control; revise the timeframe for concluding the complaint process from 45 to 60 days; reflect the right to pursue civil law remedies; and add the requirement to maintain a record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment.

Exhibit 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures

New exhibit presents a sample of the required notification to employees, job applicants, and employee organizations regarding the district's Title IX sexual harassment policy, the district's Title IX coordinator, and grievance procedures pursuant to 34 CFR 106.8.

Board Policy 4157/4257/4357 - Employee Safety

Policy updated to reflect **NEW STATE REGULATION (Register 2020, No. 10)** which requires districts to provide employees with access to the district's injury and illness prevention program, and to add the prohibition against discharging or discriminating against an employee for exercising any right protected by the Occupational Safety and Health Act.

Administrative Regulation 4157.1/4257.1/4357.1 - Work-Related Injuries

Regulation updated to reflect **NEW LAW (AB 1804, 2019)** which requires that a report of death or serious injury or illness be immediately reported to Cal/OSHA by telephone or through an online mechanism established by Cal/OSHA, with clarification that districts may make the report by telephone or email until Cal/OSHA has an online mechanism available, and **NEW LAW (AB 1805, 2019)** which redefines "serious injury or illness." Regulation adds optional language regarding the responsibility of employees to document any incident, and combines options regarding the reporting of incidents to the insurance carrier or Department of Industrial Relations. Regulation also reflects **NEW LAW (SB 1159, 2020)** which provides that an employee will be presumed to be entitled to workers' compensation benefits for illness or injury resulting from COVID-19 if the diagnosis was made within 14 days after the employee performed labor or services at the place of employment and other conditions are met.

Board Policy 5113.1 - Chronic Absence and Truancy

Policy updated to designate the attendance supervisor as the person responsible for performing various assignments related to absence and truancy; reflect a tiered approach for reducing chronic absence which includes universal strategies and letters to parents/guardians; expand material regarding early intervention; add the provision of training and information to staff for the implementation of a trauma-informed approach to chronic absence; reflect chronic absence as a measure of district and school performance on the California School Dashboard; and add grade level to the list of specific data to be provided to the board regarding attendance, absence, and truancy.

POLICY GUIDE SHEET

November 2020

Page 7 of 8

Administrative Regulation 5113.1 - Chronic Absence and Truancy

Regulation updated to reflect law allowing the referral of a chronic absentee (rather than a student who is "irregular in attendance") to a school attendance review board (SARB), a truancy mediation, or a comparable program and requiring documentation of the interventions undertaken at the school when making such a referral. Regulation also revised to give students who are absent the opportunity to make up missed work for full credit and support to limit the impact of absences on grades. Regulation clarifies that parents/guardians of students between 13 and 18 years of age must be notified, upon initial identification of their child for truancy, that the student may be subject to suspension, or delay of driving privilege.

Administrative Regulation 5113.11 - Attendance Supervision

Regulation updated to reflect the requirements to investigate complaints of violations of compulsory education laws, gather and transmit to the county superintendent of schools the number and type of referrals made to the SARB and of requests for petitions made to the juvenile court, and refer a matter to court if a parent/guardian continually and willfully fails to respond to SARB directives or services.

Board Policy 5145.7 - Sexual Harassment

Policy updated to clarify that, in some instances, it may be necessary to concurrently review a sexual harassment complaint under both the Title IX sexual harassment complaint procedures and the district's uniform complaint procedures (UCP) in order to meet the applicable timelines. Policy also adds the requirement to provide supportive measures to the respondent as well as the complainant.

Administrative Regulation 5145.7 - Sexual Harassment

Regulation updated to add section on "Definitions," including the federal definition of sexual harassment for purposes of applying the Title IX complaint procedures. Section identifying the Title IX Coordinator(s) moved and revised to reference CSBA's AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Section on "Notifications" adds requirement to notify students and parents/guardians that the district does not discriminate on the basis of sex and that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education; deletes requirement to provide contact information of the Title IX Coordinator to employees, bargaining units, and job applicants which is addressed in AR 4119.11/4219.11/4319.11 - Sexual Harassment; and reflects **NEW LAW (AB 34, 2019)** which requires districts to post the definition of sex discrimination and harassment in a prominent location on the district's web site.

Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures

Regulation updated to clarify that a sexual harassment complaint that is dismissed or denied under Title IX may still be subject to review under the district's UCP and thus the two procedures should be implemented concurrently in order to meet the applicable timelines. Regulation also updated to clarify that the applicability of the Title IX sexual harassment complaint procedures is limited to conduct that allegedly occurs in an education program or activity over which the district exercises control; add optional language providing that an employee must forward a report of sexual harassment to the Title IX Coordinator within one day, consistent with AR 5145.7 - Sexual Harassment; revise the timeframe for concluding the complaint process from 45 to 60 days to align with requirements of the UCP; reflect the right to appeal the district's decision to the California Department of Education consistent with the UCP or to pursue civil law remedies; and add the requirement to maintain a record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment.

Exhibit 5145.71 - Title IX Sexual Harassment Complaint Procedures

New exhibit presents a sample of the required notification to students and parents/guardians regarding the district's Title IX sexual harassment policy, the district's Title IX coordinator, and grievance procedures pursuant to 34 CFR 106.8.

POLICY GUIDE SHEET

November 2020

Page 8 of 8

Board Policy 6161.1 - Selection and Evaluation of Instructional Materials

Policy updated to reflect **NEW LAW (SB 820, 2020)** which revises the definition of "technology-based materials" to include the electronic equipment required to make use of those materials, making such equipment subject to the determination of sufficiency. Policy also deletes unnecessary legal citations related to the State Board of Education's (SBE) adoption of academic standards, deletes section on "Review Process" which was moved to the AR, deletes option in regard to public hearings on the sufficiency of textbooks and other instructional materials for schools that operate on a multitrack year-round calendar since such schools can use the same language as those that operate on a traditional calendar, and adds references to sample board policy and regulations for complaints concerning instructional materials.

Administrative Regulation 6161.1 - Selection and Evaluation of Instructional Materials

Regulation updated to add section on "Review Process" formerly in the BP and revise the section to encourage input from a diverse group of stakeholders. Section on "Criteria for Selection and Adoption of Instructional Materials" revised to delete unnecessary legal citations related to SBE's adoption of academic standards; move material regarding publisher requirements for grades 9-12 to end of list to make it easier for K-8 districts to delete; replace the list of nondiscrimination categories with a reference to BP 0410 - Nondiscrimination in District Programs and Activities; add a new item on criteria for technology-based materials; emphasize the importance of the accurate portrayal of the cultural and racial diversity of society in instructional materials; and delete an outdated item regarding quality, durability and appearance. "Conflict of Interest" section revised to delete redundant and difficult-to-enforce item.

Exhibit 6161.1 - Selection and Evaluation of Instructional Materials

Exhibit updated to delete unnecessary legal citations related to SBE's adoption of academic standards and to change "foreign language" to "world language" consistent with current law.

Exhibit (1) 9323.2 - Actions by the Board

Exhibit updated to clarify items under "Actions Requiring a Two-Thirds Vote of the Board" and "Actions Requiring a Four-Fifths Vote of the Board" regarding emergency facilities conditions as only applying to districts that have adopted the Uniform Public Construction Cost Accounting Act procedures. Item regarding the expenditure and transfer of funds or use of district property or personnel to meet a national or local emergency created by war moved from "Actions Requiring a Four-Fifths Vote of the Board" to "Action Requiring a Four-Fifths Vote of the Board Members Present at the Meeting" to more accurately reflect law.

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.4(a)

CHARTER SCHOOL AUTHORIZATION

The Governing Board recognizes that charter schools may assist the district in offering diverse learning opportunities for students. In considering any petition to establish a charter school within the district, the Board shall give thoughtful consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

The district shall not require any district student to attend the charter school nor shall it require any district employee to work at the charter school. (Education Code 47605)

One or more persons may submit a petition for a start-up charter school to be established within the district. ~~In addition,~~ **or for the conversion of** an existing district school ~~may be converted~~ to a charter school ~~when deemed beneficial by the district and community.~~ (Education Code 47605, ~~47606, 53300~~)

~~The district shall not require any district student to attend the charter school nor shall it require any district employee to work at the charter school. (Education Code 47605)~~

Any petition for a start-up charter school or conversion charter school shall include all components and signatures required by law and shall be submitted to the Board. The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter ~~proposals~~ **petition** with legal requirements.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to ensure compliance of the petition with legal requirements. As needed, ~~he/she also~~ **the Superintendent or designee** may **also** meet with the petitioners to establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school.

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. (Education Code 47605)

(cf. 9320 - Meetings and Notices)

Within 60 days of receiving a petition, or within 90 days with mutual consent of the petitioners and the Board, the Board shall either approve or deny the request to establish the charter school. (Education Code 47605)

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

CHARTER SCHOOL AUTHORIZATION (continued)

Approval of Petition

The Board shall approve the charter petition if doing so is consistent with sound educational practice. In granting charters, the Board shall give preference to **schools best able petitions that demonstrate the capability** to provide comprehensive learning experiences for **students who are identified by the petitioner as** academically low-achieving **students** according to standards established by the California Department of Education (CDE) under **Education Code 54032**. (Education Code 47605)

~~The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)~~

~~(cf. 0420.42 - Charter School Renewal)~~

~~(cf. 0420.43 - Charter School Revocation)~~

The Board shall **ensure verify** that any approved charter contains adequate processes and measures for holding the school accountable for **complying with applicable law, including Education Code 47604.1, and for** fulfilling the terms of its charter. These shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, including student outcomes aligned with state priorities as described in Education Code 52060, and regular reports to the Board.

(cf. 0420.41 - Charter School Oversight)

The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school. Any such memorandum of understanding shall be annually reviewed by the Board and charter school governing body and amended as necessary.

~~The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)~~

~~(cf. 0420.42 - Charter School Renewal)~~

~~(cf. 0420.43 - Charter School Revocation)~~

It shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent of Schools, the **California Department of Education CDE**, and the State Board of Education (SBE). (Education Code 47605)

Denial of Petition

The Board shall deny any charter petition that:

CHARTER SCHOOL AUTHORIZATION (continued)

- 1. Proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)**
- 2. ~~The Board shall deny any petition to a~~ Authorizes the conversion of a private school to a charter school. (Education Code 47602)**
- 3. ~~The Board shall also deny any petition for a charter that p~~ Proposes to serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district. (Education Code ~~47602~~, 47605)**

Any other charter petition shall be denied only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605)

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).
6. The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll students with disabilities who reside outside the special education local plan area in which the district participates. (Education Code 47605.7, 47647)

(cf. 0430 - Comprehensive Local Plan for Special Education)

If the Board denies a petition, the petitioners may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to ~~the~~ SBE. (Education Code 47605)

CHARTER SCHOOL AUTHORIZATION (continued)

Legal Reference:

EDUCATION CODE

200 *Equal rights and opportunities in state educational institutions*

220 *Nondiscrimination*

17078.52-17078.66 *Charter schools facility funding; state bond proceeds*

17280-17317 *Field Act*

17365-17374 *Field Act, fitness for occupancy*

32282 *Comprehensive safety plan*

33126 *School Accountability Report Card*

41365 *Charter school revolving loan fund*

42238.51-42238.2 *Funding for charter districts*

44237 *Criminal record summary*

44830.1 *Certificated employees, conviction of a violent or serious felony*

45122.1 *Classified employees, conviction of a violent or serious felony*

46201 *Instructional minutes*

47600-47616.7 *Charter Schools Act of 1992*

47640-47647 *Special education funding for charter schools*

47650-47652 *Funding of charter schools*

49011 *Student fees*

51745-51749.6 *Independent study*

52052 *Accountability: numerically significant student subgroups*

52060-52077 *Local control and accountability plan*

56026 *Special education*

56145-56146 *Special education services in charter schools*

CORPORATIONS CODE

5110-6910 *Nonprofit public benefit corporations*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

3540-3549.3 *Educational Employment Relations Act*

6250-6270 *California Public Records Act*

54950-54963 *Ralph M. Brown Act*

81000-91014 *Political Reform Act of 1974*

CODE OF REGULATIONS, TITLE 5

11700.1-11705 *Independent study*

11960-11968.5.5 *Charter schools*

CODE OF REGULATIONS, TITLE 24

~~**Part 2 *California Building Standards Code***~~

UNITED STATES CODE, TITLE 20

7223-7225 *Charter schools*

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

Opinion No. 11-201 (2018)

89 *Ops.Cal.Atty.Gen.* 166 (2006)

80 *Ops.Cal.Atty.Gen.* 52 (1997)

78 *Ops.Cal.Atty.Gen.* 297 (1995)

Management Resources: (see next page)

CHARTER SCHOOL AUTHORIZATION (continued)

Management Resources:

CSBA PUBLICATIONS

Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016

Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016

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

Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding

Charter School Authorization: Guidance and Technical Assistance for Prospective Charter School Authorizers, Webinar 2014

U.S. DEPARTMENT OF EDUCATION **GUIDANCE PUBLICATIONS**

Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, August 2016

Charter Schools Program: **Title V, Part B of the ESEA, Nonregulatory Guidance**, January 2014

Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, December 2011

Applying Federal Civil Rights Laws to Public Charter Schools: Questions and Answers, May 2000

WEB SITES

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

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

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

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

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

(3/12 12/17) 5/19

Policy Reference UPDATE Service

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Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0420.4(a)

CHARTER SCHOOL AUTHORIZATION

Petition Signatures

A petition for the establishment of a start-up charter school must be signed by either of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation
2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

(cf. 4116 - Probationary/Permanent Status)

~~In circulating a petition, the petitioners~~ **Any petition circulated to collect signatures** shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having ~~his/her~~ **a** child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

Advisory Committee

~~At his/her discretion, the~~ The Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a charter petition based on the requirements in Education Code 47605 and to identify any concerns that should be addressed by the petitioners.

(cf. 2230 - Representative and Deliberative Groups)

Components of Charter Petition

The charter petition shall include affirmations that the charter school will be nonsectarian in its programs, admission policies, employment practices, and operations; **will** not charge tuition; and **will** not discriminate against a student on the basis of characteristics listed in Education Code 220. ~~It~~ **The petition** shall also contain reasonably comprehensive descriptions of: (Education Code 47605, ~~47611.5~~)

CHARTER SCHOOL AUTHORIZATION (continued)

1. The educational program of the proposed school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

The petition shall include a description of **the charter school's** annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically

disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served or the nature of the program operated by the charter school. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established for the proposed school, goals aligned with those priorities, and specific annual actions to achieve those goals.

(cf. 0420.41 - Charter School Oversight)

(cf. 0460 - Local Control and Accountability Plan)

If the proposed **charter** school will serve high school students, the petition shall describe the manner in which the school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "a-g" admissions criteria may be considered to meet college entrance requirements.

2. The measurable student outcomes identified for use by the charter school. *Student outcomes* means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served or the nature of the program operated by the charter school.
3. The method by which student progress in meeting the identified student outcomes is to be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(cf. 0510 - School Accountability Report Card)

CHARTER SCHOOL AUTHORIZATION (continued)

4. The governance structure of the **charter** school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
5. The qualifications to be met by individuals to be employed by the **charter** school.
6. The procedures that the **charter** school will follow to ensure the health and safety of students and staff, including the **following** requirements **that:**
 - a. **Eeach **charter** school employee **shall** furnish the school with a criminal record summary as described in Education Code 44237.**
 - b. **The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(H) and procedures for conducting tactical responses to criminal incidents.**
 - c. **The charter school's safety plan shall be reviewed and updated by March 1 each year.**
7. The means by which the **charter** school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
8. The charter school's student admission policy. The petition shall, in accordance with Education Code 47605(d), specify procedures for determining enrollment when the number of applicants exceeds the school's capacity, including requirements for the use of a public random drawing, admission preferences, and priority order of preferences as required by law and subject to **Governing** Board approval.
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Board's satisfaction.
10. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605(b). Such procedures shall also include processes by which the charter school will notify the superintendent of a district and request to be notified by a district about a student when the circumstances specified in Education Code 47605(d) exist.
11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

CHARTER SCHOOL AUTHORIZATION (continued)

12. The public school attendance alternatives for students residing within the district who choose to not attend the charter school.
13. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.
15. A declaration as to whether or not the charter school ~~shall~~ **will** be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.
16. **Consistent with 5 CCR 11962, the** The procedures to be used if the charter school closes, including, but not limited to: ~~(5 CCR 11962)~~
 - a. Designation of a responsible entity to conduct closure-related activities
 - b. Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the **charter** school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:
 - (1) The effective date of the closure
 - (2) The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - (3) The students' districts of residence
 - (4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
 - c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #16a above
 - d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different

CHARTER SCHOOL AUTHORIZATION (continued)

entity

- e. Transfer and maintenance of personnel records in accordance with applicable law
- f. Completion of an independent final audit within six months after the closure of the **charter** school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school
- g. Disposal of any net assets remaining after all liabilities of the **charter** school have been paid or otherwise addressed pursuant to 5 CCR 11962
- h. Completion and filing of any annual reports required pursuant to Education Code 47604.33
- i. Identification of funding for the activities identified in item #16a-h above

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

- 1. The facilities to be used by the **charter** school, including where the school intends to locate

(cf. 7160 - Charter School Facilities)

- 2. The manner in which administrative services of the **charter** school are to be provided
- 3. Potential civil liability effects, if any, upon the **charter** school and district
- 4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

Location of Charter School

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the district's jurisdictional boundaries may establish one site outside district boundaries but within the county, provided that:

CHARTER SCHOOL AUTHORIZATION (continued)

(Education Code 47605, 47605.1)

1. The district is notified prior to approval of the petition.
2. The County Superintendent of Schools and Superintendent of Public Instruction are notified before the charter school begins operations.
3. The charter school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish and locate a resource center, meeting space, or other satellite facility in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

(10/15 12/17) 5/19

Board Policy

Business and Noninstructional Operations

BP 3510(a)

GREEN SCHOOL OPERATIONS

The Governing Board believes ~~that all citizens have~~ **everyone has** a responsibility to be **a** stewards of the environment and desires to integrate environmental accountability into all district **programs and** operations. The Superintendent or designee shall **develop strategies to** promote **district use of "green" school principles and** practices ~~that in order to~~ conserve natural resources, reduce the impact of district operations on the environment, and protect the health of students, staff, and **the** community.

In developing such strategies and assessing the environmental conditions in district facilities and operations, the ~~The Superintendent or designee may~~ **shall** involve ~~district and site administrators and operations and maintenance staff at all levels and with varying job responsibilities, including administrators, certificated staff, and classified staff.~~ **As appropriate, the Superintendent or designee may also consult with health professionals; representatives of local governmental agencies, utilities, solid waste and recycling companies, and community organizations; health professionals; and/or others with expertise as appropriate. in the assessment of current district operations and the development of strategies to improve the environmental impact of district operations.**

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 7131 - Relations with Local Agencies)

In selecting and prioritizing strategies, the Superintendent or designee shall give consideration to **long-term potential cost savings, the—initial costs, feasibility of implementation, long-term potential cost savings,** quality and performance of the product or service, health impacts, ~~and~~ **environmental considerations, and potential educational value.**

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

Such District strategies may include, but **are** not ~~be~~ limited to:

1. Reducing energy and water consumption, ~~and exploring~~ **using** renewable and clean energy technologies **and alternatives when available**

(cf. 3511 - Energy and Water Management)

2. Establishing recycling programs in district facilities

(cf. 3511.1 - Integrated Waste Management)

3. Reducing the consumption of disposable materials, ~~by~~ reusing materials and by using electronic rather than paper communications when feasible

GREEN SCHOOL OPERATIONS (continued)

4. ~~Purchasing and u~~Using environmentally preferable products and services whenever practical, including, but not limited to, products that:
 - a. Minimize environmental impacts, toxins, pollutants, odors, and hazards
 - b. Contain postconsumer recycled content
 - c. Are durable and long-lasting
 - d. Conserve energy and water
 - e. ~~Produce a low amount of~~ **Reduce** waste

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

~~*(cf. 3514.2 - Integrated Pest Management)*~~

(cf. 5141.23 - Asthma Management)

5. Using least toxic, independently certified green cleaning products when feasible, as well as high-efficiency cleaning equipment that reduces the need to use chemicals
6. Providing professional development to maintenance staff in the proper use, storage, and disposal of cleaning supplies

(cf. 4231 - Staff Development)

7. Using effective, least toxic pest management practices for the control and management of pests

(cf. 3514.2 - Integrated Pest Management)

~~7.8. Focusing on green building standards, sustainability, and student health in facilities construction and modernization projects, including decisions about site selection, building design, and landscaping and grounds~~ Ensuring that any construction of new facilities complies with green building standards pursuant to 24 CCR 101.1-703.1, and focusing on sustainability and student health in the design and implementation of facilities modernization projects

(cf. 7110 - Facilities Master Plan)

(cf. 7111 - Evaluating Existing Buildings)

(cf. 7150 - Site Selection and Development)

~~8.9.~~ Reducing vehicle traffic emissions by:

- a. **E**ncouraging students **to** walk or bicycle to school or **to** use district or public transportation

GREEN SCHOOL OPERATIONS (continued)

~~(cf. 3541 - Transportation Routes and Services)~~
(cf. 5142.2 - Safe Routes to School Program)

- b. Using reduced or zero emission school buses and vehicles and providing accompanying infrastructure such as charging stations**

(cf. 3540 - Transportation)

- c. Limiting unnecessary idling of school buses in accordance with 13 CCR 2480**
- d. Limiting unnecessary idling of personal vehicles by encouraging parents/guardians, through signage or other means of communication, to turn off their vehicles when parked on and around school grounds**

9.10. Implementing green school practices in the district's food service programs by:

- a. Providing fresh, locally sourced, unprocessed, organic food, including plant-based options, when available in the district's food services program**
- b. Reducing food packaging and using packaging that is recyclable and/or biodegradable**
- c. Utilizing reusable products**
- d. Encouraging zero-waste lunches when food is brought from home**
- e. Maintaining a system for food waste, such as composting**
- f. Providing sharing tables where unused cafeteria food items may, in accordance with Health and Safety Code 114079, be returned for student use or donated to a food bank or other nonprofit charitable organization**

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)

10.11. Integrating green school practices and activities into the educational program by providing instruction to students on the importance of the environment, and involving students in the implementation and evaluation of green school activities and projects as appropriate, and utilizing green school activities and projects as learning tools

(cf. 6142.5 - Environmental Education)

GREEN SCHOOL OPERATIONS (continued)

Legal Reference:

EDUCATION CODE

8700-8707 Environmental education

17070.96 Leroy F. Greene School Facilities Act of 1996, consideration of high performance standards

17072.35 New construction grants; use for designs and materials for high performance schools

17608-17614 Healthy Schools Act of 2000

32370-32376 Recycling paper

33541 Environmental education

101012 Kindergarten-University Public Education Facilities Bond Act of 2006, allocations **through 12th grade school facilities program**

FOOD AND AGRICULTURAL CODE

13180-13188 Healthy Schools Act of 2000

HEALTH AND SAFETY CODE

114079 General food safety requirements; unused or returned food

PUBLIC CONTRACT CODE

12400-12404 Environmentally preferable purchasing

PUBLIC RESOURCES CODE

25410-25424.2 Energy conservation assistance

40050-40063 Integrated waste management act

42630-42647 Schoolsite source reduction and recycling **assistance program**

CODE OF REGULATIONS, TITLE 2

1859.70.4 Funding for high performance incentive grants

1859.71.6 Additional grant for high performance incentive, new construction

1859.77.4 Additional grants for high performance incentive, site and modernization

CODE OF REGULATIONS, TITLE 5

14010 Standards for school site selection

CODE OF REGULATIONS, TITLE 13

2480 Limitation to school bus idling and idling at schools

CODE OF REGULATIONS, TITLE 24

101.1-703.1 Green building standards

Management Resources:

CSBA PUBLICATIONS

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CALIFORNIA DEPARTMENT OF GENERAL SERVICES PUBLICATIONS

Environmentally Preferable Purchasing Best Practices Manual

CALIFORNIA AIR RESOURCES BOARD PUBLICATIONS

School Bus Fleet Webinar, April 20, 2018

COLLABORATIVE FOR HIGH PERFORMING SCHOOLS PUBLICATIONS

CHPS Best Practices Manual, 2006

GLOBAL GREEN USA PUBLICATIONS

Healthier, Wealthier, Wiser: A Report on National Green Schools

GREEN SCHOOLS INITIATIVE PUBLICATIONS

Green Schools Buying Guide

Management Resources continued: (see next page)

GREEN SCHOOL OPERATIONS (continued)

Management Resources (continued):

HEALTHY SCHOOLS CAMPAIGN PUBLICATIONS

The Quick and Easy Guide to Green Cleaning in Schools, 2nd ed., 2008

WEB SITES

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

California Air Resources Board: <http://www.arb.ca.gov>

California Department of General Services, Green California: <http://www.green.ca.gov>

California Energy Commission: <http://www.energy.ca.gov>

Collaborative for High Performance Schools: <http://www.chps.net>

Global Green USA: <http://www.globalgreen.org>

Green Schools Initiative: <http://www.greenschools.net>

Healthy Schools Campaign: <http://www.healthyschoolscampaign.org/programs/gcs>

U.S. Environmental Protection Agency: <http://www.epa.gov>

U.S. Green Building Council, LEED Green Building Rating System: <http://www.usgbc.org>

Board Policy

Business and Noninstructional Operations

BP 3511(a)

ENERGY AND WATER MANAGEMENT

The Governing Board recognizes the importance of minimizing the district's use of natural resources, providing a high-quality environment that promotes health and productivity, and effectively managing the district's fiscal resources. **environmental and financial benefits that can be derived from conserving energy, water, and other natural resources, preparing for extreme weather and other natural events, and providing an environment that promotes the health and well-being of students and staff.** ~~To that end,~~ **To support district goals for energy and water management,** the Superintendent or designee shall develop a resource management program which **may** include strategies for implementing effective and sustainable resource **use** practices, exploring **the use of** renewable and clean energy technologies **and/or sources**, reducing energy and water consumption, **minimizing utility costs, reducing the amount of waste of consumable materials, encouraging recycling and green procurement practices,** and promoting conservation principles **in the educational program.**

(cf. 0200 - Goals for the School District)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3510 - Green School Operations)

(cf. 3511.1 - Integrated Waste Management)

(cf. 3512 - Equipment)

(cf. 6142.5 - Environmental Education)

The Superintendent or designee may solicit input from staff, students, and parents/guardians ~~about~~ **regarding** the district's **resource management** program. The Superintendent or designee shall provide staff and students with training and guidance on best practices to achieve the district's goals, ~~such as~~ **and may establish** a reward program to recognize outstanding accomplishments.

(cf. 1150 - Commendation and Awards)

The Superintendent or designee shall regularly inspect district facilities, **monitor** and operations, and make recommendations for maintenance and ~~capital expenditures~~ **repairs** which may help the district reach its conservation and management goals **and improve efficiency.**

(cf. 7110 - Facilities Master Plan)

(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall make every effort to identify funding opportunities and cost-reducing incentive programs to help the district achieve its conservation and management goals. **The district may coordinate with other local or regional entities to capitalize on their expertise and maximize the efficient use of resources, such as through joint or shared use agreements.**

ENERGY AND WATER MANAGEMENT (continued)*(cf. 1330.1 - Joint Use Agreements)**(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

The Superintendent or designee shall ~~periodically~~ **regularly** report to the Board on the district's progress in meeting its conservation and **resource** management goals.

Storm Water Management

~~The Board desires to ensure that, to~~ **To** the maximum extent practicable, the district **shall** reduce the discharge of pollutants into the water system in order to minimize the threat to water quality from storm water runoff. ~~When the district has been designated by the State Water Resources Control Board or a regional water quality control board, the~~

The Superintendent or designee shall ensure that the district complies with **storm water discharge standards specified by any** applicable General Permit **requirements** **coverage** required by law, including all requirements of the Construction General Permit issued by the State Water Resources Control Board **for any project that disturbs one acre or more of soil. (40 CFR 122.34)**

*(cf. 3514 - Environmental Safety)**(cf. 3514.1 - Hazardous Substances)**(cf. 3514.2 - Integrated Pest Management)*

The Superintendent or designee shall develop a storm water management **plan that complies with the provisions of the applicable permit** and shall submit the plan and a resolution authorizing the implementation of the plan to the Board for approval. The district's plan shall **and** describes best management practices, **design strategies**, measurable goals, and timetables for implementation. ~~in the following areas: and shall submit t~~ **The plan and a resolution authorizing the its implementation of the plan shall be submitted** to the Board for approval. **(40 CFR 122.34)**

1. ~~Public education and outreach on storm water impacts~~
2. ~~Public participation, such as participation in adoption and implementation of the plan~~
3. ~~Illicit discharge detection and elimination, such as maps and programs to detect and eliminate illicit non-storm water discharges~~
4. ~~Construction site storm water runoff control, such as reviewing construction plans, inspecting sites, and tracking construction site runoff, as well as erosion and sediment controls~~
5. ~~Post-construction storm water management, such as developing design standards for preventing runoff and verifying proper maintenance and operation of control procedures~~

ENERGY AND WATER MANAGEMENT (continued)

6. ~~Pollution prevention and good housekeeping, such as evaluating waste disposal, material storage, and equipment cleaning procedures and spill prevention, including at bus maintenance facilities~~

For all projects, the district shall comply with any city or county ordinance that regulates drainage improvements and conditions. (Government Code 53097)

~~The Superintendent or designee shall regularly report to the Board on the status of the district's implementation efforts.~~

Emergency Interruption of Services

The Superintendent or designee shall develop a plan **to minimize disruption to the educational program** ~~describing actions to be taken~~ in the event of power outages or other emergency interruption of utility services, ~~both during and after school operations~~. The plan shall ~~address~~ **include actions to be taken** ~~procedures to help ensure~~ **facilitate** student and staff safety, administrative control of operations, protection of equipment, effective communications, and coordination with local fire, police, and emergency personnel and utility service providers.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.5 - Emergency Schedules)

Legal Reference: (see next page)

ENERGY AND WATER MANAGEMENT (continued)*Legal Reference:*EDUCATION CODE**17213.1 School sites****17280 Construction of school buildings****35275 Coordination of new facilities with recreation and park authorities**

41422 School term or session length, failure to comply due to disaster

46392 Emergency conditions; ADA estimate

GOVERNMENT CODE**53097 Local agencies**PUBLIC RESOURCES CODE

25410-25421 Energy conservation assistance

WATER CODE**189.3 Recommendations for best design and use practices****13383 Compliance with the federal Water Pollution Control Act**

13383.5 Storm water discharge monitoring requirements

CODE OF REGULATIONS, TITLE 23**490-495 Model Water Efficient Landscape Ordinance**

2200 Discharge permit fees

UNITED STATES CODE, TITLE 33

1342 National pollutant discharge elimination system

CODE OF FEDERAL REGULATIONS, TITLE 40

122.1-122.64 National pollutant discharge elimination system

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES PUBLICATIONS**0118.01 California's Energy Challenge****0706.90 Water Conservation Advisory, 90-09****Guidance for Stormwater and Dry Weather Runoff CAPTURE (California Practices to Use Runoff Effectively) at Schools, December 2018****A Blueprint for Environmental Literacy: Educating Every Student In, About, and For the Environment, 2015****0222.90 Average Daily Attendance Credit During Periods of Emergency, Management Advisory 90-01, rev. February 10, 2005**CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PUBLICATIONS**Guidance for Design and Construction of Vegetated Low Impact Development Projects, 2016**U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS**National Management Measures to Control Nonpoint Source Pollution from Urban Areas, 2005**WEB SITESCSBA: <http://www.csba.org>Alliance to Save Energy: <http://www.ase.org>California Department of Education, Facilities: <http://www.cde.ca.gov/lr/fa>**California Department of Water Resources: <https://water.ca.gov>****California Division of State Architect: <https://www.dgs.ca.gov/DSA>**California Energy Commission: <http://www.energy.ca.gov>California State Water Resources Control Board: <http://www.swrcb.ca.gov>**California Stormwater Quality Association: <https://www.casqa.org/resources>****Collaborative for High Performance Schools (CHPS): <https://chps.net>****Green School Yards America: <http://www.greenschoolyards.org>****U.S. Environmental Protection Agency: <http://www.epa.gov>**

(3/01 7/07) 5/19

Policy Reference UPDATE Service

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Administrative Regulation

Business and Noninstructional Operations

AR 3511(a)

ENERGY AND WATER MANAGEMENT

Resource Management Program

In the development of the district's **energy and water** resource management program, the Superintendent or designee shall analyze ~~and review~~ the **efficiency and environmental impact of, and consider strategies for improving, the following district systems:**

1. **L**ighting;
2. **H**eating, ventilation, and air conditioning **systems**;
3. **W**ater heaters;
4. **E**lectrical equipment and appliances;
5. **W**ater use and irrigation, **including drains, faucets, and pipes**
6. **Grounds management** ~~and solid waste and recycling systems~~

(cf. 7111 - Evaluating Existing Buildings)

~~The following district operations shall be incorporated into~~ **In addition, the district's resource management program may include strategies to address the following:**

1. Educational programs **that focus on environmental literacy and incorporate the Next Generation Science Standards**

(cf. 6142.5 - Environmental Education)

(cf. 6142.93 - Science Instruction)

2. **Outdoor student facilities that are environmentally sustainable and include increased shaded areas to reduce playground temperatures**

(cf. 5141.7 - Sun Safety)

- ~~2.3.~~ Classroom and building management and maintenance

- ~~3.4.~~ Food services and ~~equipment maintenance~~ **food waste reduction**

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

- ~~4.5.~~ Landscaping **practices, including establishing drought-tolerant habitats**

ENERGY AND WATER MANAGEMENT (continued)

5.6. Transportation services and maintenance

(cf. 3540 - Transportation)

6.7. Inclusion of best practices for water management in new construction projects

(cf. 7110 - Facilities Master Plan)

7.8. Administrative operations that focus on cost reduction and conservation

(cf. 3400 - Management of District Assets/Accounts)

8. Use of facilities by outside groups

(cf. 1330 - Use of School Facilities)

(cf. 3512 - Equipment)

(cf. 7111 - Evaluating Existing Buildings)

9. Regular equipment maintenance and repair

(cf. 3512 - Equipment)

~~The Superintendent or designee may solicit input from staff, students, and parents/guardians about the district's program. The Superintendent or designee shall provide staff and students with training and guidance on best practices to achieve the district's goals, such as a reward program to recognize outstanding accomplishments.~~

Storm Water Management

The Superintendent or designee shall implement a storm water management plan that complies with applicable state and federal law and local ordinances. The plan shall include best practices designed to reduce waste, pollution, environmental degradation, and damage to school facilities and infrastructure by:

- 1. Incorporating water capture and filtration systems for storm water when necessary**
- 2. Emphasizing school practices and school design that reduce runoff and human pollutants, such as plastics, oils, grease, metals, and pesticides**
- 3. Preserving, creating, and enhancing natural areas and greenspace that aid in storm water and dry weather capture**
- 4. Minimizing impervious surface area and controlling runoff from impervious surfaces**

ENERGY AND WATER MANAGEMENT (continued)

5. Utilizing, when possible, soils that promote infiltration

6. Incorporating storm water design signage features and learning opportunities for public education

Emergency Interruption of Services

~~The Superintendent or designee shall develop a plan to address actions to be taken in the event of power outages or other emergency interruption of utility services, both during and after school operations. The plan shall address procedures to help ensure student and staff safety, administrative control of operations, protection of equipment, effective communications, and coordination with local fire, police, and utility service providers.~~ **The Superintendent or designee shall consult with local law enforcement, emergency personnel, and the county office of emergency services in the development of strategies to be implemented in the event of power outages or other emergency interruptions of utility services. The strategies shall prescribe a means of notifying appropriate agencies to ensure all utilities are properly restored after interruption.**

~~(cf. 0450 - Comprehensive Safety Plan)~~

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

~~(cf. 3516.5 - Emergency Schedules)~~

The Superintendent or designee shall reopen schools and return to normal instructional activities as soon as safe operations can be resumed. If any school will be closed for an extended period of time, the district shall make alternative arrangements for students and staff so as not to interrupt the educational program.

The Superintendent or designee shall communicate with staff, students, and parents/guardians regarding any interruption of educational services due to utility service outages, including any necessary alternative arrangements and the date or time that normal operations of the school are expected to resume.

~~(cf. 1100 - Communication with the Public)~~

~~(cf. 3516.5 - Emergency Schedules)~~

(3/01 7/07) 5/19

Administrative Regulation

Business and Noninstructional Operations

AR 3514(a)

ENVIRONMENTAL SAFETY

The Superintendent may designate and train one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of the coordinator(s) shall include, but are not limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

(cf. 3510 - Green School Operations)
(cf. 3511 - Energy and Water Management)
(cf. 3517 - Facilities Inspection)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 5142 - Safety)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7150 - Site Selection and Development)

Indoor Air Quality

In order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants, the ~~Superintendent or designee shall ensure that the~~ following strategies ~~are~~ **shall be** implemented:

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

(cf. 3580 - District Records)

Staff shall ensure that airflow is not obstructed by the blocking of ventilators with posters, furniture, books, or other obstacles.

2. School facilities shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew **and prevent accidents due to unsafe conditions**. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.

ENVIRONMENTAL SAFETY (continued)

3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.
4. Least toxic pest management practices shall be used to control and manage pests at school sites. (Education Code 17608-17614; Food and Agriculture Code 13182)

(cf. 3514.2 - Integrated Pest Management)

5. ~~The Superintendent or designee shall install a~~ **A** carbon monoxide detector or alarm **shall be installed** in all school buildings that contain a fuel-burning appliance, fireplace, or forced-air furnace, **unless otherwise exempted by state law or regulations**. The device or alarm shall be located in close proximity to the appliance in order to accurately detect and alert school personnel of any leakage of carbon monoxide. (24 CCR 915.1-915.7)
6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

(cf. 5141.23 - Asthma Management)

7. Painting of school facilities and maintenance or repair activities that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.
8. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.

(cf. 3514.1 - Hazardous Substances)

9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in locations that are well ventilated and not frequented by students and staff.
10. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

(cf. 3513.3 - Tobacco-Free Schools)

11. Staff and students shall be asked to refrain from bringing common irritants such as furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or air fresheners and from using perfume or cologne, scented lotion or hair

ENVIRONMENTAL SAFETY (continued)

spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free in classrooms, **school buses**, or other enclosed areas or buildings.

(cf. 6163.2 - Animals at School)

Outdoor Air Quality

The Superintendent or designee may **coordinate with the local air resources control board and** monitor local health advisories and outdoor air quality alerts, ~~including to obtain~~ forecasts of ozone levels, particle pollution, ultraviolet radiation levels, and/or temperature and humidity.

Whenever ~~these measures~~ **a forecast** indicates a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly susceptible to the health risk involved.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.5 - Emergency Schedules)

(cf. 5141.7 - Sun Safety)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Reduction of Vehicle Emissions

In order to reduce public exposure to toxic air contaminants, school bus drivers and other drivers of commercial motor vehicles shall limit unnecessary idling of vehicles at or near schools in accordance with 13 CCR 2480. The Superintendent or designee may also request parents/guardians to turn off their vehicles when they are idling on school grounds and encourage students to walk and/or bicycle to school.

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 3542 - School Bus Drivers)

(cf. 5142.2 - Safe Routes to School Program)

Any **school bus that is** diesel-fueled, dual-fueled, or alternative diesel-fueled **school bus with and has** a gross vehicle weight rating over 14,000 pounds shall be equipped with a particulate filter designed to reduce particulate matter emissions, oxides of nitrogen emissions, and other pollutants. (13 CCR 2025)

Drinking Water Safety

ENVIRONMENTAL SAFETY (continued)

The quality and safety of the district's drinking water sources shall be regularly assessed, and drinking fountains shall be regularly cleaned and maintained, to ~~avoid the presence of~~ **ensure that drinking water consumed at school does not contain** dirt, mold, **lead**, or other impurities or **contaminants that may cause serious** health concerns.

Whenever any contaminants in the drinking water are determined to be a concern, the Superintendent or designee shall take reasonable steps to identify the source and mitigate ~~the concern~~ **any potential problem** to ensure the availability of safe drinking water. As needed, the Superintendent or designee shall provide alternative sources of drinking water, such as bottled water **or on-site water filtration**, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day.

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

Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards, the Superintendent or designee shall notify parents/guardians and take immediate steps to **shut down and** make inoperable any fountains or faucets where excess lead levels may exist. ~~(Health and Safety Code 116277)~~

Prevention of Lead Exposure

In addition to ~~keeping school facilities as dust-free and clean as possible~~ **testing for the presence of lead in drinking water in district schools**, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. **School facilities shall be kept as dust-free and clean as possible.**
2. Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)
- 2.3. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.
- 3.4. Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.

ENVIRONMENTAL SAFETY (continued)

4.5. Soil with low lead content may be covered with grass, other plantings, concrete, or asphalt. For soil with high lead content, removal and abatement are required.

~~5. Drinking water shall be regularly tested for lead and remediated as provided in the section "Drinking Water" above.~~

Any action to abate existing lead hazards, ~~excluding containment or cleaning,~~ shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

The Superintendent or designee shall notify parent/guardians, teachers, and staff members if significant risk factors for lead exposure are found. (Education Code 32243)

Prevention of Mercury Exposure

The Superintendent or designee shall identify any **mercury-containing** products ~~containing mercury~~ that are present in district facilities and, to the extent possible, shall replace them with mercury-free alternatives.

Staff shall receive information about proper procedures to follow in the event of a mercury spill. Clean-up instructions, a clearly labeled kit with necessary clean-up supplies, and a list of local resources shall be readily accessible.

In the event of a spill, staff shall evacuate all students from the immediate area of the spill, ensure that any clothing or other items with mercury on them remain in the room, open windows to the outside, and close doors to other parts of the school. Staff who are trained in proper clean-up procedures may carefully clean a small spill. As needed for larger or difficult-to-clean spills, the Superintendent or designee shall use an experienced professional referred by the local health department or environmental agency.

Any products containing mercury shall be properly disposed at an appropriate hazardous waste collection facility.

Asbestos Management

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement are implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, training on the health effects of asbestos; detection, identification, and assessment of asbestos-containing **building** materials; options for controlling asbestos-containing building materials; asbestos management programs; and relevant federal and state regulations. (40 CFR 763.84)

(cf. 4231 - Staff Development)

ENVIRONMENTAL SAFETY (continued)

(cf. 4331 - Staff Development)

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing **building** materials as necessary in accordance with the following:
 - a. Any school building that is leased, acquired, or otherwise used by the district shall be inspected for asbestos-containing **building** materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)
 - b. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)
 - c. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)
2. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)
3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours. Parent/guardian, teacher, and employee organizations shall be annually informed of the availability of these plans. (40 CFR 763.84, 763.93)

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

(cf. 5145.6 - Parental Notifications)

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic

ENVIRONMENTAL SAFETY (continued)

- re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)
5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. (Education Code 49410.5; 40 CFR 763.84, **763.90**)
- Asbestos inspection and abatement work, preparation of a management plan, and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)
6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)
- All district maintenance and custodial staff who may work in a building that contains asbestos-containing **building** materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing **building** materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40 CFR 763.84, 763.92)
7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)
8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

(8/13 5/18) 5/19

Board Policy

Business and Noninstructional Operations

BP 3540(a)

TRANSPORTATION

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance, and reduce tardiness. **In determining t**~~The extent to which the district will provides for transportation services, the Board shall weigh shall depend upon student and community needs and against the cost of providing such services a continuing assessment of financial resources.~~

(cf. 3100 - Budget)

~~*(cf. 3250 - Transportation Fees)*~~

(cf. 3541 - Transportation Routes and Services)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5116.1 - Intradistrict Open Enrollment)

~~*(cf. 5117 - Interdistrict Agreements Attendance)*~~

(cf. 6178.2 - Regional Occupational Center/Program)

The Superintendent or designee shall recommend to the Board ~~the most~~ economical, **environmentally sustainable**, and appropriate means of providing transportation services.

(cf. 3510 - Green School Operations)

~~To provide transportation services, the Governing~~ **The Board may purchase, rent, or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 39800, 39801)**

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802-39803)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

In lieu of providing transportation in whole or in part, the district may pay the student's parents/guardians either their actual and necessary expenses in transporting the student or the cost of the student's food and lodging at a place convenient to the school. In either case, the amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

The Board may charge a transportation fee to parents/guardians of transported students in accordance with Education Code 39807.5 and BP/AR 3250 - Transportation Fees.

TRANSPORTATION (continued)

(cf. 3250 - Transportation Fees)

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student **pursuant to —(Education Code 35350) or the evacuation of students as necessary for their safety.**

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

(cf. 3543 - Transportation Safety and Emergencies)
(cf. 5131.1 - Bus Conduct)

The district may install a global positioning system (GPS) on school buses and/or student activity buses in order to enhance student safety and provide real-time location data to district and school administrators and parents/guardians.

The Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the district, provide for the maintenance and operation of district-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

(cf. 3542 - School Bus Drivers)

Legal Reference: (see next page)

TRANSPORTATION (continued)

Legal Reference:

EDUCATION CODE

35330 *Excursions and field trips*

35350 *Authority to transport pupils*

39800-39860 *Transportation, especially:*

39800 *Powers of governing board to provide transportation for pupils to and from school; definition of "municipally owned transit system"*

39801 *Contract with County Superintendent of Schools to provide transportation*

39802-39803 *Bids and contracts for transportation services*

39806 *Payments to parents in lieu of transportation*

39807 *Food and lodging payments in lieu of transportation*

39807.5 *Transportation fees*

39808 *District transportation of private school students*

41850-41854 *Allowances for transportation*

41860-41862 *Supplemental allowances for transportation*

45125.1 *Criminal background checks for contractors*

52311 *Regional occupational centers, transportation*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

PENAL CODE

637.7 *Electronic tracking devices*

VEHICLE CODE

2807 *School bus inspection*

CODE OF REGULATIONS, TITLE 5

14100-14103 *Use of school buses and school pupil activity buses*

15240-15343 *Allowances for student transportation, especially:*

15253-15272 *District records related to transportation*

VEHICLE CODE

2807 *School bus inspection*

CODE OF REGULATIONS, TITLE 13

2025 *Retrofitting of diesel school buses*

COURT DECISIONS

Arcadia Unified School District et. al. v. State Department of Education, 2 Cal. 4th 251 (1992)

(6/92 10/97) 5/19

Board Policy

All Personnel

BP 4119.22(a)

4219.22

DRESS AND GROOMING

4319.22

The Governing Board believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 0415 - Equity)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4112.21/4212.21/4312.21 - Professional Standards)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

~~*(cf. 5132 - Dress and Grooming)*~~

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

In addition, the district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Legal Reference: (see next page)

DRESS AND GROOMING (continued)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

3543.2 Scope of representation

12926 Definitions

12940 Unfair employment practices

12949 Dress standards, consistency with gender identity

COURT DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100

East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856

Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Santa Ana Unified School District (1998) 22 PERC P29, 136

Inglewood Unified School District (1985) 10 PERC P17, 000

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

Transgender Rights in the Workplace

WEB SITES

California Department of Fair Employment and Housing: <https://www.dfeh.ca.gov>

Public Employment Relations Board: <http://www.perb.ca.gov>

(9/91 7/04) 5/19

Administrative Regulation

Students

AR 5132(a)

DRESS AND GROOMING

In cooperation with teachers, students, and parents/guardians, the principal or designee **shall may** establish school rules governing student dress and grooming which are consistent with law, **Governing** Board policy, and administrative regulations. These school dress codes shall be regularly reviewed.

(cf. 0420 - School Plans/Site Councils)

~~Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)~~

~~In addition,~~ The following guidelines shall apply to all regular school activities:

- ~~1. Shoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.~~
- ~~2.1. Clothing, jewelry, and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures, or any other insignia which are is crude, vulgar, lewd, obscene, profane, or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which or which promotes the use of alcohol, drugs, tobacco, or other illegal activity. advocate racial, ethnic or religious prejudice.~~
- ~~1.2. Appropriate sShoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.~~
3. Hats, caps, and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off the shoulder or low cut tops, and bare abdomens midriffs, and skirts or shorts shorter than mid-thigh are prohibited.
- ~~5. Gym shorts may not be worn in classes other than physical education.~~
- ~~6. Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.~~

The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the principal or designee. ~~Coaches and teachers~~ In addition, the principal or designee may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes special school activities, physical education classes, athletic activities, and other extracurricular and cocurricular activities.

DRESS AND GROOMING (continued)

(cf. 3260 - Fees and Charges)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

(cf. 5121 - Grades/Evaluation of Student Achievement)

~~The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.~~

~~Each school shall allow s~~Students **shall be allowed** to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

(cf. 5141.7 - Sun Safety)

Gang-Related Apparel

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff, and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received. **As necessary, the school shall collaborate with law enforcement agencies to update definitions of gang-related apparel.**

(10/96 11/01) 5/19

Board Policy

Instruction

BP 6142.6(a)

VISUAL AND PERFORMING ARTS EDUCATION

The Governing Board believes that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. The district's arts education program shall ~~provide opportunities for creation, performance, and appreciation of the arts~~ **be designed to foster students' artistic competencies, cultivate students' appreciation and understanding of the arts in ways that are enjoyable, fulfilling, and transferable to students' personal, academic, and professional endeavors, and support students to fully engage in lifelong arts learning.**

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

The Board shall adopt academic standards for dance, **media arts**, music, theatre, and visual arts that **lead to artistic literacy and promote access and equity in the arts. District standards shall** describe the skills, knowledge, and abilities that students ~~shall be~~ **are** expected to possess at each grade level ~~and. The district's standards~~ shall meet or exceed state standards ~~for each of these disciplines.~~

(cf. 0415 - Equity)

(cf. 6011 - Academic Standards)

The Superintendent or designee shall develop a sequential curriculum for dance, **media arts**, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the ~~following strands~~ **following artistic processes**:

1. ~~Artistic perception: processing, analyzing, and responding to sensory information through the use of language and skills unique to each arts discipline~~
2. ~~Creative expression: composing, arranging, and performing a work and using a variety of means to communicate meaning and intent in one's own original works~~
3. ~~Historical and cultural context: understanding the historical contributions and cultural dimensions of an arts discipline~~
4. ~~Aesthetic valuing: analyzing and critically assessing works of dance, music, theatre, and visual arts~~
5. ~~Connections, relationships, and applications: connecting, comparing, and applying what is learned in one arts discipline to learning in the other arts, other subject areas, and careers~~

1. **Creating: conceiving and developing new artistic ideas and work**

VISUAL AND PERFORMING ARTS EDUCATION (continued)

- 2. Performing/producing/presenting: realizing artistic ideas and work through interpretation and presentation**
- 3. Responding: understanding and evaluating how the arts convey meaning**
- 4. Connecting: relating artistic ideas and work with personal meaning and external content**

(cf. 6141 - Curriculum Development and Evaluation)

The Board shall adopt standards-based instructional materials for visual and performing arts ~~in accordance with applicable law, Board policy, and administrative regulation,~~ which may incorporate a variety of media and technologies.

(cf. ~~0400~~ 0440 - District Technology Plan)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6163.1 - Library Media Centers)

As appropriate, the Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement ~~adopted instructional materials~~ **the district's arts education program**.

(cf. 4131 - Staff Development)

The Superintendent or designee shall encourage the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical performances, observe the works of accomplished artists, and work directly with artists-in-residence and volunteers. In addition, the Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

(cf. 1230 - School-Connected Organizations)
(cf. 1240 - Volunteer Assistance)
(cf. 1260 - Educational Foundation)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 3290 - Gifts, Grants and Bequests)
(cf. 6020 - Parent Involvement)
(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall regularly evaluate the implementation of **the district's arts education program** at each grade level and report to the Board regarding its effectiveness in enabling students to meet academic standards.

VISUAL AND PERFORMING ARTS EDUCATION (continued)

(cf. 0500 - Accountability)
(cf. 6162.5 - Student Assessment)

Legal Reference:

EDUCATION CODE

8950-8957 California summer school **for of** the arts
32060-32066 Toxic art supplies
35330-35332 Field trips
51210 Course of study, grades 1-6
51220 Course of study, grades 7-12
51225.3 Graduation requirements
58800-58805 Specialized secondary programs
60200-6021**03** Instructional materials, elementary schools
60400-60411 Instructional materials, high schools
99200-9920**64** Subject matter projects

Management Resources:

CALIFORNIA ALLIANCE FOR ARTS EDUCATION PUBLICATIONS

Parents' Guide to the Visual and Performing Arts in California Public Schools

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Arts Framework for Public Schools, Kindergarten through Grade Twelve

California Arts Standards for Public Schools, Prekindergarten through Grade Twelve, January 2019

~~*Visual and Performing Arts Framework for California Public Schools: Kindergarten through Grade Twelve, 2004*~~

~~*Visual and Performing Arts Content Standards, January 2001*~~

~~*Arts Education Program Toolkit: A Visual and Performing Arts Program Assessment Process, 2001*~~

WEB SITES:

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

Arts Education Partnership: <http://aep-arts.org>

California Alliance for Arts Education: <http://www.artsed411.org>

California Arts Council: <http://www.cac.ca.gov>

California Art Education Association: <http://www.caea-arteducation.org>

California Association for Music Education: <http://www.actaonline.org/content/california-association-music-education>

California Dance Education Association: <http://www.cdeadance.org>

California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>

California Educational Theatre Association: <http://www.cetoweb.org>

California Music Educators Association: <http://www.calmusiced.com>

The California Arts Project: <http://csmp.ucop.edu/tcap>

(11/07 12/13) 5/19

Policy Reference UPDATE Service

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Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0460(a)

LOCAL CONTROL AND ACCOUNTABILITY PLAN

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0415 - Equity)

The Board shall adopt a districtwide local control and accountability plan (LCAP), based on the template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and two subsequent fiscal years. (Education Code 52060, 52064; 5 CCR 15494-15497)

(cf. 3100 - Budget)

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth, as defined in Education Code 42238.01 for purposes of the local control funding formula (LCFF). (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup or at least 15 foster youth or homeless students. (Education Code 52052)

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

(cf. 6173 - Education for Homeless Children)

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

(cf. 0420 - School Plans/Site Councils)

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

(cf. 0400 - Comprehensive Plans)

(cf. 0440 - District Technology Plan)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5030 - Student Wellness)

(cf. 6171 - Title I Programs)

(cf. 7110 - Facilities Master Plan)

As part of the LCAP adoption and annual update to the LCAP, the Board shall separately adopt an LCFF budget overview for parents/guardians, based on the template developed by the SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

(cf. 1220 - Citizen Advisory Committees)

(cf. 4140/4240/4340 - Bargaining Units)

(cf. 6020 - Parent Involvement)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Public Review and Input

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students as defined above. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners to review and comment on the LCAP. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

(cf. 0430 - Comprehensive Local Plan for Special Education)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 9320 - Meetings and Notices)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Adoption of the Plan

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

Submission of Plan to County Superintendent of Schools

Not later than five days after adoption of the LCAP, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

If the County Superintendent does not approve the district's LCAP, the Board shall accept technical assistance from the County Superintendent focused on revising the plan so that it can be approved. (Education Code 52071)

Monitoring Progress

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

The Superintendent or designee shall seek and/or accept technical assistance or other intervention that may be required pursuant to Education Code 52071 or 52072 when a school or a numerically significant student subgroup is not making sufficient progress toward the goals in the LCAP.

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

(cf. 0500 - Accountability)

Technical Assistance/Intervention

At its discretion, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in identifying district strengths and weaknesses in regard to state priorities, which includes the review of performance data on the state and local indicators included in the Dashboard and other relevant local data, and in identifying effective, evidence-based programs or practices that address any areas of weakness.
2. Assistance from an academic, programmatic, or fiscal expert, or team of experts, in identifying and implementing effective programs and practices that are designed to improve performance in any identified areas of weakness. The district may engage other service providers, including, but not limited to, other school districts, county offices of education, or charter schools, to provide such assistance.

In the event that the County Superintendent requires the district to receive technical assistance based on one or more numerically significant student subgroups meeting the criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent, or another service provider at district expense, and shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071)

If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)

If the SPI identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072)

1. Revision of the district's LCAP
2. Revision of the district's budget in accordance with changes in the LCAP
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Legal Reference:

EDUCATION CODE

305-306 English language education

17002 State School Building Lease-Purchase Law, including definition of good repair

33430-33436 Learning Communities for School Success Program; grants for LCAP implementation

41020 Audits

41320-41322 Emergency apportionments

42127 Public hearing on budget adoption

42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

47604.33 Submission of reports by charter schools

47606.5 Charter schools, local control and accountability plan

48985 Parental notices in languages other than English

51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

52302 Regional occupational centers and programs

52372.5 Linked learning program

54692 Partnership academies

60119 Sufficiency of textbooks and instructional materials; hearing and resolution

60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission

64001 School plan for student achievement

99300-99301 Early Assessment Program

WELFARE AND INSTITUTIONS CODE

300 Dependent child of the court

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

15494-15497 Local control and accountability plan and spending requirements

UNITED STATES CODE, TITLE 20

6311 State plan

6312 Local educational agency plan

6826 Title III funds, local plans

Management Resources:

CSBA PUBLICATIONS

The California School Dashboard and Small Districts, October 2018

Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016

LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

California School Dashboard

LCFF Frequently Asked Questions

Local Control and Accountability Plan and Annual Update (LCAP) Template

Family Engagement Framework: A Tool for California School Districts, 2014

California Career Technical Education Model Curriculum Standards, 2013

California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

California Common Core State Standards: Mathematics, rev. 2013

California English Language Development Standards, 2012

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Management Resources (continued):

WEB SITES

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

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

California School Dashboard: <http://www.caschooldashboard.org>

(10/17 12/18) 10/19

Policy Reference UPDATE Service

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Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0460(a)

LOCAL CONTROL AND ACCOUNTABILITY PLAN

Goals and Actions Addressing State and Local Priorities

The district's local control and accountability plan (LCAP) and annual updates shall include, for the district and each district school: (Education Code 52060)

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. The LCAP shall identify goals for each of the following state priorities:

- a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517 - Facilities Inspection)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

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

- b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

(cf. 6011 - Academic Standards)

(cf. 6174 - Education for English Learners)

- c. Parent/guardian involvement and family engagement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy, and students with disabilities

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6020 - Parent Involvement)

(cf. 6173.1 - Education for Foster Youth)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

d. Student achievement, as measured by all of the following as applicable:

- (1) Statewide assessments of student achievement
- (2) The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University; ~~or~~ **have successfully completed** career technical education (CTE) sequences or programs of study that align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692; **and have successfully completed both college entrance courses and CTE sequences or programs**
- (3) The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency
- (4) The English learner reclassification rate
- (5) The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher
- (6) The percentage of students who demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301

(cf. 0500 - Accountability)

(cf. 6141.5 - Advanced Placement)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6178 - Career Technical Education)

e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5147 - Dropout Prevention)

(cf. 6146.1 - High School Graduation Requirements)

f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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

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

- g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03

(cf. 6143 - Courses of Study)

(cf. 6159 - Individualized Education Program)

- h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220, as applicable

- 2. Any goals identified for any local priorities established by the Board.

(cf. 0200 - Goals for the School District)

- 3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

For purposes of the descriptions required by items #1-3 above, the Board may consider qualitative information, including, but not limited to, findings that result from any school quality review conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the Board and Superintendent or designee shall identify and include in the LCAP the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on the California School Dashboard. (Education Code 52060)

Increase or Improvement in Services for Unduplicated Students

The LCAP shall demonstrate how the district will increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. (5 CCR 15494-15496)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

When the district expends supplemental and/or concentration grant funds on a districtwide or schoolwide basis during the year for which the LCAP is adopted, the district's LCAP shall: (5 CCR 15496)

1. Identify those services that are being funded and provided on a districtwide or schoolwide basis
2. Describe how such services are principally directed towards, and are effective in, meeting the district's goals for unduplicated students in the state priority areas and any local priority areas
3. If the enrollment of unduplicated students is less than 55 percent of district enrollment or less than 40 percent of school enrollment, describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated students in the state priority areas and any local priority areas. The description shall provide the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experiences, or educational theory.

Availability of the Plan

The Superintendent or designee shall prominently post the LCAP, any updates or revisions to the LCAP, and the LCFF budget overview for parents/guardians on the homepage of the district's web site. (Education Code 52064.1, 52065)

(cf. 1113 - District and School Web Sites)

(10/17 12/18) 10/19

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520(a)

INTERVENTION FOR UNDERPERFORMING SCHOOLS

The Governing Board desires that all district schools provide a high-quality educational program that maximizes the achievement of each district student. The district shall provide assistance to schools to support the continuous improvement of student performance within the priorities identified in the district's local control and accountability plan (LCAP) and to enhance the achievement of low-performing student subgroups.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 0500 - Accountability)

At its discretion, the Board may submit a request to the County Superintendent of Schools for technical assistance regarding the following: (Education Code 52071)

1. Identifying the district's strengths and weaknesses in regard to state priorities addressed in the LCAP, including collaboration between the district and County Superintendent to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness
2. Securing assistance from an academic, programmatic, or fiscal expert, or team of experts, to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the district

In the event that the County Superintendent requires the district to receive technical assistance based on a determination that one or more numerically significant student subgroups in a district school meet the performance criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent and shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071)

With the approval of the County Superintendent, the district may, at its own expense, engage another service provider, including, but not limited to, another school district, the county office of education, or a charter school, to act as a partner to the district in filling the district's need for technical assistance. (Education Code 52071)

If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)

INTERVENTION FOR UNDERPERFORMING SCHOOLS

If the SPI identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072)

1. Revision of the district's LCAP
2. Revision of the district's budget, in conjunction with changes in the LCAP, that would allow the district to improve the outcomes for all student subgroups in regard to state and local priorities
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

In addition, any school identified by the California Department of Education for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement shall develop and implement a school plan in accordance with 20 USC 6311. Such schools may be required to partner with an external entity, agency, or individual with demonstrated expertise and capacity to identify and implement more rigorous interventions.

(cf. 0420 - School Plans/Site Councils)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

60640-60649 California Assessment of Student Performance and Progress

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: *Using Evidence to Strengthen Education Investments*, 2016

WEB SITES

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

California School Dashboard: <http://www.caschooldashboard.org>

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

Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.1(a)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT

The Governing Board is committed to enabling all district students to meet state academic achievement standards. The district shall provide support and assistance to increase student achievement in all district schools, especially any school that has been identified by the California Department of Education (CDE) as in need of comprehensive support and improvement (CSI), targeted support and improvement (TSI), or additional targeted support and improvement (ATSI).

(cf. 0500 - Accountability)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 6011 - Academic Standards)

(cf. 6171 - Title I Programs)

When any school is identified for CSI, TSI, or ATSI, the Superintendent or designee shall notify the school community, including the principal, teachers, and parent/guardians of students of the school, of the identification and, if applicable, shall inform the school of the student subgroup(s) which are consistently underperforming at the school.

School Plan

Upon receiving notification from CDE that a district school has been identified as eligible for CSI, TSI, or ATSI, the district shall, in partnership with principals, other school leaders, teachers, and parents/guardians, develop and implement a plan to improve student outcomes at the school. The plan shall: (20 USC 6311)

1. Be based on all state indicators in the California School Dashboard, including student performance against state-determined long-term goals, except that any school subject to the state's Dashboard Alternative School Status that has fewer than 100 students may focus on the state indicators that are more applicable to the nature of its program
2. Be based on a school-level needs assessment
3. Include evidence-based interventions
4. If the school is identified for CSI or ATSI, identify resource inequities, which may include a review of district and school-level budgets, to be addressed through implementation of the plan

(cf. 0400 - Comprehensive Plans)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

The school plan for student achievement developed pursuant to Education Code 64001 may serve as the school improvement plan required for CSI, TSI, or ATSI, provided that the plan meets the requirements of 20 USC 6311. (Education Code 64001)

(cf. 0420 - School Plans/Site Councils)

The school improvement plan shall be submitted to the Board for approval. (20 USC 6311)

If any district school is identified for CSI, the district's local control and accountability plan shall include descriptions of how the district provides support to CSI school(s) in developing the CSI plan and how the district will monitor and evaluate the implementation and effectiveness of the CSI plan to support student and school improvement.

(cf. 0460 - Local Control and Accountability Plan)

Monitoring and Intervention

The Board and the Superintendent or designee shall regularly review the performance of each school identified for CSI, TSI, or ATSI.

After two years of implementing the school plan, if any such school has been unsuccessful in improving student outcomes to a level that exceeds initial eligibility criteria, the district shall identify the problem and take additional action as necessary.

If a school identified for CSI fails to improve student outcomes within four years to a level that exceeds the CSI eligibility criteria, it shall be subject to more rigorous interventions that include, but are not limited to, partnering with an external entity, agency, or individual with demonstrated expertise and capacity to:

- 1. Conduct a new needs assessment that focuses on systemic factors and conduct a root cause analysis that identifies gaps between current conditions and desired conditions in student performance and progress**
- 2. Use the results of the analysis along with stakeholder feedback to develop a new improvement plan that includes:**
 - a. A prioritized set of evidence-based interventions and strategies**
 - b. A program evaluation component with support to conduct ongoing performance and progress monitoring**

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, 2016

WEB SITES

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

California School Dashboard: <http://www.caschooldashboard.org>

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

Board Policy

Business and Noninstructional Operations

BP 3515(a)

CAMPUS SECURITY

The Governing Board is committed to providing a school environment that promotes the safety of students, ~~employees~~ **staff**, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.5 - Vandalism and Graffiti)
(cf. 5142 - Safety)

The Superintendent or designee shall develop campus security procedures, which ~~are consistent with the goals and objectives of~~ **may be included in** the district's comprehensive safety plan and/or site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

(cf. 0450 - Comprehensive Safety Plan)

Surveillance Systems

~~The Board believes that reasonable use of surveillance cameras will help the district achieve its goals for campus security.~~ In consultation with the **district's** safety planning committee, ~~and other~~ **relevant stakeholders, and** staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

(cf. 5131.1 - Bus Conduct)
(cf. 5145.12 - Search and Seizure)

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous **and targeted** locations ~~at affected~~ **around** school buildings and grounds. These signs shall ~~inform students, staff, and visitors that surveillance may occur and shall state whether the district's system is actively monitored by school personnel~~ **state that the facility uses video surveillance equipment for security purposes and that the equipment may or may not be actively monitored at any time.** The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur, ~~explaining~~ **and** that the recordings may be used in disciplinary proceedings, ~~and/or that matters captured by the camera may be~~ referred to local law enforcement, as appropriate.

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

CAMPUS SECURITY (continued)

To the extent that any images from the district's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

Legal Reference:

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act, especially:

17075.50 Classroom security locks, new construction projects

17583 Classroom security locks, modernization projects

32020 Access gates

32211 Threatened disruption or interference with classes

32280-~~32288~~ **32289** School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

38000-38005 Security ~~patrols~~ **departments**

49050-49051 Searches by school employees

49060-49079 Student records

PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626-~~626.10~~ **626.11** Disruption of schools

CALIFORNIA CODE OF REGULATIONS, TITLE 24

1010.1.9 Door operations

1010.1.11 Lockable doors from the inside

CALIFORNIA CONSTITUTION

Article I, Section 28(c) Right to Safe Schools

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.3 Definition of education records

COURT DECISIONS

Brannum v. Overton County School Board (2008) 516 F. 3d 489

New Jersey v. T.L.O. (1985) 469 U.S. 325

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2000)

75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, ~~1999~~ rev. 2005

CAMPUS SECURITY (continued)

Management Resources (continued):

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs on Photos and Videos under FERPA

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Protecting Student Privacy: <https://studentprivacy.ed.gov>

Administrative Regulation

Business and Noninstructional Operations

AR 3515(a)

CAMPUS SECURITY

The Superintendent or designee shall ~~ensure that the district's~~ **develop a** campus security plan **which contributes to a positive school climate, fosters social and emotional learning and student well-being, and** includes strategies to:

1. Secure the campus perimeter and school facilities in order to prevent criminal activity

These strategies include a risk management analysis of each campus' security system, lighting system, and fencing. Procedures to ensure unobstructed views and eliminate blind spots caused by doorways and landscaping shall also be considered. In addition, parking lot design may be studied, including methods to discourage through traffic.

2. Secure buildings **and interior spaces** from outsiders and discourage trespassing

These strategies may include **installing locks**, requiring visitor registration, **providing** staff and student identification tags, and patrolling ~~of~~ places used for congregating and loitering.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

(cf. 5112.5 - Open/Closed Campus)

3. Discourage vandalism and graffiti

These strategies may include plans to immediately cover graffiti ~~as well as~~ **and implement** campus beautification projects ~~and shall also include students and the community in these projects.~~

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5137 - Positive School Climate)

(cf. 6142.4 - Service Learning/Community Service Classes)

4. Control access to keys and other school inventory

(cf. 3440 - Inventories)

5. Detect and intervene with school crime

These strategies may include ~~the creation of~~ **creating** a school watch program, **increasing adult presence and supervision**, **establishing** an anonymous crime reporting system, ~~analysis of~~ **analyzing** school crime incidents, and **collaboration**

CAMPUS SECURITY (continued)

collaborating with local law enforcement agencies, including providing for law enforcement presence.

(cf. 3515.3 - District Police/Security Department)

(cf. 3515.7 - Firearms on School Grounds)

(cf. 3516.2 - Bomb Threats)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5116.2 - Involuntary Student Transfers)

(cf. 5131.2 - Bullying)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5141.52 - Suicide Prevention)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6164.2 - Guidance/Counseling Services)

All staff shall receive training in building and grounds security procedures **and emergency response**.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Locks

All state-funded new construction and modernization projects shall include locks that allow doors to classrooms and any room with an occupancy of five or more persons to be locked from the inside. Student restrooms and doors that lock from the outside at all times are not required to have locks that can be locked from the inside. (Education Code 17075.50, 17583; 24 CCR 1010.1.9, 1010.1.11)

Keys

All keys used in a school shall be the responsibility of the principal or designee. Keys shall be issued only to **those authorized** employees who regularly need a key in order to carry out **normal activities of their position** **their job responsibilities**.

The principal or designee shall create a key control system with a record of each key assigned and room(s) or building(s) which the key opens.

Keys ~~shall be used only by authorized employees and~~ shall never be loaned to students, **parents/guardians, or volunteers, nor shall the** The master key ~~shall not~~ **ever** be loaned.

CAMPUS SECURITY (continued)

The Any person issued a key shall be responsible for its safekeeping. The duplication of school keys is prohibited. If a key is lost, the person responsible shall immediately report the loss to the principal or designee and shall pay for a replacement key.

(6/96 3/07) 10/19

Board Policy

Certificated Personnel

BP 4116(a)

PROBATIONARY/PERMANENT STATUS

The Governing Board desires to employ and retain highly qualified certificated personnel to implement the district's educational program. Newly hired certificated personnel shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

Certificated employees who satisfactorily complete the probationary period shall be granted permanent status.

A probationary ~~teacher~~ employee who has been employed by the district in a position(s) ~~or positions~~ requiring certification for two complete consecutive school years and is then ~~rehired~~ **reelected** for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.21, 44929.23)

Probationary Status

During the probationary period, Probationary employees shall receive ~~training professional development and~~ assistance and ~~evaluations consistent with their needs as new teachers.~~ Such training and assistance which may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. Inservice training may be provided during school hours as part of a comprehensive staff development program.

(cf. 4131 - Staff Development)

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

(cf. 4115 - Evaluation/Supervision)

(cf. ~~4131 - Staff Development~~)

Dismissal/Nonreelection of Probationary Employees

During the school year, a probationary employee may be suspended or dismissed only for cause and in accordance with district procedures. (Education Code 44948.3)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

With proper notice, the Board may, without cause, elect not to reemploy a probationary employee for the subsequent year. (Education Code 44929.21, 44929.23)

PROBATIONARY/PERMANENT STATUS (continued)

(cf. 4117.3 - Personnel Reduction)

(cf. 4117.6 - Decision Not to Rehire)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall annually provide the Board with recommendations regarding the reelection or nonreelection of probationary certificated personnel for the ensuing school year.

At any time during a probationary employee's first year of employment in the district, the Board may give written notice to the employee of the Board's decision not to reelect the employee for a second school year. If the Board does not give written notice, the employee shall be deemed reelected for the next succeeding school year.

During the final year of the probationary period, the Board may decide not to reelect the employee for the following year, and shall so notify the employee in writing on or before March 15. If the Board does not give written notice on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (Education Code 44929.21, 44948.5)

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

Such notices shall be delivered through personal service upon the employee, certified mail with return receipt, email, or another method which documents actual receipt of the notice by the employee.

Permanent Status

Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal. (Education Code 44932-44988)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: (see next page)

PROBATIONARY/PERMANENT STATUS (continued)

Legal Reference:

EDUCATION CODE

44466 Status of university interns

44850.1 No tenure in administrative or supervisory position

44885.5 Status of district interns

44908 Complete year for probationary employees

44909 Classification of certificated employees in categorically funded projects

~~44911~~ 44910-44913 Service not computed in eligibility for permanent status

44915 Classification of probationary employees

44917-44921 Status of substitute or temporary employees

44929.20 Continuing contracts (not to exceed four years - ADA under 250)

44929.21 Districts of 250 ADA or more

44929.23 Districts with less than 250 ADA

44929.28 Employment by another district

44930-44988 Resignations, dismissals and leaves of absence, especially:

44948.2 Election to use provisions of Section 44948.3

44948.3 Dismissal of probationary employees

44948.5 Nonreelection procedures, districts under 250 ADA

44949 Cause, notice and right to hearing required for dismissal of probationary employee

44955 Reduction in number of permanent employees

COURT DECISIONS

Grace v. Beaumont Unified School District (2013) 216 Cal. App. 4th 1325

Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 203 Cal. App. 4th 1552

Sullivan v. Centinela Valley Union High School District (2011) 194 Cal. App. 4th 69

California Teachers Assn. v. Vallejo City Unified School District (2007) 149 Cal. App. 4th 135, 146

Hoschler v. Sacramento City Unified School District (2007) 149 Cal. App. 4th 258

Bakersfield Elementary Teachers Assn. v. Bakersfield City School District (2006) 145 Cal. App. 4th 1260, 1280

Fischer v. Los Angeles Unified School District (1999) 70 Cal. App. 4th 87

Bellflower Education Assn. v. Bellflower Unified School District (1991) 228 Cal. App. 3d 805

Fontana Teachers Assn. v. Fontana Unified School District (1988) 201 Cal. App. 3d 1517

Grimsley v. Board of Trustees (1987) 189 Cal. App. 3d 1440

(10/95 2/98) 10/19

Administrative Regulation

Certificated Personnel

AR 4116(a)

PROBATIONARY/PERMANENT STATUS

Permanent Status (Districts of 250 ADA or More)

A probationary teacher who has been employed by the district in a position or positions requiring certification for two complete consecutive school years and is then rehired for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.21)

Permanent Status (Districts with Less than 250 ADA)

OPTION 1: A probationary teacher who has been employed by the district in a position or positions requiring certification for two complete consecutive school years and is then rehired for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.23)

OPTION 2: A probationary teacher who has been employed by the district in a position or positions requiring certification for three complete consecutive school years and is then rehired for the next succeeding school year may become a permanent employee at the beginning of the fourth year. This grant of permanent status may only be made specifically by and at the discretion of the Board. (Education Code 44929.23)

OPTION 3: Permanent status shall not be granted to certificated district employees. (Education Code 44929.23)

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.6 - Decision Not to Rehire)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4121 - Temporary/Substitute Personnel)

Eligibility for Permanent Status

A probationary employee who, in any one school year, has served for at least 75 percent of the number of days maintained by regular district schools shall be deemed to have served a complete school year. (Education Code 44908)

The following shall not be included for purposes of computing the service required as a prerequisite to classification as a permanent employee:

1. Service as an instructor in classes conducted at regional occupational centers or programs (Education Code 44910)

PROBATIONARY/PERMANENT STATUS (continued)

- 2. Service under a provisional credential other than a one-year emergency credential (Education Code 44911)**
- 3. Service only as a teacher of basic military drill in high school cadet companies (Education Code 44912)**
- 4. Employment in summer school (Education Code 44913)**

Permanency Achieved in Other Districts

A person who has achieved permanent status as a certificated employee in another school district may be employed by the **Governing** Board as a permanent certificated employee. (Education Code 44929.28)

Interns

A person employed as a district or university intern shall be classified as a probationary employee. Following completion of the internship, if **he/she is** reelected by the district to serve in a position requiring certification qualifications for the next succeeding school year, **he/she the employee** shall continue to be classified as a probationary employee during that year. (Education Code 44466, 44885.5)

(cf. 4112.21 - Interns)

~~A person~~ **An employee** who has completed an internship and at least one complete school year in a position requiring certification qualifications within the district shall be granted permanent status when **he/she the employee** is reelected for the next succeeding school year to a position requiring certification qualifications. (Education Code 44466, 44885.5)

(10/95 2/98) 10/19

Board Policy

All Personnel

BP 4119.22(a)

4219.22

DRESS AND GROOMING

4319.22

The Governing Board believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 0415 - Equity)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4112.21/4212.21/4312.21 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

The district shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

In addition, the The district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

3543.2 Scope of representation

12926 Definitions

12940 Unfair employment practices

BP 4119.22(b)
4219.22
4319.22

DRESS AND GROOMING (continued)

Legal Reference (continued):

12949 *Dress standards, consistency with gender identity*

COURT DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100

East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856 838

Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Santa Ana Unified School District (1998) 22 PERC P29, 136

Inglewood Unified School District (1985) 10 PERC P17, 000

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

Transgender Rights in the Workplace

WEB SITES

California Department of Fair Employment and Housing: <https://www.dfeh.ca.gov>

Public Employment Relations Board: <http://www.perb.ca.gov>

(7/04 5/19) 10/19

Policy Reference UPDATE Service

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Board Policy

Classified Personnel

BP 4216(a)

PROBATIONARY/PERMANENT STATUS

~~Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed one year of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the district.~~

The Governing Board desires to employ and retain highly qualified classified personnel to support the district's educational program and operations. Newly hired classified employees shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

A probationary employee who has been employed by the district for six months or 130 days of paid service, whichever is longer, shall be classified as a permanent employee of the district. (Education Code 45113, 45301)

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

(cf. 4215 - Evaluation/Supervision)

The ~~Superintendent or designee~~ **district** may, **without cause**, dismiss ~~an~~ **a new** employee during the ~~initial~~ probationary period.

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed **the probationary period** ~~one year of service in that position~~.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which ~~he/she~~ **the employee** was promoted. (Education Code 45113)

This policy shall be made available to classified employees and the public. (Education Code 45113)

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

PROBATIONARY/PERMANENT STATUS (continued)

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for classified service in districts not incorporating the merit system

45240-45320 Merit system

Management Resources:

WEB SITES

California School Employees Association: <http://www.csea.org>

(6/96 7/02) 10/19

Board Policy

Classified Personnel

BP 4218(a)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, **and or** administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4000 - Concepts and Roles)

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

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4200 - Classified Personnel)

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

A probationary classified employee may be dismissed by the Superintendent or designee at any time prior to the expiration of the probationary period.

(cf. 4216 - Probationary/Permanent Status)

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

Procedures for **Serious** Disciplinary Proceedings

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

~~If a permanent classified employee receives a notice from the Superintendent or designee of a recommended suspension, demotion, involuntary reassignment, or dismissal, the employee may request a Board hearing on the matter.~~

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly hearing. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter.

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

~~If a timely request is submitted, a hearing shall be conducted by the Board, except that, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. (Education Code 45113, 45312)~~

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

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

(cf. 9321 - Closed Session)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing **or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action,** the Board shall affirm, modify, or reject the **recommended** disciplinary action ~~recommended by the Superintendent or designee~~. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

In lieu of holding a Board hearing on the sufficiency of the causes for disciplinary action, the Board may delegate its authority to an impartial third-party hearing officer. When the matter is heard by a third-party hearing officer, the Board retains the authority to review the determination and to adopt or reject the recommended decision. (Education Code 45113)

If the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In **such** cases ~~involving an allegation of egregious misconduct~~, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

*Legal Reference:***EDUCATION CODE**35161 *Delegation of powers and duties*44009 *Conviction of specified crimes*44010 *Sex offense*44011 *"Controlled substance offense" defined*44031 *Personnel file*44940 *Leave of absence; employee charged with mandatory or optional leave of absence offense*44940.5 *Compulsory leave of absence; procedures; extension; compensation; bond or security*44990-44994 *Testimony of minor witnesses at dismissal or suspension hearings*45101 *Definitions (including "disciplinary action," "cause")*45109 *Fixing of duties*45113 *Rules and regulations for classified service in districts not incorporating the merit system*45123 *Employment after conviction of sex or narcotics offense*45124 *Dismissal of sexual psychopath*

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Legal Reference (continued):

45202 *Transfer of accumulated sick leave and other benefits following dismissal*

45240-45320 *Merit system, classified employees*

CODE OF CIVIL PROCEDURE

1286.2 *Grounds for vacating decision of arbitrator*

GOVERNMENT CODE

11500-11529 *Administrative adjudication*

12900-12996 *Fair Employment and Housing Act*

54957 *Brown Act open meeting laws; closed session*

HEALTH AND SAFETY CODE

11054 *Schedule I; substances included*

11055 *Schedule II, substances included*

11056 *Schedule III, substances included*

11357-11361 *Marijuana*

11363 *Peyote*

11364 *Opium*

11370.1 *Possession of controlled substances with a firearm*

PENAL CODE

187 *Murder*

667.5 *Sex offenders*

830.32 *Peace officers employed by district*

1192.7 *Violent or serious felony*

11165.2-11165.6 *Child abuse or neglect, definitions*

VEHICLE CODE

1808.8 *School bus drivers; dismissal for safety-related cause*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

COURT DECISIONS

California School Employees Association v. Bonita Unified School District (2008) No. B200141

California School Employees v. Livingston Union School District (2007) 149 Cal.App 4th 391

CSEA v. Foothill Community College District (1975) 52 Cal.App. 3rd 150, 155-156, 124 Cal. Rptr 830

Skelly v. State Personnel Board (1975) 15 Cal. 3d 194

Administrative Regulation

Classified Personnel

AR 4218(a)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Causes for Disciplinary Action

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6

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

(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
3. Unlawful discrimination, including harassment, against any student or other employee

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure
5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records
6. Unsatisfactory performance
7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)
(cf. 4159/4259/4359 - Employee Assistance Program)

12. Destruction or misuse of district property

(cf. 4040 - Employee Use of Technology)

13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4212 - Appointment and Conditions of Employment)

14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)

15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

16. Violation of Education Code 45303 or Government Code 1028 (advocacy of communism)

17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)

(cf. 5145.2 - Freedom of Speech/Expression)

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

(cf. 4216 - Probationary/Permanent Status)

Initiation and Notification of Charges

The Superintendent or designee shall provide notice to the employee of a recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an impartial district official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee, the Skelly officer shall recommend to the Superintendent or designee whether to proceed with the recommendation for discipline.

The Superintendent or designee shall file any **final** recommendation for a disciplinary action in writing with the Governing Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

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

Request for **Board Hearing**

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**Employment Status Pending a Hearing**

A classified employee against whom a recommendation of disciplinary action has been issued shall remain on active duty status pending any hearing on the charges, unless the Superintendent or designee determines that the employee's continuance in active duty would present an unreasonable risk of harm to students, staff, or property. The Superintendent or designee may, in writing, order the employee immediately suspended from duty without pay and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance.

Compulsory Leave of Absence

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes:

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187 (murder or attempted murder)
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols.

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal.

(6/94 7/19) 10/19

Board Policy

Students

BP 5131(a)

CONDUCT

The Governing Board believes that all students have the right to be educated in a **safe and** positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption **to the school program**

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

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

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism and Graffiti)

CONDUCT (continued)

~~The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.~~

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited **drugs substances**

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose **with prior permission of the principal or designee** (Penal Code 417.27)

~~Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.~~

9. Use of a ~~cellular/digital telephone~~, **cell phone, smart watch**, pager, or other mobile communications device during instructional time **or in an unauthorized manner in violation of district policy**

(cf. 5131.8 - Mobile Communication Devices)

(cf. 6163.4 - Student Use of Technology)

~~Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.~~

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

10. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

CONDUCT (continued)

11. ~~Inappropriate attire~~ **Wearing of any attire that violates district or school dress codes, including gang-related apparel**

(cf. 5132 - Dress and Grooming)

(cf. 5136 - Gangs)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.11 - Attendance Supervision)

(cf. 5113.12 - District School Attendance Review Board)

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

(cf. 5112.5 - Open/Closed Campus)

Employees are expected to ~~provide appropriate supervision to~~ enforce standards of conduct and, ~~if when~~ they observe or receive a report of a violation of these standards, to ~~immediately~~ **appropriately** intervene or ~~call for~~ **seek** assistance. ~~If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.~~ **As necessary, the employee shall refer the matter to a supervisor or the principal or designee.**

When a school ~~official~~ **employee** suspects that a search of a student or ~~his/her~~ **a student's** belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in ~~an unethical or illegal activity~~ **an unauthorized manner**, a district employee may confiscate the device. The employee shall store the ~~item in a secure manner until an appropriate time~~ **device securely until it is returned to the student or turned over to the principal or designee, as appropriate.**

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

CONDUCT (continued)

(cf. 5138 - Conflict Resolution/Peer Mediation)
 (cf. 5144 - Discipline)
 (cf. 5144.1 - Suspension and Expulsion/Due Process)
 (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
 (cf. 6020 - Parent Involvement)
 (cf. 6145 - Extracurricular and Cocurricular Activities)
 (cf. 6159.4 - Behavioral Interventions for Special Education Students)
 (cf. 6164.2 - Guidance/Counseling Services)
 (cf. 6164.5 - Student Success Teams)
 (cf. 6184 - Continuation Education)
 (cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
 32280-32289 Comprehensive safety plan
 35181 Governing board authority to set policy on responsibilities of students
 35291-35291.5 Rules
 44807 Duty concerning conduct of students
 48900-48925 Suspension and expulsion
 51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce
 313 Harmful matter
 417.25-417.27 Laser scope or laser pointer
 647 Use of camera or other instrument to invade person's privacy; misdemeanor
 653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

~~2000h-2000h6~~ **20 USC 1681-1688** Title IX, 1972 Education Act Amendments

COURT DECISIONS

J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
LaVine v. Blaine School District (~~2000~~ **2001**, 9th Cir.) 257 F.3d 981
Emmett v. Kent School District No. 415 (2000) 92 F.Supp. 1088
Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675
New Jersey v. T.L.Q. (1985) 469 U.S. 325
Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

CONDUCT (continued)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

<https://www.ewa.org/organization/center-safe-and-responsible-internet-use>

~~National School Boards Association: <http://www.nsba.org>~~

National School Safety Center: <http://www.schoolsafety.us>

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

(3/10 3/12) 10/19

Board Policy

Students

BP 5131.8(a)

MOBILE COMMUNICATION DEVICES

The Governing Board recognizes that the use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but could be disruptive of the instructional program in some circumstances. The Board permits limited use of mobile communication devices on campus in accordance with law and the following policy.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.2 - Bullying)

(cf. 5131.4 - Student Disturbances)

(cf. 5131.9 - Academic Honesty)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 6163.4 - Student Use of Technology)

Students may use cell phones, smart watches, pagers, or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any rules that individual school sites may impose.

Mobile communication devices shall be turned off during school hours. However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator
3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being
4. When the possession or use is required by the student's individualized education program

(cf. 6159 - Individualized Education Program)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.

When a school official reasonably suspects that a search of a student's mobile communication device will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

MOBILE COMMUNICATION DEVICES (continued)

(cf. 5145.12 - Search and Seizure)

(cf. 5145.2 - Freedom of Speech/Expression)

When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined and a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.

The Superintendent or designee shall inform students that the district will not be responsible for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion, especially:

48901.5 Regulation of possession or use of electronic signaling devices

48901.7 Limitation or prohibition of student use of cell phones

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness

COURT DECISIONS

J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094

New Jersey v. T.L.O. (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

MOBILE COMMUNICATION DEVICES (continued)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

Center for Safe and Responsible Internet Use: <https://www.ewa.org/organization/center-safe-and-responsible-internet-use>

National School Safety Center: <http://www.schoolsafety.us>

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

Board Policy

Students

BP 5132(a)

DRESS AND GROOMING

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or ~~is likely to~~ causes a substantial disruption to the educational program.

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

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

(cf. 0415 - Equity)

(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

DRESS AND GROOMING (continued)

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

(cf. 5144 - Discipline)

Gang-Related Apparel

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5136 - Gangs)

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

Uniforms

The Board may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.

The Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against, or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms. (Education Code 35183)

Legal Reference:

EDUCATION CODE

212.1 Nondiscrimination based on race or ethnicity

220 Nondiscrimination

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

DRESS AND GROOMING (continued)

Legal Reference (continued):

COURT DECISIONS

Jacobs v. Clark County School District (2008) 26 F. 3d 419

Harper v. Poway Unified School District (2006) 445 App. 3d 166

Marvin H. Jeglin et al v. San Jacinto Unified School District et al (C.D. Cal. 1993)
827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education (1992) 2 Cal. 4th 251

Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562

Hartzell v. Connell (1984) 35 Cal. 3d 899

Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

(10/96 5/19) 10/19

Policy Reference UPDATE Service

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Administrative Regulation

Students

AR 5141.26(a)

TUBERCULOSIS TESTING

Any student ~~with~~ **who is reasonably suspected of having** active tuberculosis shall be excluded from attendance at a district school ~~in accordance with AR 5112.2 - Exclusions from Attendance~~ **until the student provides evidence of a certificate showing that the student is free of communicable tuberculosis. (Health and Safety Code 121485, 121495, 121505)**

(cf. 5112.2 - Exclusions from Attendance)

Students shall be screened or tested for tuberculosis under the following circumstances:

1. **When required by the local health department as** ~~As~~ part of the comprehensive health screening required for school entry, parents/guardians shall, ~~within 90 days after their child's entry into first grade, provide evidence within 90 days after their child's entry into first grade~~ **certification evidencing** that their child has been screened for risk of tuberculosis within the preceding 18 months. **Such certification shall be on a form approved by the California Department of Health Care Services. (Health and Safety Code 124040, 124085, 124105)**

In lieu of the certificate, parents/guardians may submit a signed waiver indicating that they do not want or are unable to obtain the health screening and evaluation services for their child and, if applicable, the reasons that they are unable to obtain the services. (Health and Safety Code 124085)

(cf. 5141.32 - Health Screening for School Entry)

2. Whenever ordered by the local health officer **for the preservation and protection of public health**, students seeking admission for the first time to a district school at any grade level shall submit to tuberculosis testing. ~~Any student~~ **Students who are** subject to the **health officer's** order shall be admitted to school as follows:
 - a. The Superintendent or designee shall unconditionally admit ~~the student if he/she,~~ **any student who,** prior to admission, submits a certificate, signed by any public or private medical provider, indicating that ~~he/she~~ **the student** has completed an approved tuberculosis examination and is free from active tuberculosis. (Health and Safety Code 121485, 121490, 121500; 22 CCR 41305, 41311, 41313)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

TUBERCULOSIS TESTING (continued)

~~A student shall not be required to obtain the~~ **The Superintendent or designee shall exempt a student from the requirement to submit a** certificate if ~~his/her~~ **the student's** parent/guardian, or ~~eustodian~~ **the student if an emancipated minor,** provides ~~the Superintendent or designee with~~ an affidavit stating that the required examination is contrary to ~~his/her~~ **one's personal** beliefs. If there is probable cause to believe that such a student has active tuberculosis, ~~he/she~~ **the student** may be excluded from school until the Superintendent or designee is satisfied that ~~he/she~~ **the student** is not afflicted. (Health and Safety Code 121505)

- b. A student who has not submitted the certificate **or personal beliefs affidavit** may be ~~conditionally~~ admitted **provided on condition** that ~~he/she~~ **the student** receives an approved tuberculin skin test within 10 school days after admission. A student who **has** had a positive skin test and has not subsequently obtained a chest x-ray may be ~~conditionally~~ admitted **if he/she on condition that the student** receives a chest x-ray within 20 school days after admission. Any student who fails to provide the certificate within those time periods shall be prohibited from further attendance until ~~he/she provides~~ the certificate **is provided**. (Health and Safety Code 121495; 22 CCR 41315, 41327)
 - c. Whenever the local health officer so orders, a student may be required to complete an additional examination and provide another certificate indicating that ~~he/she~~ **the student** is free of communicable tuberculosis. (Health and Safety Code 121485)
 - d. At the discretion of the local health officer, the district may admit a student without a certificate if ~~he/she~~ **the student** is undergoing or has already undergone preventive treatment for tuberculosis infection or treatment for tuberculosis disease. (22 CCR 41319)
3. Whenever the Superintendent or designee suspects that a student who has not been examined for tuberculosis either has the disease or has been exposed, ~~he/she~~ **the Superintendent or designee** shall immediately report by telephone to the local health officer. When required by the local health officer, the district shall exclude the student from school until ~~he/she~~ **the student** is certified to be free of communicable tuberculosis. (22 CCR 41329)

The Superintendent or designee shall maintain a record of any student's tuberculosis examination as part of the student's mandatory permanent student record. (22 CCR 41323)

(*cf.* 5125 - Student Records)

TUBERCULOSIS TESTING (continued)

The Superintendent or designee shall annually file a report with the local health department on the results of tuberculosis examinations for all **individuals new district students** required to complete such examinations in accordance with item #2 above, including, but not necessarily limited to, the number of **individuals students** unconditionally and conditionally admitted and the number of **individuals students** exempted on the basis of their personal beliefs. (22 CCR 41325)

All district staff shall receive information on how tuberculosis is spread and how it can be prevented and treated.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
 (cf. 4119.43/4219.43/4319.43 - Universal Precautions)
 (cf. 4131 - Staff Development)
 (cf. 4231 - Staff Development)
 (cf. 4331 - Staff Development)
 (cf. 5141.22 - Infectious Diseases)

*Legal Reference:*EDUCATION CODE

48213 Prior parent notification of exclusion; exemption
 49451 Parent's refusal to consent to health examination

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school when residence is in isolation or quarantine
 121365 Duties of local health officer re: tuberculosis control
 121475-121520 Tuberculosis tests for students
 124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with contagious disease
 432 Student records
 3030 Eligibility for special education; tuberculosis that adversely affects educational performance

CODE OF REGULATIONS, TITLE 22

41301-41329 Tuberculosis tests for students

*Management Resources:***CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS**

CHDP School Handbook: School Entry Health Examination Requirements, rev. January 2006

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

California Immunization Handbook: Pre-Kindergarten (Child-Care) and School Immunization Requirements, 10th Edition, July 2019

WEB SITES

American Lung Association: <http://www.lungusa.org>

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

California Department of Public Health, Tuberculosis Control: <http://www.cdph.ca.gov/programs/tb>

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/TBCB.aspx>

Centers for Disease Control and Prevention, Tuberculosis: <http://www.cdc.gov/tb>

Health Officers Association of California: <http://www.calhealthofficers.org>

(3/93 3/10) 10/19

Policy Reference UPDATE Service

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Board Policy

Students

BP 5142(a)

SAFETY

The Governing Board recognizes the importance of providing a safe school environment that is conducive to learning and ~~helps ensure~~ **promotes** student safety **and well-being,** ~~and the prevention of student injury.~~ The Superintendent or designee shall implement appropriate ~~practices~~ **measures** **shall be implemented** to minimize the risk of harm to students, including, but not limited to, ~~practices relative to~~ **protocols for maintaining safe conditions on school grounds, promoting safe use of** school facilities and equipment, ~~the outdoor environment,~~ **and guiding student participation in** educational programs and school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

(cf. 3515 - Campus Security)

(cf. 3515.21 - Unmanned Aircraft Systems (Drones))

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3530 - Risk Management/Insurance)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5142.1 - Identification and Reporting of Missing Children)

(cf. 5143 - Insurance)

~~*(cf. 5144 - Discipline)*~~

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

(cf. 6145.2 - Athletic Competition)

(cf. 6163.2 - Animals at School)

(cf. 7111 - Evaluating Existing Buildings)

~~Staff~~ **School staff** shall be responsible for the proper supervision of students **at all times when students are subject to district rules, including, but not limited to,** during school hours, ~~during~~ school-sponsored activities, **before and after-school programs, morning drop-off and afternoon pick-up,** and while students are using district transportation ~~to and from school.~~

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

(cf. 5141.7 - Sun Safety)

(cf. 6142.8 - Comprehensive Health Education)

SAFETY (continued)**Crossing Guards/Student Safety Patrol**

To assist students in safely crossing streets adjacent to or near school sites, the Board may employ crossing guards and/or establish a **student** safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.

(cf. 5142.2 - Safe Routes to School Program)*Legal Reference:*EDUCATION CODE8482-8484.65 *After School Education and Safety Program*17280-17317 *Building approvals (Field Act)*17365-17374 *Fitness of school facilities for occupancy*32001 *Fire alarms and drills*32020 *School gates; entrances for emergency vehicles*32030-32034 *Eye safety*32040 *First aid equipment*32225-32226 *Two-way communication devices in classrooms*32240-32245 *Lead-free schools*32250-32254 *CDE school safety and security resources unit*32280-32289 *Safety plans*44807 *Duty of teachers concerning conduct of students*44808 *Exemption from liability when students are not on school property*44808.5 *Permission for students to leave school grounds; notice (high school)*45450-45451 *Crossing guards*48900 *Hazing*49300-49307 *School safety patrol*49330-49335 *Injurious objects*49341 *Hazardous materials in school science laboratories*51202 *Instruction in personal and public health and safety*GOVERNMENT CODE810-996.6 *California Tort Claims Act*HEALTH AND SAFETY CODE115725-115735 *Playground safety*115775-115800 *Wooden playground equipment*~~115810-115816 Playground safety and recycling grants~~**116046 Issuance of best practices guidelines for K-12 pool safety**PENAL CODE245.6 *Hazing*PUBLIC RESOURCES CODE5411 *Purchase of equipment usable by ~~physically disabled~~ persons **with disabilities***VEHICLE CODE21100 *Rules and regulations; crossing guards***21201 Rules for operation of bicycle on roadway**21212 *Use of helmets*42200 *Fines and forfeitures, disposition by cities*42201 *Fines and forfeitures, disposition by counties*CODE OF REGULATIONS, TITLE 5202 *Exclusion of students with a contagious disease*570-576 *School safety patrols*5531 *Supervision of social activities*

SAFETY (continued)

Legal Reference continued:

5552 *Playground supervision*

5570 *When school shall be open and teachers present*

14030 *Standards for development of plans for the design and construction of school facilities*

14103 *Bus driver; authority over pupils*

COURT DECISIONS

***J.H. v. Los Angeles Unified School District*, (2010) 183 Cal.App.4th 123**

***Lane v. City of Sacramento*, (2010) 183 Cal. App. 4th. 1337**

Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138

Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990

***Knight v. Jewett*, (1992) 3 Cal.4th 296, 313**

Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508

Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Management Resources:

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F 1487-05, *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*, ~~2005~~ **2017**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Safety Handbook for California Public Schools, 2014

U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

~~*Handbook for Public Playground Safety* Pub. No. 325, 1994, rev. 1997~~ ***Handbook, 2010***

WEB SITES

American Society for Testing and Materials: <http://www.astm.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ss/>

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

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Environmental Protection Agency: <http://www.epa.gov>

U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>

U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osep/gtss.html>

Administrative Regulation

Students

AR 5142(a)

SAFETY

Each principal or designee shall establish ~~school~~ **emergency procedures, rules for student conduct, and** rules for the safe and appropriate use of school **facilities,** equipment, and materials, ~~and for student conduct~~ consistent with law, Board policy, and administrative regulation. **The rules shall be communicated to students,** ~~Copies of the rules shall be~~ distributed to parents/guardians, and ~~shall be~~ readily available at the school at all times.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

Release of Students

Students shall be released during the school day only to the custody of an adult ~~if~~ **who is one of the following:**

1. ~~The adult is the~~ **The** student's custodial parent/guardian.

(cf. 5021 - Noncustodial Parents)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. ~~The adult is an~~ **An** authorized law enforcement officer acting in accordance with law.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

(cf. 5145.13 - Response to Immigration Enforcement)

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

(cf. 5141 - Health Care and Emergencies)

Supervision of Students

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

SAFETY (continued)

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

The principal or designee shall require all individuals supervising students to remain alert **in spotting for unauthorized persons and** dangerous conditions, promptly report any such **conditions observations** to the principal or designee, and file a written report **on such conditions** as appropriate.

(cf. 1250 - Visitors/Outsiders)

(cf. 3530 - Risk Management/Insurance)

In arranging for appropriate supervision on playgrounds, the principal or designee shall:

~~1. Where playground supervision is not otherwise provided, provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions (5 CCR 5552)~~

2.1. Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision

3.2. Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

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

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

(cf. 1240 - Volunteer Assistance)

(cf. 3515.2 - Disruptions)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 5131.4 - Student Disturbances)

(cf. 5138 - Conflict Resolution/Peer Mediation)

SAFETY (continued)**Playground Safety**

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. **The Superintendent or designee shall have a playground safety inspector certified by the National Playground Safety Institute conduct an initial inspection to aid compliance with applicable safety standards.** (Health and Safety Code 115725)

~~Any playground installed between January 1, 1994, and December 31, 1999, shall conform to these standards not later than 15 years after the date of installation. (Health and Safety Code 115725)~~

Activities with Safety Risks

Note: The following **optional** section lists activities that might be prohibited by the district because of high risk to student safety and should be revised to reflect district practice.

Pursuant to Government Code 831.7, public entities, including districts, are not liable to participants in a hazardous recreational activity, those who assist participants, or spectators for any damage to person or property arising out of the hazardous recreational activity when the person knew or reasonably should have known that the hazardous recreational activity created a substantial risk of injury and was voluntarily in the place of risk or having the ability to leave but failed to do so. Government Code 831.7 defines a "hazardous recreational activity" as a recreational activity conducted on school grounds that creates a substantial risk of injury, as distinguished from a minor, trivial, or insignificant risk of injury. The list below includes, but is not limited to, some of the hazardous recreational activities listed in Government Code 831.7. Prior to authorizing such activities, it is recommended that districts consult with their insurance carrier or joint powers authority or, for those who self-insure, with legal counsel. See BP/AR 3530 - Risk Management/Insurance.

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

1. Trampolining
2. Scuba diving
3. Skateboarding or use of scooters
4. In-line or roller skating or use of skate shoes
5. Sailing, boating, or water skiing

SAFETY (continued)

6. ~~Snow trips~~ **Cross-country or downhill skiing**
7. Motorcycling
8. Target shooting
9. Horseback riding
10. Rodeo

11. Archery

12. Mountain bicycling

13. Rock climbing

14. Rocketeering

15. Surfing

~~11-16.~~ **16.** Other activities determined by the principal to have a high risk to student safety

(cf. 5143 - Insurance)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6153 - School-Sponsored Trips)

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

Laboratory Safety

The principal of each school offering laboratory work shall develop procedures for laboratory safety and designate a trained certificated employee to implement and regularly review these procedures.

Students in a laboratory shall be under the supervision of a certificated employee. Students shall be taught laboratory safety, and safety guidelines and procedures shall be posted in science classrooms. Students shall receive continual reminders about general and specific hazards.

Hazardous materials shall be properly used, stored, and disposed of in accordance with law and the district's chemical hygiene plan.

SAFETY (continued)

(cf. 3514.1 - Hazardous Substances)

Bloodborne pathogens shall be handled in accordance with the district's exposure control plan.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 5141.22 - Infectious Diseases)

The district's emergency plan, emergency contact numbers, and first aid supplies shall be readily accessible.

Parents/guardians shall be made aware of the kinds of laboratory activities that will be conducted during the school year.

Eye Safety Devices

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed their actual cost to the district. (Education Code 32030, 32031, 32033)

(cf. 3260 - Fees and Charges)

(7/06 7/07) 10/19

Board Policy

Facilities

BP 7140(a)

ARCHITECTURAL AND ENGINEERING SERVICES

~~In order to ensure safe construction and protect the investment of public funds, the Governing Board requires that~~ **The Governing Board desires to provide school facilities that support the educational program and meet all applicable safety and design standards. When required by law, the Board shall employ or contract with** a licensed and certified architect **and/or** structural engineer ~~be employed~~ to design and supervise the construction of district schools and other facilities.

(cf. 7110 - Facilities Master Plan)

The architect and/or structural engineer shall be responsible for preparing all construction plans, specifications, and estimates and for the observation of the work of construction. (Education Code 17302)

To ensure compliance with state design and safety standards, preliminary and final plans for any state-funded school facility project, including Board-approved educational specifications for school design when necessary, shall be submitted to the California Department of Education and the Department of General Services, Division of the State Architect. (Education Code 17267; 5 CCR 14030-14032)

The Superintendent or designee shall devise a competitive process for the selection of architects, ~~and~~ structural engineers, **and other design professionals** that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, ~~he/she~~ **the Superintendent or designee** shall recommend ~~specific~~ architectural and engineering firms to the Board **for approval**. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

(cf. 3311 - Bids)

(cf. 3311.3 - Design-Build Contracts)

Legal Reference:

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act, especially:

17070.50 Conditions for apportionment

17250.10-17250.55 Design-build contracts

17251 School construction; duties of the California Department of Education

17262-17268 School construction plans

17280-17316 Approvals, especially:

17302 Persons qualified to prepare plans, specifications and estimates and supervise construction

17316 Contract provision regarding school district property

17371 Limitation on liability of governing board

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

BUSINESS AND PROFESSIONS CODE

5500-5502 Architecture

5550-5558 Architects, licensure

6700-6706.3 Engineers

6750-6766 Engineers, licensure

GOVERNMENT CODE

4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms

14837 Definition of small business

87100 Public officials; financial interest

PUBLIC CONTRACT CODE

20111 School district contracts

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards for school facilities

14030-14036 Standards, planning, and approval of school facilities

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

CALIFORNIA CONSTITUTION

Article 22 Architectural and engineering services

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Plan Submission Requirements for Modernization Projects, Form SFPD 4.08

Plan Submission Requirements for New Construction, Form SFPD 4.07

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

School Facility Program Handbook, January 2019

WEB SITES

American Institute of Architects California Council: <https://aiacalifornia.org>

California Department of Education, Facilities: <http://www.cde.ca.gov/Is/fa>

Department of General Services, Division of the State Architect: <https://www.dgs.ca.gov/DSA>

Department of General Services, Office of Public School Construction: <https://www.dgs.ca.gov/OPSC>

Administrative Regulation

Facilities

AR 7140(a)

ARCHITECTURAL AND ENGINEERING SERVICES

~~The Governing Board shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for the preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)~~

~~(cf. 3312 - Contracts)~~

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. ~~Ensures that projects entail~~ **Assures** maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

~~(cf. 9270 - Conflict of Interest)~~

The selection process may also include: (Government Code 4527)

1. ~~Detailed evaluations~~ **Evaluation** of current statements of ~~prospective contractors'~~ qualifications and performance data **on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project**
2. Discussion **with at least three firms** **regarding anticipated concepts and the relative utility** of alternative approaches for furnishing the **required** services ~~with at least three firms~~
3. Selection, **in order of preference**, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established **district** criteria **and recommended in order of preference**

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

The district shall negotiate a contract with the best qualified firm at compensation determined by the district to be fair and reasonable. If the district is unable to negotiate a contract with the most qualified firm, the district shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. (Government Code 4528)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

(cf. 3311 - Bids)

Contracts shall specify that all plans, **including, but not limited to, record drawings, specifications, and estimates prepared by the contractor architect or structural engineer shall become the property of the district. The contract shall also specify terms and conditions for reuse within the district of any plans prepared by the architect or structural engineer.** (Education Code 17316)

A contract may be awarded to a single entity for both design and construction of any school facility in excess of \$1,000,000 in accordance with AR 3311.3 - Design-Build Contracts. (Education Code 17250.20)

(cf. 3311.3 - Design-Build Contracts)

Board Bylaw

Board Bylaws

BB 9323(a)

MEETING CONDUCT

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, **his/her the** abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. 9270 - Conflict of Interest)

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

MEETING CONDUCT (continued)

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, **a Board members** or staff members may ask a question for clarification, make a brief announcement, or make a brief report on **his/her their** own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

In general, individual speakers shall will be allowed three minutes to address the Board on each agenda or nonagenda item, and the Board shall will limit the total time for public input on each item to 20 minutes. However, in exceptional circumstances when necessary to ensure full opportunity for public input, With Board consent, the Board president may, with Board consent, increase or decrease adjust the amount of time allowed for public presentation input, depending on the topic and the number of persons wishing to be heard and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a

MEETING CONDUCT (continued)

diversity of viewpoints. ~~The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.~~ **The president may also ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.**

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The Board president may rule on the appropriateness of a topic, subject to the following conditions:
 - a. If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.
 - b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)
 - c. The Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement as necessary.

MEETING CONDUCT (continued)

Recording by the Public

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference:

EDUCATION CODE

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

527.8 Workplace Violence Safety Act

GOVERNMENT CODE

54953.3 Prohibition against conditions for attending a board meeting

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

403 Disruption of assembly or meeting

COURT DECISIONS

City of San Jose v. Garbett (2010) 190 Cal.App.4th 526

Norse v. City of Santa Cruz (9th Cir. 2010) 629 F3d 966

McMahon v. Albany Unified School District (2002) 104 Cal.App.4th 1275

Rubin v. City of Burbank (2002) 101 Cal.App.4th 1194

Baca v. Moreno Valley Unified School District (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

90 *Ops.Cal.Atty.Gen.* 47 (2007)

76 *Ops.Cal.Atty.Gen.* 281 (1993)

66 *Ops.Cal.Atty.Gen.* 336 (1983)

63 *Ops.Cal.Atty.Gen.* 215 (1980)

61 *Ops.Cal.Atty.Gen.* 243, 253 (1978)

59 *Ops.Cal.Atty.Gen.* 532 (1976)

55 *Ops.Cal.Atty.Gen.* 26 (1972)

MEETING CONDUCT (continued)

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 2014

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

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

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

(11/06 12/16) 10/19

Policy Reference UPDATE Service

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Exhibit

Community Relations

E 1113(a)

DISTRICT AND SCHOOL WEB SITES

MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEB SITE

Materials to Prominently Display

The following must be posted in a prominent location on the district's web site, such as on the home page when required by law:

1. The district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065). See AR 0460 - Local Control and Accountability Plan.
2. A direct link to the current board agenda containing the time and location of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, or a link to the district's agenda management platform where the current agenda shall be the first available (Government Code 54954.2, 54956). Post at least 72 hours before a regular board meeting or 24 hours before a special meeting. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.
3. The district's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6). See BP 5141.52 - Suicide Prevention.
4. The district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media (Education Code 234.6). See AR 5131.2 - Bullying and AR 5145.3 - Nondiscrimination/Harassment.
5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.
6. The definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8 (Education Code 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
7. Information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the name and contact information of the Title IX Coordinator, the rights of

DISTRICT AND SCHOOL WEB SITES (continued)

students and the public as specified in Education Code 221.8, the responsibilities of the district under Title IX, web links to information about those rights and responsibilities on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights, a description of how to file a complaint of noncompliance under Title IX with specified components, and a link to Title IX information posted on the California Department of Education's (CDE) web site (Education Code 221.6, 221.61, 234.6; 34 CFR 106.8). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.

8. A link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5, 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
9. If the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2). Post within seven months after the last day of the fiscal year. See BP 7212 - Mello-Roos Districts.

Other Postings

The following materials are also required to be posted on the district web site. However, there are no specific requirements related to where they are posted on the web site.

1. The Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5). See AR 0430 - Comprehensive Local Plan for Special Education.
2. The district's nondiscrimination policy and regulation, including the complaint procedure and the compliance coordinator's contact information (34 CFR 100.6, 106.8). See BP 0410 - Nondiscrimination in District Programs and Activities and AR 4030 - Nondiscrimination in Employment.
3. Training materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitate an informal resolution process in response to a Title IX sexual harassment complaint (34 CFR 106.45). See AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint

DISTRICT AND SCHOOL WEB SITES (continued)**Procedures and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.**

4. For all schools offering competitive athletics, the total enrollment of the school classified by gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9). The information shall be posted at the end of the school year on the school's web site or, if the school does not have a web site, on the district's web site. See AR 6145.2 - Athletic Competition.
5. If the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an exiting interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.
6. If the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301). See AR 5117 - Interdistrict Transfer.
7. For districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7). See AR 6152.1 - Placement in Mathematics Courses.
8. The section(s) of the district's employee code of conduct addressing interactions with students (Education Code 44050). Post these section(s) or a link to them on each school's web site or, if a school does not have its own web site, on the district's web site in a manner that is accessible to the public without a password. See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.
9. The district's meal payment collection policy and procedures (CDE Nutrition Services Division Management Bulletin SNP-03-2017). See AR 3551 - Food Services Operations/Cafeteria Fund.
10. If the district includes information about the free and reduced-priced meal program on its web site, a nondiscrimination statement about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district (U.S. Department

DISTRICT AND SCHOOL WEB SITES (continued)

of Agriculture's FNS Instruction 113-1). For the required wording of the statement, see E 3555 - Nutrition Program Compliance.

- 11. The school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5 (Education Code 17611.5). Post on the school's web site or, if the school does not have a web site, then on the district's web site. See AR 3514.2 Integrated Pest Management.**
- 12. When a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280). See AR 7214 - General Obligation Bonds.**
- 13. Copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258). See BP 0510 - School Accountability Report Card.**
- 14. Results of the Western Association of Schools and Colleges (WASC) or other accrediting agency's inspection of a school, within 60 days of receiving the results. (This notification could be made in writing to parents/guardians instead of or in addition to posting the results on the district's web site.) In addition, if a school loses its WASC or other agency's accreditation, the district and school shall post on their web sites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.**

Board Policy

Business and Noninstructional Operations

BP 3280(a)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY

The Governing Board believes that district facilities and resources should be utilized in an economical and practical manner. The Superintendent or designee shall periodically study the current and projected use of all district facilities to ensure the efficient utilization of space for the effective delivery of instruction.

(cf. 1330 - Use of School Facilities)

(cf. 7110 - Facilities Master Plan)

(cf. 7111 - Evaluating Existing Buildings)

(cf. 7160 - Charter School Facilities)

Prior to the sale or lease of any surplus real property, ~~the Board shall appoint a district advisory committee prior to the sale or lease of any surplus real property~~ to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. ~~Rentals of surplus property not exceeding 30 days are exempted from this requirement. When the sale, lease, or rental of surplus property is for the purpose of teacher or other employee housing or for the offering of summer school by a private educational institution,~~ ~~the Board may elect not to appoint a district advisory committee.~~ **for any of the following:** (Education Code ~~17387-17388~~, 17391)

1. A rental of property for a period of time not exceeding 30 days
2. A lease or rental of surplus property to a private educational institution for the purpose of offering summer school
3. A sale, lease, or rental of surplus property to be used for teacher or other employee housing
4. **Until July 1, 2024, a sale or lease of surplus property that has not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary or secondary instruction**

(cf. 1220 - Citizen Advisory Committees)

In addition, to ensure that the proposed disposition of the property conforms with any general plan adopted by ~~If the local planning agency has adopted a general plan~~ that affects or includes the area where the surplus property is located, the Board shall submit a report to the local planning agency describing the location of the surplus property and the purpose and extent of the proposed sale or lease. (Government Code 65402)

The Board shall determine whether the sale or lease of the surplus property is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

The Board may meet in closed session with its real property negotiator prior to the sale or lease of real property by the district in order to grant its negotiator authority regarding the minimum price or rent and terms of the sale or lease. (Government Code 54956.8)

(cf. 9321 - Closed Session)

When selling or leasing district real property, the Board shall comply with applicable procedures and give priority to specified public agencies as required by law ~~comply with the priorities and procedures specified in applicable law.~~ (Education Code 17230, 17464, 17485-17499; Government Code 54222)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

~~When selling real property purchased, constructed, or modernized with funds received within the past 10 years from a state school facilities funding program, the Board shall consider whether any of the proceeds from the sale will need to be returned to the State Allocation Board (SAB) pursuant to Education Code 17462.3.~~

Resolution of Intention to Sell or Lease

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regularly scheduled open meeting. The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rent. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

(cf. 9320 - Meetings and Notices)

(cf. 9323.2 - Actions by the Board)

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the district is located, if such a newspaper exists. (Education Code 17469)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

~~In accordance with Education Code 17470, At least 60 days prior to the public meeting,~~ the Superintendent or designee shall take reasonable steps to provide written notification **of the public meeting, by certified mail,** to the former owners ~~of the property of the district's intent to sell it. from whom the district acquired the property. (Education Code 17470)~~

Acceptance/Rejection of Bids

At the public meeting specified in the resolution of intention to sell or lease property, the Board shall open, examine, and declare all sealed bids. Before accepting a written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

(cf. 1431 - Waivers)

Use of Proceeds

The Superintendent or designee shall ensure that the proceeds from the sale or lease with an option to purchase of surplus district property are used for one-time expenditures and not for ongoing expenditures such as salaries and general operating expenses. (Education Code 17462; **2 CCR 1700**)

Proceeds from a sale of surplus district property shall **generally** be used for capital outlay or maintenance costs that the Board determines will not recur within a five-year period. **Proceeds from a lease of district property with an option to purchase may be deposited into a restricted fund for the routine repair of district facilities, as defined by the SAB, for up to a five-year period.** (Education Code 17462)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

~~Proceeds from a lease of district property with an option to purchase may be deposited into a restricted fund for the routine repair of district facilities, as defined by the SAB, for up to a five-year period. (Education Code 17462)~~

However, if H the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements, the proceeds from the sale or lease with an option to purchase may be deposited in a special reserve fund for the future maintenance and renovation of school sites or in the district's general fund. ~~Proceeds from the sale or lease with option to purchase of district property may also be deposited in a special reserve fund for capital outlay or maintenance costs of district property that the Board determines will not recur within a five-year period. (Education Code 17462)~~

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

In addition, until July 1, 2024, if district surplus property was purchased entirely with local funds, the proceeds from the sale or lease of the property, together with any personal property located on the property, may be deposited into the general fund of the district and may be used for any one-time general fund purpose. Before exercising this authority, the Board shall: (Education Code 17463.7)

- 1. Submit to SAB documents certifying that the sale of real property does not violate the provisions of a local bond act and the real property is not suitable to meet projected school construction needs for the next 10 years**
- 2. At a public meeting, adopt a plan for expending one-time resources from the sale or lease of the property which identifies the source and intended use of the surplus property proceeds and describes the reasons that the expenditure will not result in ongoing fiscal obligations for the district**

Whenever the district sells real property that was purchased, improved, or modernized with funds that were received from a state school facilities funding program within the previous 10 years, the district shall notify OPSC within 90 calendar days of the sale of the property if the proceeds from the sale are not used for capital outlay and the property is not sold to a charter school, another school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services. If SAB subsequently makes a finding that the sale is subject to Education Code 17462.3, the district shall return the funds to the SAB within 90 calendar days of the finding. (2 CCR 1702)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

Legal Reference:

EDUCATION CODE

17219-17224 *Acquisition of property not utilized as school site; nonuse payments; exemptions*

17230-17234 *Surplus property*

17385 *Conveyances to and from school districts*

17387-17391 *Advisory committees for use of excess school facilities*

17400-17429 *Leasing property*

17430-17447 *Leasing facilities*

17453 *Lease of surplus district property*

17455-17484 *Sale or lease of real property, especially:*

17462.3 *State Allocation Board program to reclaim funds*

17485-17500 *Surplus school playground (Naylor Act)*

17515-17526 *Joint occupancy*

17527-17535 *Joint use of district facilities*

33050 *Request for waiver*

38130-38139 *Civic Center Act*

GOVERNMENT CODE

50001-50002 *Definitions*

54220-54232 *Surplus land, especially:*

54222 *Offer to sell or lease property*

54950-54963 *Brown Act, especially:*

54952 *Legislative body, definition*

PUBLIC RESOURCES CODE

21000-21177 *California Environmental Quality Act*

CODE OF REGULATIONS, TITLE 2

1700-1702 *Definitions related to surplus property; use of proceeds*

COURT DECISIONS

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District, (2006) 139 Cal.App.4th 1356

ATTORNEY GENERAL OPINIONS

94 Ops. Cal. Atty. Gen. 82 (2011)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Closing a School Best Practices Guide

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, December 2015

WEB SITES

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

California Department of Education, School Facilities Planning Division: <http://www.cde.ca.gov/ls/fa>

Coalition for Adequate School Housing: <http://www.cashnet.org>

Office of Public School Construction: <http://www.dgs.ca.gov/opsc>

(4/14 10/17) 10/20

Policy Reference UPDATE Service

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Board Policy

Business and Noninstructional Operations

BP 3530(a)

RISK MANAGEMENT/INSURANCE

The Governing Board ~~strongly supports a risk management program that protects district resources and desires to~~ promotes the safety of students, staff, and the public **while protecting district resources.** The Superintendent or designee shall establish a risk management program that uses effective safety and loss control practices.

The district shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection **against loss which may occur due to hazards facing the district.**

To determine the most economical means of insuring the district consistent with required services, the Superintendent or designee shall annually review the district's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance, or a combination of these means. **Decisions regarding the means of insuring the district shall be based on a careful analysis of past claims records indicating the frequency and magnitude of losses and a prediction of future losses.**

~~The Board reserves the right to remove an insurance agent of record or a participating agent whenever, in the judgment of the Board, such action becomes desirable for the best interests of the district.~~

To ~~attempt to~~ minimize the district's exposure to liability, the Board shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The Superintendent or designee shall ~~ensure that~~ **enforce** these policies and related procedures ~~are enforced~~ fairly and consistently. **The Superintendent or designee shall provide safety-related training and protective equipment to staff as appropriate for their position.**

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

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.11/4219.11/4319.11- Sexual Harassment)

~~*(cf. 4132/4232/4332 - Publication or Creation of Materials)*~~

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

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

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

(cf. 5142 - Safety)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

~~*(cf. 6162.6 - Use of Copyrighted Materials)*~~

(cf. 9260 - Legal Protection)

The Superintendent or designee shall **periodically** report to the Board ~~twice a year~~ on the district's risk management activities, **including, but not limited to, the district's property**

RISK MANAGEMENT/INSURANCE (continued)

and liability risks and exposures and the effectiveness of the district's risk management and loss control practices.

Legal Reference:

EDUCATION CODE

17029.5 *Contract funding; board liability*

17565-17592 *Board duties re property maintenance and control*

32350 *Liability on equipment loaned to district*

35162 *Power to sue, be sued, hold and convey property*

35200-35214 *Liabilities, especially:*

35208 *Liability insurance*

35211 *Driver training civil liability insurance*

35213 *Reimbursement for loss, destruction, or damage of personal property*

35214 *Liability self-insurance*

35331 *Medical or hospital service for students on field trip*

39837 *Transportation of ~~pupils~~ **students** to places of summer employment*

41021 *Requirement for employees' indemnity bonds*

44873 *Qualifications for physician (liability coverage)*

49470-49474 *District medical services and insurance*

GOVERNMENT CODE

820.9 *Board members not vicariously liable for injuries caused by district*

831.7 Hazardous recreational activities

989-991.2 *Local public entity insurance*

LABOR CODE

3200-4855 *Workers' compensation*

Management Resources:

WEB SITES

California Association of Joint Powers Authorities: <https://www.cajpa.org>

California Association of School Business Officials: <https://www.casbo.org>

California Department of Industrial Relations, Division of Occupational Safety and Health:

<https://www.dir.ca.gov/dosh>

Public Agency Risk Management Association: <https://www.parma.com>

Administrative Regulation

Business and Noninstructional Operations

AR 3530(a)

RISK MANAGEMENT/INSURANCE

Risk Management

The Superintendent or designee, **in consultation with risk management, insurance, safety, or other professionals as appropriate,** shall ~~take action to:~~

1. Identify the risks inherent in ~~the operation of~~ district **operations and** programs, including physical sites, educational and experiential programs, computer networks and systems, employment and staffing, and transportation services, using methods that may include, but are not limited to, physical inspections, surveys, staff interviews, compliance reviews, contract reviews, review of policies and procedures, and consultation with experts
2. ~~Assess the above risks and keep records of accidents, losses and damage~~ **Analyze, evaluate, and prioritize identified risks based on the frequency and likelihood of the risk and the potential impact to the district**
3. **Develop strategies to reduce or mitigate identified risks, such as new or modified policies, processes, or procedures; training or loss prevention programs; and/or additional or repairs to equipment, real property, computer networks, or other physical assets**
4. **Implement strategies to promote safety and prevent loss, taking into account the nature of the risks, the associated exposures, and the costs and benefits associated with the proposed response**
- 3.5. Mitigate **potential** ~~risks through loss control and safety-related~~ loss following an incident through activities **such as effective claims management, litigation management, disaster recovery, or a modified duty program for workers' compensation**
4. ~~Determine the extent to which risks should be assumed by the district or covered by the purchase of insurance or pooling with other districts~~

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1330 - Use of School Facilities)

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

(cf. 5142 - Safety)

The Superintendent or designee shall advise the Governing Board of any needed action requiring Board approval.

RISK MANAGEMENT/INSURANCE (continued)

Following any incident resulting in potential or actual harm or injury to a person or damage to property, staff shall promptly document the date and time of the incident, a description of the incident, and any persons present.

Employees are expected to take reasonable precautions for the care and safety of the school equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision. Responsibilities related to safety and loss control shall be included in employee job descriptions.

~~(cf. 0450 - Comprehensive Safety Plan)~~
~~(cf. 1240 - Volunteer Assistance)~~
~~(cf. 1330 - Use of School Facilities)~~
~~(cf. 3400 - Management of District Assets/Accounts)~~
~~(cf. 3430 - Investing)~~
~~(cf. 3440 - Inventories)~~
~~(cf. 3512 - Equipment)~~
~~(cf. 3514 - Environmental Safety)~~
~~(cf. 3514.1 - Hazardous Substances)~~
~~(cf. 3515.4 - Recovery for Property Loss or Damage)~~
~~(cf. 3516 - Emergencies and Disaster Preparedness Plan)~~
~~(cf. 3541.1 - Transportation for School-Related Trips)~~
~~(cf. 3543 - Transportation Safety and Emergencies)~~
~~(cf. 4112.42/4212.42/4312.43 - Drug and Alcohol Testing for School Bus Drivers)~~
~~(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)~~
~~(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)~~
~~(cf. 4157/4257/4357 - Employee Safety)~~
~~(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)~~
~~(cf. 5131.1 - Bus Conduct)~~
~~(cf. 5131.61 - Drug Testing)~~
~~(cf. 5141 - Health Care and Emergencies)~~
~~(cf. 5141.22 - Infectious Diseases)~~
~~(cf. 5142 - Safety)~~
~~(cf. 6145.2 - Athletic Competition)~~
~~(cf. 6153 - School-Sponsored Trips)~~
~~(cf. 9260 - Legal Protection)~~

Insurance

Insurance **or risk pooled** coverage shall include, but ~~may~~ not be limited to:

1. Liability insurance (Education Code 35200-35214)
2. ~~Fire insurance for buildings, equipment, and vehicles~~ **Insurance against fire or other property damage** (Education Code 17565)
3. Workers' compensation insurance (Labor Code 3700)

RISK MANAGEMENT/INSURANCE (continued)

4. Fidelity bond insurance **for employees whose duty includes handling district funds, and other employees as needed** (Education Code 41021)

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

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 5143 - Insurance)

~~A suitable bond indemnifying the district against loss shall be purchased for employees responsible for handling district funds and may be purchased for employees responsible for handling district property. The district shall bear the cost of this bonding. (Education Code 41021)~~

~~*(cf. 1330 - Use of School Facilities)*~~

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

~~*(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)*~~

~~*(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*~~

~~*(cf. 5143 - Insurance)*~~

~~*(cf. 9260 - Legal Protection)*~~

(9/88 10/95) 10/20

Board Policy

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

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

(cf. 4030 - Nondiscrimination in Employment)

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

Sexual Harassment Reports and Complaints

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

SEXUAL HARASSMENT (continued)

Once notified, the Title IX Coordinator shall ensure the complaint **or allegation** is addressed through ~~either~~ AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures ~~for complaints meeting the Title IX definition of sexual harassment~~ or AR 4030 - Nondiscrimination in Employment ~~for complaints meeting the state definition~~, as applicable; ~~and shall offer supportive measures to the complainant.~~ **Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.**

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The Title IX Coordinator ~~and~~ shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

SEXUAL HARASSMENT (continued)

Legal Reference (continued):

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 42

2000e-2000e-17 *Title VII, Civil Rights Act of 1964, as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 *Nondiscrimination on the basis of sex in education programs or activities*

106.51-106.82 *Nondiscrimination on the basis of sex in employment in education programs or activities*

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

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

<http://www.ed.gov/about/offices/list/ocr/index.html>

Administrative Regulation

All Personnel

AR 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

The following administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Title IX Coordinator/Compliance Officer

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 Nondiscrimination in Employment. Districts may modify this policy to designate separate district employees to serve these functions:

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 4030 Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

(title or position)
(address)
(telephone number)
(email)

(cf. 4030 Nondiscrimination in Employment)

(cf. 5145.7 Sexual Harassment)

(cf. 5145.71 Title IX Sexual Harassment Complaint Procedures)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

(cf. 4112.9/4212.9/4312.9 Employee Notifications)

SEXUAL HARASSMENT (continued)

Prohibited Conduct Definitions

~~Prohibited s~~ *Sexual harassment* includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

(cf. 4030 - Nondiscrimination in Employment)

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, *sexual harassment* is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. **A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct**
2. **Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity**
3. **Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291**

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

SEXUAL HARASSMENT (continued)

Examples of Sexual Harassment

Examples of actions that might constitute sexual harassment **under state or federal law in accordance with the definitions above**, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 **in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures**, as well as to oversee, investigate, and resolve sexual harassment complaints processed under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Ada Principal, Cardiff School Principal, Superintendent

(title or position)

1888 Montgomery Avenue, Cardiff, CA 92007

(address)

(760) 632-5894; (760) 632-5892; (760) 632-5890

(telephone number)

(email)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

SEXUAL HARASSMENT (continued)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment

SEXUAL HARASSMENT (continued)

9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

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

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

SEXUAL HARASSMENT (continued)

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

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted **(Education Code 231.5)**
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired **(Education Code 231.5)**
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct **(Education Code 231.5)**
4. **Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site (34 CFR 106.8)**
5. **Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)**

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

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

SEXUAL HARASSMENT (continued)

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

Complaint Procedures

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

(3/18 7/20) 10/20

Administrative Regulation

All Personnel

AR 4119.12(a)

4219.12

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

4319.12

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, **while in an education program or activity in which a district school exercises substantial control over the context and respondent,** was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, **106.44**)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

All other sexual harassment complaints **or allegations** shall be investigated and **responded to pursuant to resolved in accordance with** AR 4030 - Nondiscrimination in Employment. **The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.**

(cf. 4030 - Nondiscrimination in Employment)

Because the complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure.

Reporting Allegations/Filing a Formal Complaint

~~A report of sexual harassment shall be submitted directly to or forwarded~~ **An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment** to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment **or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report.**

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of **the right to file a formal complaint and** the process for filing a formal complaint.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations ~~in which~~ **when** a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, **including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment.** In such cases, the **Title IX Coordinator shall provide the alleged victim** ~~alleged victim is not a party to the case, but will receive~~ notices as required by the Title IX regulations at specific points in the complaint process.

~~A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)~~

The ~~Superintendent or designee shall ensure that the~~ Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process **does shall** not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, ~~and that s~~Such persons **shall** receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, ~~even if a formal complaint is not filed,~~ the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures ~~which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party,~~ and shall consider the complainant's wishes with respect to the supportive measures **implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment.** ~~Such~~ **Supportive** measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. ~~The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.~~ (34 CFR 106.30, 106.44)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint **that in which the alleged conduct** did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, ~~and simultaneously to the parties,~~ send written notice of the dismissal and the reasons for the dismissal ~~simultaneously to the parties,~~ **and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below.** (34 CFR 106.45)

If a complaint is dismissed ~~on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30,~~ the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Formal Complaint Process Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, ~~the district investigates allegations~~ **new Title IX allegations arise** about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker ~~and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons~~ **and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.**

Investigation Procedures

During the investigation process, the district's **designated investigator** shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence **obtained as part of the investigation** that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

written response for the investigator to consider prior to the completion of the investigative report

7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
9. ~~After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party~~

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. **(34 CFR 106.45)**

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

~~After sending the investigative report to the parties and~~ **the investigative report has been sent to the parties but** before reaching a determination regarding responsibility, **the decision-maker shall** afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within **45 60** calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the **district decision-maker** shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct **or policies** to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the **determination notice of the decision or dismissal**, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. **Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.**

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised 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 antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures,"

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

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

(cf. 4117.7/4317.7 - Employment Status Report)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: **(34 CFR 106.45)**

- 1. a A** record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, **and** any appeal or informal resolution and the results therefrom, **and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)**
- 2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances**
- 3. The Superintendent or designee shall also maintain for a period of seven years all All** materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. **(34 CFR 106.45)**

(cf. 1113 - District and School Web Sites)
(cf. 3580 - District Records)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

(7/20) 10/20

Policy Reference UPDATE Service

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Exhibit

All Personnel

E 4119.12(a)

4219.12

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

4319.12

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Note: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 5145.7 - Sexual Harassment.

The district has designated and authorized the following employee as the district's Title IX Coordinator, to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Ada Principal, Cardiff School Principal, Superintendent

(title or position)

1888 Montgomery Avenue, Cardiff, CA 92007

(address)

(760) 632-5894; (760) 632-5892; (760) 632-5890

(telephone number)

(email)

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures on the district's web site at www.cardiffschools.com.

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: Emily Horta at the Cardiff School District; 760.632.5890; emily.horta@cardiffschools.com.

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the district's web site or at the district office upon request.

Board Policy

All Personnel

BP 4157(a)

4257

EMPLOYEE SAFETY

4357

The Governing Board is committed to maximizing employee safety and believes that workplace safety is **every employee's the** responsibility **of every employee**. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

(cf. 0450 - Comprehensive Safety Plan)

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

~~The Board expects a~~ All employees **are expected** to use safe work practices and, to the extent possible, correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, **he/she the employee** shall immediately report the problem to the Superintendent or designee.

~~The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.~~

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall establish and implement a written injury and illness prevention program, **and provide employees with access to such program**, in accordance with law. (Labor Code 6401.7; **8 CCR 3203**)

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

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

The Superintendent or designee shall **ensure the ready availability of** **make** first aid materials **readily available** at district workplaces and shall make effective provisions, **in advance, to prepare** for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for **exercising any right regarding employee safety or health specified in Labor Code 6310, including:**

EMPLOYEE SAFETY (continued)

- 1. Making a report or complaints,**
- 2. Instituting proceedings or causing proceedings to be instituted, or**
- 3. Testifying with regard to employee safety or health or for**
- 4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7 (Labor Code 6310)**
- 5. Requesting access to injury or illness reports and records**
- 6. Exercising any other right protected by the Occupational Safety and Health Act**

Legal Reference:

EDUCATION CODE

32030-32034 Eye safety

32225-32226 Communications devices in classrooms

32280-32289.5 School safety plans

44984 Required rules for industrial accident and illness leave of absence

GOVERNMENT CODE

3543.2 Scope of bargaining

LABOR CODE

132a Workers' compensation; nondiscrimination

3300 Definitions of employer

6305 Occupational safety and health standards; special order

6310 Retaliation for filing complaint prohibited

6400-6413.5 Responsibilities and duties of employers and employees, especially:

6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

3203 Injury and illness prevention program

3204 Access to employee exposure and medical records

3400 Medical services and first aid

5095-5100 Control of noise exposure

5193 Bloodborne pathogens

14000-14316 Occupational injury or illness reports and records

CODE OF REGULATIONS, TITLE 17

2508 Reporting of communicable diseases

CODE OF FEDERAL REGULATIONS, TITLE 29

651-678 Occupational safety and health

1910.95 Occupational noise exposure standards

1910.1030 Bloodborne pathogens

EMPLOYEE SAFETY (continued)

Management Resources:

DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2011 ~~105~~

WEB SITES

California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

Centers for Disease Control and Prevention: <http://www.cdc.gov>

National Hearing Conservation Association: <http://www.hearingconservation.org>

National Institute for Occupational Safety and Health: <http://www.cdc.gov/niosh>

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

(7/99 3/10) 10/20

Administrative Regulation

All Personnel

AR 4157.1(a)

4257.1

WORK-RELATED INJURIES

4357.1

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

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

(cf. 4032 - Reasonable Accommodation)

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

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

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

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of **the employee's his/her** right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

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

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, **the employee he/she** shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. **The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.**

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to **the employee's his/her** dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

WORK-RELATED INJURIES (continued)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

OPTION 1: ~~(Districts insured for workers' compensation through a third party insurer)~~

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier **or DIR, as applicable**, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death **must shall** be filed **with the insurance carrier** within five days after being notified of or learning about the death. (Labor Code 6409.1)

OPTION 2: ~~(Districts insured for workers' compensation through self insurance)~~

~~Upon learning of a work related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the DIR within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death must be filed with the DIR within five days after being notified of or learning about the death. (Labor Code 6409.1)~~

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report **to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA** email to the Division of Occupational Safety and Health. (Labor Code 6409.1)

For the purpose of this report, *serious injury or illness* means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

Claims Related to COVID-19

Until January 1, 2023, an employee is presumed to be entitled to workers' compensation benefits for illness or death resulting from COVID-19 if the diagnosis was made within 14 days after the employee performed labor or services at the place of employment and if the employee contracted COVID-19 during an outbreak at the employee's specific place of employment. (Labor Code 3212.86, 3212.88)

WORK-RELATED INJURIES (continued)

For this purpose, an *outbreak* means that, within 14 calendar days, one of the following occurs at a specific place of employment: (Labor Code 3212.88)

1. If a specific place of employment has 100 employees or fewer, four employees test positive for COVID-19.
2. If a specific place of employment has more than 100 employees, four percent of the number of employees who reported to the specific place of employment test positive for COVID-19.
3. A specific place of employment is ordered to close by a local public health department, the California Department of Public Health, Cal/OSHA, or the Superintendent due to a risk of infection with COVID-19.

The Superintendent or designee may rebut a presumption that COVID-19 was contracted during the course and scope of employment by offering evidence to the Workers' Compensation Appeals Board, such as the measures that were in place at the employee's specific place of employment to reduce potential transmission of COVID-19 and evidence of an employee's nonoccupational risk of contracting COVID-19. (Labor Code 3212.86, 3212.88)

Legal Reference:

EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

LABOR CODE

3200-4856⁶⁵ Workers' compensation, especially:

3212.86 COVID-19: critical workers pre-July 5, 2020

3212.88 COVID-19: critical workers post-July 5, 2020

3550-3553 Employee notice

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5413 Notice of injury or death

6302 Definition of serious injury or illness

6409.1 Reports

CODE OF REGULATIONS, TITLE 8

15596 Notice of employee rights **to workers' compensation benefits**

Management Resources:

DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Workers' Compensation in California: A Guidebook for Injured Workers, 2016

Notice to Employees -- Injuries Caused by Work

Time of Hire Pamphlet

Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility

AR 4157.1(d)
4257.1
4357.1

WORK-RELATED INJURIES (continued)

Management Resources (continued):

WEB SITES

California Department of Industrial Relations, Division of Occupational Safety and Health:

<http://www.dir.ca.gov/dosh>

California Department of Industrial Relations, Division of Workers Compensation:

<http://www.dir.ca.gov/dwc>

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

(7/02 10/16) 10/20

Policy Reference UPDATE Service

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Board Policy

Students

BP 5113.1(a)

CHRONIC ABSENCE AND TRUANCY

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.11 - Attendance Supervision)

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district. ~~He/she shall provide the Board with data on school attendance, chronic absence, and truancy rates districtwide, for each school, and disaggregated for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be used in the development of annual goals and specific actions for student attendance and engagement to be included in the district's local control and accountability plan and other applicable school and district plans.~~

~~*(cf. 0400 - Comprehensive Plans)*~~

~~*(cf. 0420 - School Plans/Site Councils)*~~

~~*(cf. 0450 - Comprehensive Safety Plan)*~~

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

~~*(cf. 0500 - Accountability)*~~

The Superintendent, **attendance supervisor**, or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy.

The Superintendent, **attendance supervisor**, or designee shall develop ~~strategies that a tiered approach to reducing chronic absence. focus on prevention of~~ **Such an approach shall include strategies for preventing** attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, **letters alerting parents/guardians to the value of regular school attendance**, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

~~The Superintendent or designee also shall develop strategies that enable~~ **The tiered approach shall also provide for** early outreach to students as soon as they show signs of poor attendance **or if they were chronically absent in the prior school year. Early**

CHRONIC ABSENCE AND TRUANCY (continued)

intervention may include personalized outreach, individual attendance plans, and/or mentoring to students with moderate levels of chronic absence, with additional intensive, interagency wrap-around services for students with the highest level of absence.

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

(cf. 5126 - Awards for Achievement)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.6 - School Health Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

~~The Superintendent or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy.~~

~~Interventions for s~~Students with serious attendance problems shall be **provided with interventions specific to their needs, which** ~~designed to meet the specific needs of the student and~~ may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The Superintendent, **attendance supervisor,** or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make alternative educational programs and support services available for students and families.

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

(cf. 5030 - Student Wellness)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 5147 - Dropout Prevention)

(cf. 6158 - Independent Study)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

(cf. 6175 - Migrant Education Program)

(cf. 6179 - Supplemental Instruction)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

The Superintendent or designee shall ensure that staff assigned to fulfill attendance-related duties are trained in implementing a trauma-informed approach to chronic

CHRONIC ABSENCE AND TRUANCY (continued)

absence and receive information about the high correlation between chronic absence and exposure to adverse childhood experiences.

(cf. 4131 - Staff Development)

Students who are identified as **chronically absent or** truant shall be subject to the interventions specified in law and administrative regulation.

(cf. 5113.12 - District School Attendance Review Board)

A student's truancy, tardiness, or other absence from school shall not be the basis for **his/her** suspension or expulsion. Alternative strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. 5144 - Discipline)

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

The Superintendent, **attendance supervisor**, or designee shall periodically report to the Board regarding **student attendance patterns in the district, including rates of chronic absence and truancy districtwide and for each school, grade level, and numerically significant student subgroup as defined in Education Code 52052.** ~~the district's progress in improving student attendance rates for all students and for each numerically significant student population.~~ Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to **make changes as needed** develop annual goals and specific actions for student attendance and engagement to be included in the **district's local control and accountability plan and other applicable school and district plans.** As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

(cf. 0500 - Accountability)

(cf. 0400 - Comprehensive Plans)

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

1740-1742 *Employment of personnel to supervise attendance (county superintendent)*

37223 *Weekend classes*

46000 *Records (attendance)*

46010-46014 *Absences*

46110-46119 *Attendance in kindergarten and elementary schools*

46140-46147 *Attendance in junior high and high schools*

48200-48208 *Children ages 6-18 (compulsory full-time attendance)*

48225.5 *Work permits, entertainment and allied industries*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

CHRONIC ABSENCE AND TRUANCY (continued)

Legal Reference (continued):

48290-48297 *Failure to comply; complaints against parents*
48320-48325 *School attendance review boards*
48340-48341 *Improvement of student attendance*
48400-48403 *Compulsory continuation education*
48900 *Suspension and expulsion*
49067 *Unexcused absences as cause of failing grade*
52052 *Accountability; numerically significant student subgroups*
60901 *Chronic absence*
GOVERNMENT CODE
54950-54963 *The Ralph M. Brown Act*
PENAL CODE
270.1 *Chronic truancy; parent/guardian misdemeanor*
272 *Parent/guardian duty to supervise and control minor child; criminal liability for truancy*
830.1 *Peace officers*
VEHICLE CODE
13202.7 *Driving privileges; minors; suspension or delay for habitual truancy*
WELFARE AND INSTITUTIONS CODE
256-258 *Juvenile hearing officer*
601-601.4 *Habitually truant minors*
11253.5 *Compulsory school attendance*
CODE OF REGULATIONS, TITLE 5
306 *Explanation of absence*
420-421 *Record of verification of absence due to illness and other causes*
COURT DECISIONS
L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

Management Resources:

ATTENDANCE WORKS PUBLICATIONS
District Attendance Tracking Tool
For School Board Members: Frequently Asked Questions About Chronic Absence
School Attendance Tracking Tool
Bringing Attendance Home: Engaging Parents in Preventing Chronic Absence, 2015
~~Count Us In! Working Together to Show that Every School Day Matters, 2014~~
The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
*School Attendance Review Board **Handbook**: A Road Map for Improved School Attendance and Behavior, 2015 rev. 2018*
School Attendance Improvement Handbook, 2000
WEB SITES
CSBA: <http://www.csba.org>
Attendance Works: <http://www.attendanceworks.org>
California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>
California Department of Education: <http://www.cde.ca.gov>
California Healthy Kids Survey: <http://chks.wested.org>
California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

(4/15 10/17) 10/20

Policy Reference UPDATE Service

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Administrative Regulation

Students

AR 5113.1(a)

CHRONIC ABSENCE AND TRUANCY

Definitions

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901)

Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and **his/her the student's** parent/guardian after either of the two previous reports. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260, 48260.5, 48261, 48262, 48263, and 48291. (Education Code 48263.6)

For purposes of classifying a student as a truant, *valid excuse* includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5 **and AR 5113 - Absences and Excuses**. A valid excuse may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

(cf. 5113 - Absences and Excuses)

(cf. 5113.2 - Work Permits)

Addressing Chronic Absence

When a student is identified as a chronic absentee, the Superintendent, **attendance supervisor**, or designee shall communicate with the student and **his/her the student's** parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

(cf. 5113.11 - Attendance Supervision)

(cf. 6020 - Parent Involvement)

CHRONIC ABSENCE AND TRUANCY (continued)

The student may be referred to a student success team or school-site attendance review team to assist in evaluating ~~his/her~~ **the student's** needs and identifying strategies and programs to assist ~~him/her~~ **the student**. **When necessary, the student may be referred to a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee, in accordance with Education Code 48263 and item #3 in the section "Addressing Truancy" below.**

(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6175 - Migrant Education Program)

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

Students who are absent shall be given an opportunity to make up missed assignments or assessments and shall receive full credit for satisfactory completion of the work. Students with excessive absences shall be supported to the extent possible to limit the impact of absences on the student's grades.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6158 - Independent Study)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6178.1 - Work-Based Learning)
(cf. 6179 - Supplemental Instruction)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)

Whenever chronic absenteeism is linked to a health ~~issue or~~ **social-emotional, family, or other** nonschool ~~condition~~ **issue**, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and **the student's** ~~his/her~~ family.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5141.6 - School Health Services)

Addressing Truancy

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during

CHRONIC ABSENCE AND TRUANCY (continued)

school hours of any minor student found away from **his/her** home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264, 48265, 48266)

(cf. 3515.3 - District Police/Security Department)

The Superintendent, **attendance supervisor**, or designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of truanancies **he/she the student** has committed:

1. Initial truancy

- a. The student shall be reported to the Superintendent, **attendance supervisor**, or designee. (Education Code 48260)
- b. The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)

- (1) The student is truant.
- (2) The parent/guardian is obligated to compel the student to attend school **and, if** the parent/guardian fails to meet this obligation, **he/she the parent/guardian** may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
- (3) Alternative educational programs are available in the district.
- (4) The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
- (5) The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or designee, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.
- (6) **If the student is at least 13 years of age but under age 18, t**~~he~~**he** student may be subject to **the** suspension, restriction, or delay of **his/her** driving privilege pursuant to Vehicle Code 13202.7.

CHRONIC ABSENCE AND TRUANCY (continued)

- (7) It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

(cf. 5145.6 - Parental Notifications)

- c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
 - d. The student and, as appropriate, **his/her the student's** parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)
 - e. The Superintendent, **attendance supervisor**, or designee may notify the district attorney and/or probation officer of the student's name and the name and address of **his/her the student's** parents/guardians. (Education Code 48260.6)
2. Second truancy
- a. Any student who has once been reported as a truant shall again be reported to the Superintendent, **attendance supervisor**, or designee as a truant if **he/she the student** is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year. (Education Code 48261)
 - b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
 - c. The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, **he/she the student** shall be subject to item #3 below. (Education Code 48264.5)
 - d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and **his/her the student's** parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)
 - e. The student may be given a written warning by a peace officer. A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

CHRONIC ABSENCE AND TRUANCY (continued)

- f. The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)
3. Third truancy (habitual truancy)

- a. A student who is habitually truant, ~~irregular in school attendance~~ **a chronic absentee**, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a ~~school attendance review board~~ **(SARB)** program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. (Education Code 48263, 48264.5)

(cf. 5113.12 - District School Attendance Review Board)

- b. Upon making a referral to the SARB or the probation department, the Superintendent, ~~or designee~~ **attendance supervisor, or other person designated to make the referral** shall provide the student, ~~the student's and parent/guardian,~~ **and SARB or probation department with documentation of the interventions undertaken at the school. The attendance supervisor or designee shall also provide the student and the student's parent/guardian,** in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and **the student's** parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)
- c. If the student does not successfully complete the truancy mediation program or other similar program, ~~he/she~~ **the student** shall be subject to item #4 below. (Education Code 48264.5)
- d. If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or ~~his/her~~ **the student's** parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer. (Education Code 48263)

4. Fourth truancy

- a. Upon ~~his/her~~ **the** fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5;

CHRONIC ABSENCE AND TRUANCY (continued)

- b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)
- 5. Chronic truancy (unexcused absence for 10 percent of school days)
 - a. The Superintendent or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.
 - b. If a chronically truant student is at least age six years and is in any of grades K-8, the Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

Records

The Superintendent, **attendance supervisor**, or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. ~~The Superintendent or designee also~~ **In addition, the attendance supervisor, designee, and/or the staff persons who have direct contact with the student or parent/guardian** shall document all **their** contacts ~~with a student and his/her parent/guardian~~ regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

(cf. 5125 - Student Records)

The Superintendent, **attendance supervisor**, or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court. (Education Code 48273)

(11/12 10/17) 10/20

Board Policy

Students

AR 5113.11(a)

ATTENDANCE SUPERVISION

The Superintendent or designee shall appoint an attendance supervisor and any assistant attendance supervisor(s) as may be necessary to supervise the attendance of district students. (Education Code 48240, **48242**)

~~The Superintendent or designee shall ensure that a~~Any person appointed as an attendance supervisor ~~has been~~ **shall be appropriately** certificated ~~for~~ **to perform** the work ~~by the County Board of Education.~~ (Education Code 48241, 48245)

Such Attendance supervisors shall perform duties related to compulsory full-time education, truancy, compulsory continuation education, work permits, and any additional duties prescribed by the Superintendent or designee. (Education Code 48240)

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.2 - Work Permits)

(cf. 6184 - Continuation Education)

The attendance supervisor shall promote a culture of attendance and establish a system to accurately track student attendance in order to achieve all of the following: **(Education Code 48240)**

1. Raise the awareness of school personnel, parents/guardians, caregivers, community partners, and local businesses of the effects of chronic absenteeism and truancy and other challenges associated with poor attendance
2. Identify and respond to grade level or student subgroup patterns of chronic absenteeism or truancy

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

(cf. 6175 - Migrant Education Program)

3. Identify and address factors contributing to chronic absenteeism and habitual truancy, including suspension and expulsion

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

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

ATTENDANCE SUPERVISION (continued)

4. Ensure that students with attendance problems are identified as early as possible to provide applicable support services and interventions
5. Evaluate the effectiveness of strategies implemented to reduce chronic absenteeism rates and truancy rates

(cf. 0500 - Accountability)

The attendance supervisor may provide support services and interventions, including, but not limited to, the following: (Education Code 48240)

1. A conference between school personnel, the student's parent/guardian, and the student
2. Promotion of cocurricular and extracurricular activities that increase student connectedness to school, such as tutoring, mentoring, the arts, service learning, or athletics

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.6 - Visual and Performing Arts)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

3. Recognition of students who achieve excellent attendance or demonstrate significant improvement in attendance

(cf. 5126 - Awards for Achievement)

4. Referral of the student to a school nurse, school counselor, school psychologist, school social worker, and other student support personnel for case management and counseling

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

5. Collaboration with child welfare services, law enforcement, courts, public health care agencies, government agencies, or medical, mental health, and oral health care providers to receive necessary services

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

6. Collaboration with school study teams, guidance teams, school attendance review teams, or other intervention-related teams to assess the attendance or behavior problem in partnership with the student and ~~his/her~~ **the student's** parents/guardians or caregivers

(cf. 6164.5 - Student Success Teams)

ATTENDANCE SUPERVISION (continued)

7. In schools with significantly higher rates of chronic absenteeism, identification of barriers to attendance that may require schoolwide strategies rather than case management
8. Referral of the student for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program for a student with disabilities or creating a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973

(cf. 6159 - Individualized Education Program)

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

9. Referral of the student to a school attendance review board **(SARB)** established pursuant to Education Code 48321 or to the probation department pursuant to Education Code 48263

(cf. 5113.12 - District School Attendance Review Board)

10. Referral of the student to a truancy mediation program operated by the county's district attorney or probation officer pursuant to Education Code 48260.6

Upon receiving any complaint that a parent/guardian or other person having control or charge of a student has violated Education Code 48200-48341, the state compulsory education laws, the attendance supervisor shall investigate the matter and, if a violation is found, shall recommend referral to a SARB. If the district is subsequently notified by the SARB that the parent/guardian continually and willfully has failed to respond to directives of the SARB or the services provided, the attendance supervisor shall refer the matter for possible prosecution in court in accordance with Education Code 48291-48292 as applicable. (Education Code 48290-48292)

The attendance supervisor shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court. (Education Code 48273)

The attendance supervisor shall annually report student attendance data to the Superintendent or designee and the Governing Board. Such data shall include, by school, grade level, and each numerically significant student subgroup as defined in Education Code 52052, rates of school attendance, chronic absence in which students are absent on 10 percent or more of the school days in the school year, and dropout.

(cf. 5147 - Dropout Prevention)

ATTENDANCE SUPERVISION (continued)

Legal Reference:

EDUCATION CODE

1740 *Employment of personnel to supervise attendance (county superintendent)*

37223 *Weekend classes*

46000 *Records (attendance)*

46010-46014 *Absences*

46110-46119 *Attendance in kindergarten and elementary schools*

46140-46147 *Attendance in junior high and high schools*

48200-48208 *Children ages 6-18 (compulsory full-time attendance)*

48240-48246 *Supervisors of attendance*

48260-48273 *Truants*

48290-48297 *Failure to comply; complaints against parents*

48320-48325 *School attendance review boards*

48340-48341 *Improvement of student attendance*

48400-48403 *Compulsory continuation education*

52052 *Accountability; numerically significant student subgroups*

52060-52077 *Local control and accountability plan*

60901 *Chronic absence*

PENAL CODE

270.1 *Chronic truancy; parent/guardian misdemeanor*

WELFARE AND INSTITUTIONS CODE

601-601.4 *Habitually truant minors*

11253.5 *Compulsory school attendance*

CODE OF REGULATIONS, TITLE 5

306 *Explanation of absence*

420-421 *Record of verification of absence due to illness and other causes*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, 2015

School Attendance Improvement Handbook, 2000

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

Board Policy

Students

BP 5145.7(a)

SEXUAL HARASSMENT

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint **or allegation** is addressed through **AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures**, as applicable, and shall offer supportive measures to the complainant. **Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.**

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

The Title IX Coordinator and shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

SEXUAL HARASSMENT (continued)

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include

SEXUAL HARASSMENT (continued)

suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

In accordance with law **and district policies and regulations**, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

SEXUAL HARASSMENT (continued)

Legal Reference (continued):

UNITED STATES CODE, TITLE 42

1983 *Civil action for deprivation of rights*

2000d-2000d-7 *Title VI, Civil Rights Act of 1964*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

106.1-106.82 *Nondiscrimination on the basis of sex in education programs*

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

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

Q&A on Campus Sexual Misconduct, September 2017

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

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

(9/16 7/20) 10/20

Policy Reference UPDATE Service

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Administrative Regulation

Students

AR 5145.7(a)

SEXUAL HARASSMENT

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate, and resolve sexual harassment complaints under AR 1312.3 – Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

(title or position)
(address)
(telephone number)
(email)

~~(cf. 1312.3 – Uniform Complaint Procedures)~~

~~(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)~~

The district shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

Prohibited Conduct Definitions

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

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

SEXUAL HARASSMENT (continued)

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, *sexual harassment* is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. **A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct**
2. **Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity**
3. **Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291**

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Examples of Sexual Harassment

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment **under state and/or federal law, in accordance with the definitions above,** include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation

SEXUAL HARASSMENT (continued)

4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

~~Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.~~

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 **in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures**, as well as to **oversee** investigate, and/or resolve sexual harassment complaints **processed** under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Ada Principal, Cardiff School Principal, Superintendent

(title or position)

1888 Montgomery Avenue, Cardiff, CA 92007

(address)

(760) 632-5894; (760) 632-5892; (760) 632-5890

(telephone number)

(email)

SEXUAL HARASSMENT (continued)

Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

(cf. 5145.6 - Parental Notifications)

The district shall notify students, and parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted, **along with the name or title and contact information of the Title IX Coordinator**, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students ~~This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the district's Title IX Coordinator.~~ (Education Code 234.6; 34 CFR 106.8)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

SEXUAL HARASSMENT (continued)

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, **along with the name or title and contact information of the Title IX Coordinator**, in any handbook provided to students, **or** parents/guardians, **employees, or employee organizations** (34 CFR 106.8)

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. **The report shall be made** regardless of whether the alleged victim files a formal complaint **or requests confidentiality**.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

SEXUAL HARASSMENT (continued)**Complaint Procedures**

All complaints **and allegations** of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to **BP**/AR 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

(9/16 7/20) 10/20

Administrative Regulation

Students

AR 5145.71(a)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, **while in an education program or activity in which a district school exercises substantial control over the context and respondent,** was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, **106.44**)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints **or allegations brought by or on behalf of students** shall be investigated and ~~responded to pursuant to~~ **resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.**

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 are concurrently met while implementing the Title IX procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Reporting Allegations/Filing a Formal Complaint

~~A report of sexual harassment shall be submitted directly to or forwarded~~ **A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment** to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment **or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.**

(cf. 5145.7 - Sexual Harassment)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of **the right to file a formal complaint and** the process for filing a formal complaint. **(34 CFR 106.44)**

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. **(34 CFR 106.30)**

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations ~~in which~~ **when** a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, **including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment.** In such cases, the **Title IX Coordinator shall provide the alleged victim** ~~alleged victim is not a party to the case, but will receive~~ notices as required by the Title IX regulations at specific points in the complaint process.

~~A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)~~

The ~~Superintendent or designee shall ensure that the~~ Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process ~~does~~ **shall** not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, ~~and that s~~Such persons **shall** receive training in accordance with 34 CFR 106.45. **(34 CFR 106.45)**

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, ~~even if a formal complaint is not filed,~~ the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures ~~which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party,~~ and shall consider the complainant's wishes with respect to the supportive measures **implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment.** **Such Supportive** measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. ~~The Title IX~~

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

~~Coordinator shall consider the complainant's wishes with respect to supportive measures.~~ (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint **that in which the alleged conduct** did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, ~~and simultaneously to the parties,~~ send written notice of the dismissal and the reasons for the dismissal ~~simultaneously to the parties,~~ **and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below.** (34 CFR 106.45)

If a complaint is dismissed ~~on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30,~~ the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Formal Complaint Process Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, ~~the district investigates allegations~~ **new Title IX allegations arise** about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker ~~and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons~~ **and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.**

Investigation Procedures

During the investigation process, the district's **designated investigator** shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence **obtained as part of the investigation** that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
9. ~~After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party~~

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. **(34 CFR 106.45)**

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

~~After sending the investigative report to the parties and~~ **the investigative report has been sent to the parties but** before reaching a determination regarding responsibility, **the decision-maker shall** afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within ~~45~~ **60** calendar days of the receipt of the complaint.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the **district decision-maker** shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct **or policies** to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the **determination notice of the decision or dismissal**, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. ~~Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.~~

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

The district's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights **within 180 days of the date of the most recently alleged misconduct.**

The complainant shall be advised 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 antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures,"

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

(cf. 5144 - Discipline)

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

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

(cf. 4117.7/4317.7 - Employment Status Report)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: **(34 CFR 106.45)**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

- 1. a A** record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, **and** any appeal or informal resolution and the results therefrom, **and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)**
- 2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances**
- 3. The Superintendent or designee shall also maintain for a period of seven years all All** materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. **(34 CFR 106.45)**

(cf. 1113 - District and School Web Sites)

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48985 Notices, report, statements and records in primary language

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Legal Reference (continued):

1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
106.1-106.82 Nondiscrimination on the basis of sex in education programs
COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
COURT DECISIONS (continued)
Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
FEDERAL REGISTER
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Q&A on Campus Sexual Misconduct, September 2017
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Dear Colleague Letter: Title IX Coordinators, April 2015
Sexual Harassment: It's Not Academic, September 2008
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

(7/20) 10/20

Policy Reference UPDATE Service

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Exhibit

Students

E 5145.71(a)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to students at all grade levels and their parents/guardians:

The district does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education or both.

The district has designated and authorized the following employee as the district's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Ada Principal, Cardiff School Principal, Superintendent

(title or position)

1888 Montgomery Avenue, Cardiff, CA 92007

(address)

(760) 632-5894; (760) 632-5892; (760) 632-5890

(telephone number)

(email)

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Harassment Complaint Procedures on the district's web site at www.cardiffschools.com

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: Emily Horta at the Cardiff School District; 760.632.5890; emily.horta@cardiffschools.com

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the district's web site or at the district office upon request.

Board Policy

Instruction

BP 6161.1(a)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect **and value** society's diversity, 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.

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

(cf. 0415 - Equity)

(cf. 0440 - District Technology Plan)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6000 - Concepts and Roles)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.5 - Student Assessment)

(cf. 6163.1 - Library Media Centers)

~~The Superintendent or designee shall establish a process by which instructional materials shall **will** be reviewed for recommendation to the Board.~~

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,** ~~otherwise~~ been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core State Standards adopted pursuant to Education Code 60605.8 **by SBE.** (Education Code 60200, 60210)

Review Process

~~Note: The following **optional** section may be revised to reflect district practice.~~

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

~~(cf. 1220 - Citizen Advisory Committees)~~

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Note: Pursuant to Education Code 60002, the Board 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 review process shall involve teachers in a substantial manner and shall encourage the participation of parents/guardians and community members. (Education Code 60002)~~

~~(cf. 6020—Parent Involvement)~~

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

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

~~Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.~~

~~(cf. 9270—Conflict of Interest)~~

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

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

~~(cf. 5020—Parent Rights and Responsibilities)~~

Note: 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.

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

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)**Public Hearing on Sufficiency of Instructional Materials**

The Board shall annually conduct one or more public hearings on the sufficiency of the district's ~~textbooks and other~~ instructional materials, **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)

OPTION 1: 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)

OPTION 2: ~~The hearing shall be held on or before the end of the eighth week from the first day of the school year of any district school that operates on a multitrack year-round calendar that begins its school year in August or September. (Education Code 60119)~~

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

(cf. 9322 - Agenda/Meeting Materials)

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks 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** ~~which are aligned to the state content standards adopted pursuant to Education Code 60605 or the Common Core State Standards adopted pursuant to Education Code 60605.8 and which are consistent with the content and cycles of the state's curriculum frameworks. Sufficiency of instructional materials shall be determined~~ in each of the following subjects: (Education Code 60119)

1. Mathematics

(cf. 6142.92 - Mathematics Instruction)

2. Science

(cf. 6142.93 - Science Instruction)

3. History-social science

(cf. 6142.94 - History-Social Science Instruction)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

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

(cf. 6142.91 - **Reading-English**/Language Arts Instruction)

(cf. 6174 - Education for English Learners)

5. World/**foreign** language

(cf. 6142.2 - World/**Foreign** Language Instruction)

6. Health

(cf. 6142.8 - Comprehensive Health Education)

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

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

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)

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

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)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

(cf. 0460 - Local Control and Accountability Plan)

Complaints

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

220 Prohibition against discrimination

1240 County superintendent, general duties

33050-33053 General waiver authority

33126 School accountability report card

35272 Education and athletic materials

44805 Enforcement of course of studies; use of textbooks, rules and regulations

49415 Maximum textbook weight

51501 Nondiscriminatory subject matter

52060-52077 Local control and accountability plan

60000-60005 Instructional materials, legislative intent

60010 Definitions

60040-60052 Instructional requirements and materials

60060-60063.5 Requirements for publishers and manufacturers

60070-60076 Prohibited acts (re instructional materials)

60110-60115 Instructional materials on alcohol and drug education

60119 Public hearing on sufficiency of materials

60200-60210 Elementary school materials

60226 Requirements for publishers and manufacturers

60350-60352 Core reading program instructional materials

60400-60411 High school textbooks

60510-60511 Donation for sale of obsolete instructional materials

60605 State content standards

60605.8 Common Core State Standards

60605.86-60605.88 Supplemental instructional materials aligned with Common Core State Standards

CODE OF REGULATIONS, TITLE 5

9505-9530 Instructional materials

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Instructional Materials FAQ

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

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Management Resources (continued):

Standards for Evaluating Instructional Materials for Social Content, 2013

WEB SITES

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

Association of American Publishers: <http://www.publishers.org>

California Academic Content Standards Commission, Common Core State Standards:

<http://www.scoe.net/castandards>

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

(11/12 7/17) 10/20

Administrative Regulation

Instruction

AR 6161.1(a)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

Review Process

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). In addition, the instructional materials~~ The review committee process may also include 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.**

(cf. 6020 - Parent Involvement)

If the district ~~chooses to~~ **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)

~~Toward that end, he/she~~ **The Superintendent or designee may establish an advisory an instructional materials review committee to evaluate and recommend instructional materials conduct the review of instructional materials.**

(cf. 1220 - Citizen Advisory Committees)

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.

(cf. 5020 - Parent Rights and Responsibilities)

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

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)**Criteria for Selection and Adoption of Instructional Materials**

In recommending ~~textbooks or other~~ instructional materials for adoption by the **Governing Board**, the Superintendent or designee shall ensure that ~~such the~~ materials:

1. Are aligned to **the content standards adopted by SBE and consistent with the content and cycles of the curriculum framework adopted by SBE pursuant to Education Code 60605 and/or Common Core Standards adopted pursuant to Education Code 60605.8**

(cf. 6011 - Academic Standards)

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

(cf. 6161.11 - Supplementary Instructional Materials)

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

2. To the satisfaction of the Board, are accurate, objective, current, and suited to the needs and comprehension of district students at their respective grade levels (Education Code 60045)
- 3.** With the exception of literature and tradebooks, use proper grammar and spelling (Education Code 60045)
- 4.** 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. 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 ~~the~~ SBE.
 - 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.

(cf. 1325 - Advertising and Promotion)

- 5.** Meet the requirements of Education Code 60040-60043 for specific subject content, **including, but not limited, accurately portraying society's cultural and racial diversity**

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

6. Support the district's adopted courses of study and curricular goals

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.2 - World~~Foreign~~ Language Instruction)
(cf. 6142.8 - Comprehensive Health Education)
*(cf. 6142.91 - **English Reading**/Language Arts Instruction)*
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)

7. Contribute to a comprehensive, balanced curriculum

8. Demonstrate reliable quality of scholarship as evidenced by:

- a. Accurate, up-to-date, and well-documented information
- b. Objective presentation of diverse viewpoints
- c. Clear, concise writing and appropriate vocabulary
- d. Thorough treatment of subject matter

9. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels

10. ~~Include materials that~~ Stimulate discussion of contemporary issues and improve students' thinking and decision-making skills

11. As appropriate, have corresponding versions available in languages other than English

12. Include high-quality teacher's guides

13. When available, include options for lighter weight materials 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.** ~~If the materials are technology-based materials, are~~ Be both available and comparable to other, equivalent instructional materials (Education Code 60052)
- 2.** Be accessible to all students, including economically disadvantaged students, students with disabilities, and English learners

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

3. Protect the privacy of student data

(cf. 6157 - Distance Learning)

(11/11 11/12) 10/20

Exhibit

Instruction

E 6161.1(a)

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

RESOLUTION ON SUFFICIENCY OF INSTRUCTIONAL MATERIALS

Whereas, the Governing Board of the *(name of school district)*, in order to comply 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 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 or instructional materials to use in class and to take home, which may include materials in a digital format 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 **pursuant to Education Code 60605 and/or the Common Core State Standards adopted pursuant to Education Code 60605.8;**

Finding of Sufficient Textbooks or Instructional Materials

Whereas, 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, in the following subjects:

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

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

- 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/~~foreign~~ 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.)*

Finding of Insufficient Textbooks or Instructional Materials

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/~~foreign~~ 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.)*

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS (continued)

Therefore, it is resolved, that for the (*year*) school year, the (*name of school district*) has not provided each student with sufficient textbooks or **other** instructional materials that are consistent with the cycles and content of the curriculum framework, and;

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.*)

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

AYES: _____

NOES: _____

ABSENT: _____

Attest:

Secretary

President

(11/12 7/17) 10/20

Exhibit

Board Bylaws

E(1) 9323.2(a)

ACTIONS BY THE BOARD

ACTIONS REQUIRING A SUPER MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring the Governing Board's intention to sell or lease real property (Education Code 17466)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

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

3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)

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

5. Request for temporary borrowing of funds needed for immediate requirements of the district to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)

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

(cf. 7131 - Relations with Local Agencies)

(cf. 7150 - Site Selection and Development)

(cf. 7160 - Charter School Facilities)

7. When the district is organized to serve only grades K-8, action to establish a community day school for any of grades K-8 (Education Code 48660)

(cf. 6185 - Community Day School)

8. When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

ACTIONS BY THE BOARD (continued)

9. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)

(cf. 7214 - General Obligation Bonds)

10. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)

(cf. 7213 - School Facilities Improvement Districts)

11. Resolution to place a parcel tax on the ballot (Government Code 53724)

(cf. 3471 - Parcel Taxes)

12. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

13. When the district has a three-member Board **and has adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA)**, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)

(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)

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

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

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

ACTIONS BY THE BOARD (continued)

Actions Requiring a Four-Fifths Vote of the Board:

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

~~(cf. 3110 - Transfer of Funds)~~

- 2.1. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
- 3.2. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)
- 4.3. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

~~(cf. 3311 - Bids)~~

- 5.4. When the district has a five-member or seven-member Board **and has adopted the procedures set forth in UPCCAA**, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)
- 6.5. Resolution to award a contract for a public works project at \$212,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the **Uniform Public Construction Cost Accounting Act UPCCAA** for projects of \$200,000 or less, all bids received are in excess of \$200,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

~~(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)~~

ACTIONS BY THE BOARD (continued)

Action Requiring a Four-Fifths Vote of the Board Members Present at the Meeting

A four-fifths vote of the Board members present at the meeting shall be required to approve the expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense. (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a lease of district property for extraction and taking of gas not associated with oil (Education Code 17510-17511)
2. Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111, when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

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

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

(10/16 3/19) 10/20

Cardiff School District Budget Assumptions 2021-2022

Foundational

1. The budget shall reflect the goals of the strategic plan.
2. The employee compensation package is an important aspect of the District's budgetary planning.
3. Provision for the basic education program at all levels shall be the primary consideration.
4. One-time income and ending fund balance shall only be for one-time, non-recurring items.
5. Funding for major maintenance and facilities projects shall be budgeted at ~~5% of General Fund expenditures, or the excess amount over 15% reserves;~~ ~~whichever is greater.~~
6. The District shall reserve sufficient funds in anticipation of upcoming curriculum adoptions.
7. The cafeteria program shall be monitored annually and regularly using cost saving measures to ensure a quality school lunch program.
8. Estimates for utilities, contracted services, insurance, maintenance contracts and supplies shall be based upon a combination of historical data and industry projections.
9. Budgeted expenditures shall not exceed income unless the expenditures which exceed income are one-time only, and are being made possible by an identifiable revenue source.
10. When a new and previously unbudgeted general fund project or program is recommended, the major competing demands for funding shall be reviewed also.

11. Provisions shall be made to maintain the use, value, and safety of the facilities and equipment through capital improvements and preventative maintenance.
12. The District reserves target will be 20-25% of the annual budgeted expenditures.
13. The District will use the tax assessor's recommended increase/decrease for property taxes each year.

Staffing and Enrollment

14. Keeping class sizes in the low to mid 20's is a target in Cardiff's budgetary planning.
15. Combination classes in all grade levels will be avoided whenever possible. (combination classes may be a necessary part of each school's class schedule)

Programs

16. Consideration for professional development at all levels shall be included.
17. It is recognized that specialty programs are funded in partnership with local funding sources.
18. Facilities, Maintenance and Operations expenditures will be considered in three tiers: short term, mid term and long term needs.
19. Consideration of technology support, through staff, services, and equipment, shall be included. Technological support for instruction, learning, communication, and data analysis will be considered in three tiers: short term, mid term and long term needs.

Cardiff School District
Cardiff-By-The-Sea, California 92007
November 12, 2020

ITEM: PERFORMANCE AUDIT SERVICES

BACKGROUND:

Cardiff School District's General Bond Measure GG received the endorsement of San Diego County Taxpayer's Association (SDCTA) in 2016 prior to passing with two thirds vote in the November 2016 election. In March of 2017 the Independent Citizens' Oversight Committee was formed and completed the first Annual Report then receiving a perfect score on the 2017 SDCTA School Bond Transparency Scorecard. Since that time, Cardiff School District has continued to receive one of the highest scores given in all of San Diego County. Recently on the 2020 SDCTA School Bond Transparency Scorecard, the District received the highest score given (A-).

CURRENT CONSIDERATION:

In September 2019 SDCTA made a new recommendation for districts to conduct an in depth performance construction audit, which now is a scoring criteria on the transparency scorecards. Cardiff School District received 3 estimates for performance construction audit services from three different companies. A construction performance audit is not required per Ed Code, and is a separate type of audit from the annual financial audit conducted.

FINANCIAL IMPLICATIONS:

The cost of a performance construction audit for the Measure GG: Cardiff Elementary School Modernization & Reconstruction Project is estimated at \$25,000-\$30,000 per year.

RECOMMENDATION:

It is recommended that the Board consider the information provided and give direction regarding performance audit services.