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

REGULAR MEETING OF THE GOVERNING BOARD
AGENDA

MONDAY, FEBRUARY 6, 2017 • 5:00 PM • PUBLIC MEETNG
CARDIFF SCHOOL AUDITORIUM
1888 MONTGOMERY AVENUE • CARDIFF-BY-THE-SEA, CA 92007

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 at the Cardiff School District, 1888 Montgomery Avenue, Cardiff.

In compliance with the American with Disabilities Act, if you need special assistance, disability-related modifications, including auxiliary aids or services, in order to participate in the public meeting of the district's governing board, please contact the office of the District Superintendent by sending a written request to the District Office at 1888 Montgomery Avenue, Cardiff-by-the-Sea, California, or by faxing the request to (760) 942-5831. Notification by letter or fax 72 hours prior to the meeting will enable the district to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the district shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

I. ORGANIZATIONAL ITEMS *Exhibit*

A. Call to order

B. Pledge of allegiance

C. Roll call
Mr. Mark Whitehouse, President
Ms. Siena Randall, Clerk
Ms. Nancy Orr, Member
Mr. Dave Clark, Member
Mr. David Ross, Member
Ms. Jill Vinson, Superintendent

D. Approval of agenda for February 6, 2017
All items are action unless labeled information

E. Approve minutes from regular meeting of January 12, 2017 ***A***

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 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 present a written request. Please hand your form to the secretary before the meeting. 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/Conference

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. Approval of Current Business Items:
   1. Purchase Orders
   2. Commercial Warrants #14-204231 to #14-214153 $108,445 ***B***
   3. Payroll Warrants, January, 2017, $631,292

B. Enrollment Report as of 02/01/17 ***C***

C. Personnel Report ***D***

D. Removal of items from Consent Calendar

E. Approval of Consent Calendar

IV. BUSINESS AND FINANCE

A. Review and Accept Annual Audit Report Ending June 30, 2016 ***E***

B. Approve Resolution Number 16-17-13 to Establish a Building Fund and a Debt Service Fund ***F***

V. GENERAL FUNCTIONS

A. Consider approval of the North Coastal Consortium for Special Education 2016 Local Plan Revision ***G***

B. CAASPP Update ***(Information)***

C. Consider approval of revised BP/AR 1330, Use of School Facilities ***H***

D. Approve CSBA manual policy updates for February ***I***

E. Approve Comprehensive District Safety Plan ***J***

VI. FACILITIES

A. Bond Implementation Update ***(Information)***

B. Appoint members to the Independent Citizens Oversight Committee ***K***

VII. PERSONNEL

A. Approval of Renewal of Superintendent Contract

B. Consider request from employee #344-226 for a one year unpaid medical leave of absence, effective February 6, 2017

C. Accept the retirement from employee 135-993 effective 6/19/17

D. Accept the retirement from employee 331-907effective 6/23/17

E. Consider request from employee 123-724 for a reduced work load for the 2017-18 school year

VIII. FUTURE AGENDA ITEMS

IX. ANNOUNCEMENT: ADJOURNING TO CLOSED SESSION

A. Conference with Legal Council – Anticipated Litigation
Pursuant to paragraph (2) of subdivision (d) of Section 54956.9
1 Potential Case

B. Conference with the District's labor negotiator, Jill Vinson, regarding negotiations with the Cardiff Elementary Teachers Association– Government Code Section 54957.6

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 MINUTES OF JANUARY 12, 2017

The regular meeting of the Governing Board of the Cardiff School District was held on Thursday, January 12, 2017 at the Cardiff School, 1888 Montgomery Avenue, Cardiff-by-the-Sea, California. President Whitehouse called the meeting to order at 5:00 p.m. Trustees and visitors were led in the pledge of allegiance.

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

Members absent: None

Administrators present: Vinson, Parker, Scheftner

Visitors: Adam Sweet, SEA
Megan Yeager, CETA
Katie Dobson, Jones Hall

The agenda for January 12, 2017 was approved as presented.

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

The minutes from the regular/organizational meeting of December 8, 2016 were approved as written.

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

Hearing Session:

- Megan Yeager reported teachers are happy to be back from break. She thanked the board for offering a retirement incentive.
- Adam Sweet reported that the Membership Folders have been distributed. SEA is now focused on planning the Gala which is taking place on March 25, 2017.

Exhibit A

Hearing Session continued:

- Julie Parker reported Kindergarten started full day. The transition was well-received and students were happy.
- Janelle Scheftner reported teachers and students at Ada Harris are focused. The Ed Tech teacher is working on student portfolios. Ms. Scheftner said she is excited to begin the garden dialogue with staff. She will share more information as the project progresses.
- Superintendent Vinson reported SDCOE has submitted the application on the district's behalf for state matching funds. The RFQ/P for the Bond Program Manager was posted over the winter break. An addendum was posted today. The deadline for submissions is January 23, 2017. Ms. Vinson reported that at this time there are two teachers that will be retiring at the end of the school year. The science committee has been formed.

The consent calendar was approved as presented.

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

The Budget Assumptions for 2016-17 were reviewed and discussed. No changes were necessary.

The claim against the Cardiff School District by Martha Gacioch for injuries she sustained at Ada W. Harris School on June 7, 2016 was rejected.

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

The 2017 Board protocols were reviewed.

Board Policy 3470, Debt Issuance and Management was reviewed and adopted.

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

Resolution 16-17-12, Resolution of the Board of Trustees of the Cardiff School District adopting Debt Issuance and Management Policy was approved.

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

The second reading and adoption of Board Policy 7215, Independent Citizens Oversight Committee Bylaws was approved.

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

Resolution 16-17-10, Resolution of the Board of Trustees of the Cardiff School District Adopting Bylaws Governing Measure GG Citizens Oversight Committee was approved.

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

Resolution 16-17-11, Declaring Intention to Reimburse Expenditures from the Proceeds of Obligations to be Issued by the Cardiff School District.

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

The Resolution authorizing the issuance and sale of General Obligation Bonds, Election of 2016, Series A, in the principal amount not to exceed $15,000,000 was approved.

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

The retirement from employee 165-563 effective July 1, 2017, was accepted.

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

The retirement from employee 350-239 effective August 1, 2017, was accepted.

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

There being no other regular business to come before the Board, the meeting was adjourned to closed session at 5:35 p.m. The meeting was reconvened at 8:00 p.m. President Whitehouse reported that no action was taken during the closed session. There being no other business to come before the Board, the meeting was adjourned at 8:01 p.m.

Respectfully submitted,

_____ _____

Siena Randall, Clerk Jill Vinson, Superintendent

February 2017 PO Listing

PO	Date	Supplier	Fund	Resc	Goal	Func	Object	Site	Description	Amount
		Instructional Supplies								
	1/20/17	EDUCATIONAL DATA SYSTEMS, INC.	0100	0000000	0000	3160	4300000	000	Testing Materials	6.06
	1/25/17	EDUPOINT EDUCATIONAL SYSTEMS	0100	0000000	0000	3160	4300000	000	Testing	1000.00
	1/27/17	MISSION FEDERAL CREDIT UNION	0100	0000000	1110	1000	4300000	111	Instructional Supplies	49.83
1219	1/6/17	PEARSON EDUCATION INC.	0100	0000000	1110	1000	4300000	111	Instructional Supplies	1238.28
1470	1/11/17	SCHOOLSin	0100	0000000	1110	1000	4300000	222	Instructional Supplies	371.23
1448	1/20/17	SYNCB/AMAZON	0100	0000000	1110	1000	4300000	111	Instructional Supplies	208.03
1482	1/20/17	SYNCB/AMAZON	0100	6300000	1110	1000	4300006	111	Instructional Supplies	24.18
1482	1/20/17	SYNCB/AMAZON	0100	6300000	1110	1000	4300006	111	Instructional Supplies	32.65
1482	1/20/17	SYNCB/AMAZON	0100	6300000	1110	1000	4300006	111	Instructional Supplies	23.54
1482	1/20/17	SYNCB/AMAZON	0100	6300000	1110	1000	4300006	111	Instructional Supplies	35.40
1485	1/27/17	FREE FORM CLAY & SUPPLY	0100	6300000	1110	1000	4300012	000	Instructional Supplies	193.70
1488	1/24/17	KELLY PAPER	0100	0000000	1110	1000	4300000	111	Instructional Supplies	1314.77
1440	1/11/17	SOUTHWEST SCHOOL &	0100	0000000	1110	1000	4300000	222	Instructional Supplies	46.66
	1/20/17	DEBORAH HEYER	0100	0000068	1110	1000	4300005	222	Tech Supplies	284.79
	1/27/17	MISSION FEDERAL CREDIT UNION	0100	0000068	1110	1000	4300005	222	Tech Supplies	36.88
1464	1/5/17	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Tech Supplies	453.61
1464	1/5/17	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Tech Supplies	124.20
1464	1/5/17	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Tech Supplies	236.52
1464	1/5/17	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Tech Supplies	453.60
1464	1/5/17	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Tech Supplies	453.61
1496	1/27/17	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Tech Supplies	212.68
1496	1/27/17	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Tech Supplies	212.69
1496	1/27/17	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Tech Supplies	153.33
1496	1/27/17	RASIX COMPUTER CENTER, INC.	0100	0000000	0000	2420	4300005	111	Tech Supplies	212.68
1455	1/20/17	SYNCB/AMAZON	0100	0000000	0000	2420	4300005	111	Tech Supplies	97.04
1455	1/20/17	SYNCB/AMAZON	0100	0000000	0000	2420	4300005	111	Tech Supplies	5.39
										$ 7,481.35
		Non-Instructional Supplies								
	1/11/17	DAILY JOURNAL CORPORATION	0100	0000000	0000	7100	4300000	000	Publication Fees	1023.00
1172	1/5/17	HOME DEPOT CREDIT SERVICES	0100	8150000	0000	8110	4300000	000	Maintenance Supplies	411.05
	1/27/17	MISSION FEDERAL CREDIT UNION	0100	0000000	0000	7200	4300000	000	Office Supplies	48.13
	1/27/17	MISSION FEDERAL CREDIT UNION	0100	0000000	0000	7100	4300000	000	Office Supplies	158.23
1467	1/5/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	10.89
1467	1/5/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	7.55
1467	1/5/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	26.18
1467	1/5/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	11.01
1467	1/5/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	7.22
1467	1/5/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	35.99
1473	1/5/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	32.99
1467	1/5/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	18.13
1467	1/5/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	3.77
1467	1/9/17	OFFICE DEPOT	0100	0000000	0000	7200	4300000	000	Office Supplies	6.47
1253	1/6/17	RANCHO SANTA FE	0100	0000000	0000	2700	4300000	222	Statement for Jan- Mar	105.00
1253	1/6/17	RANCHO SANTA FE	0100	0000000	0000	2700	4300000	111	Statement for Jan- Mar	105.00
1253	1/6/17	RANCHO SANTA FE	0100	0000000	0000	2700	4300000	222	Statement for Jan- Mar	105.00
1253	1/6/17	RANCHO SANTA FE	0100	0000000	0000	2700	4300000	111	Statement for Jan- Mar	105.00
1253	1/13/17	RANCHO SANTA FE	0100	0000000	0000	2700	4300000	222	Statement for Jan	45.00
1253	1/13/17	RANCHO SANTA FE	0100	0000000	0000	2700	4300000	111	Statement for Jan	45.00
	1/9/17	SHELL	0100	8150000	0000	8110	4300000	000	Automotive Supplies	88.00
	1/13/17	SITEONE LANDSCAPE SUPPLY LLC	0100	8150000	0000	8110	4300000	000	Landscape Supplies	54.77
1462	1/20/17	SYNCB/AMAZON	0100	0000000	0000	8200	4300000	000	Maintenance Supplies	8.27
1478	1/20/17	SYNCB/AMAZON	0100	0000000	0000	7200	4300000	000	Office Supplies	17.95
1478	1/20/17	SYNCB/AMAZON	0100	0000000	0000	7200	4300000	000	Office Supplies	37.49
	1/20/17	SYNCB/AMAZON	0100	0000000	0000	7200	4300000	000	Office Supplies	-32.83
										$ 2,484.26

4000 (Supplies) Totals: Balance: 275,189 Accumulated Balance: 217,776 Remaining Balance: 57,413

		Utilities								
1310	1/18/17	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	222	Services for December	168.93
1310	1/18/17	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	111	Services for December	5539.59
1310	1/18/17	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	222	Services for December	3042.41
1310	1/18/17	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	222	Services for December	24.32

1310	1/20/17	SAN DIEGO GAS & ELECTRIC	0100	0000000	0000	8200	5500001	222	Services for December	331.60
	1/6/17	EDCO WASTE & RECYCLING SERVICE	0100	0000000	0000	8200	5500002	111	Services for December	469.74
	1/6/17	EDCO WASTE & RECYCLING SERVICE	0100	0000000	0000	8200	5500002	222	Services for December	469.74
	1/5/17	AT&T	0100	0000000	0000	7200	5900001	000	Services for December	1941.55
	1/13/17	AT&T	0100	0000000	0000	7200	5900001	000	Services for December	33.86
	1/17/17	AT&T	0100	0000000	0000	7200	5900001	000	Services for December	370.61
										$ 12,392.35

Services

1171	1/5/17	CARE-A-VAN TRANSPORT	0100	0000000	5001	3600	5100000	000	Transportation	2214.80
1171	1/18/17	CARE-A-VAN TRANSPORT	0100	0000000	5001	3600	5100000	000	Transportation	1753.84
1171	1/24/17	CARE-A-VAN TRANSPORT	0100	0000000	5001	3600	5100000	000	Transportation	3698.64
	1/20/17	DAVID CLARK	0100	0000000	0000	7100	5200000	000	Conference - CSBA	272.49
1476	1/11/17	EDTECH TEACHER	0100	0000000	1110	1000	5200000	000	Conference - Innovation Summit	1400.00
1458	1/20/17	ISTE	0100	0000000	1110	1000	5200000	000	Conference - ISTE	450.00
	1/27/17	MISSION FEDERAL CREDIT UNION	0100	0000000	0000	7200	5200000	000	Conference - CSBA	191.20
	1/9/17	SAN DIEGO COUNTY OFFICE OF ED	0100	0000000	0000	2700	5200000	111	NGSS Conference	75.00
	1/9/17	SAN DIEGO COUNTY OFFICE OF ED	0100	0000000	0000	2700	5200000	222	NGSS Conference	75.00
	1/9/17	SAN DIEGO COUNTY OFFICE OF ED	0100	0000000	1110	1000	5200000	000	BTSA	1000.00
	1/27/17	SIENA_RANDALL	0100	0000000	0000	7100	5200000	000	Conference - CSBA	513.69
	1/5/17	SMALL SCHOOL DISTRICTS' ASSOC.	0100	0000000	0000	7100	5300000	000	Membership Dues	1000.00
1283	1/11/17	SAN DIEGUITO WATER DISTRICT	0100	0000000	0000	8200	5500003	111	Services for December	721.86
	1/9/17	CITY OF ENCINITAS	0100	0000000	0000	8200	5500003	222	Sewer Services	3369.40
	1/9/17	CITY OF ENCINITAS	0100	0000000	0000	8200	5500003	111	Sewer Services	3415.77
1287	1/11/17	READY REFRESH BY NESTLE	0100	0000000	0000	8200	5500003	111	Services for December	35.63
1287	1/11/17	READY REFRESH BY NESTLE	0100	0000000	0000	8200	5500003	000	Services for December	49.13
1287	1/11/17	READY REFRESH BY NESTLE	0100	0000000	0000	8200	5500003	222	Services for December	49.12
1251	1/5/17	AMERICAN PEST CONTROL	0100	0000000	0000	8200	5500004	222	Maintenance Services	96.00
1251	1/18/17	AMERICAN PEST CONTROL	0100	0000000	0000	8200	5500004	111	Maintenance Services	60.00
	1/30/17	PC REPAIR CENTER	0100	0000003	1110	1000	5600000	000	Tech Repair	453.72
1341	1/26/17	PRUDENTIAL OVERALL SUPPLY	0100	0000000	0000	8200	5600000	111	Services for December	77.16
1341	1/26/17	PRUDENTIAL OVERALL SUPPLY	0100	0000000	0000	8200	5600000	222	Services for December	108.98
1341	1/26/17	PRUDENTIAL OVERALL SUPPLY	0100	0000000	0000	8200	5600000	000	Services for December	12.10
1260	1/5/17	TOSHIBA FINANCIAL SERVICES	0100	0000000	1110	1000	5600000	111	Lease Payment Dec	256.02
1260	1/5/17	TOSHIBA FINANCIAL SERVICES	0100	0000000	1110	1000	5600000	222	Lease Payment Dec	256.03
1259	1/17/17	TOSHIBA FINANCIAL SERVICES	0100	0000000	0000	7200	5600000	000	Lease Payment Dec	220.20
1484	1/20/17	APPLE INC.	0100	0000000	0000	2420	5800000	222	Tech Supplies	1000.00
1484	1/20/17	APPLE INC.	0100	0000000	0000	2420	5800000	111	Tech Supplies	1000.00
	1/9/17	ATEL COMMUNICATIONS INC.	0100	0000000	0000	7200	5800000	000	Maintenance Services	127.50
	1/27/17	AUTISM OUTREACH SOUTHERN CALIFORNIA	0100	6500000	5770	3120	5800000	000	Services for October	4387.50
	1/5/17	CANON SOLUTIONS AMERICA, INC.	0100	0000000	0000	7200	5800000	000	Maintenance Services	426.94
	1/25/17	CANON SOLUTIONS AMERICA, INC.	0100	0000000	0000	7200	5800000	000	Maintenance Services	426.93
	1/31/17	CATHERINE GOLD	0100	0000085	1110	1000	5800000	111	Music Boosters	1750.00
1311	1/11/17	DEPENDABLE NURSING, LLC	0100	6500000	5770	1190	5800000	000	Services for December	3265.25
1311	1/24/17	DEPENDABLE NURSING, LLC	0100	6500000	5770	1190	5800000	000	Services for November	3570.50
1311	1/24/17	DEPENDABLE NURSING, LLC	0100	6500000	5770	1190	5800000	000	Services for October	3912.75
	1/9/17	ELIZABETH ODENTHAL	0100	6500000	5770	1190	5800000	000	Professional Services	400.00
1307	1/20/17	J.M.D.LANDSCAPE INC.	0100	0000000	0000	8200	5800000	000	Maintenance Services	80.00
1307	1/20/17	J.M.D.LANDSCAPE INC.	0100	0000000	0000	8200	5800000	000	Maintenance Services	280.00
1307	1/20/17	J.M.D.LANDSCAPE INC.	0100	0000000	0000	8200	5800000	000	Maintenance Services	877.78
1307	1/20/17	J.M.D.LANDSCAPE INC.	0100	0000000	0000	8200	5800000	000	Maintenance Services	3704.40
1307	1/20/17	J.M.D.LANDSCAPE INC.	0100	0000000	0000	8200	5800000	000	Maintenance Services	2106.00
1307	1/20/17	J.M.D.LANDSCAPE INC.	0100	0000000	0000	8200	5800000	000	Maintenance Services	480.00
1433	1/23/17	JUST THINK LITERACY, LLC	0100	0000000	1110	2140	5800000	000	Professional Development	11250.00
	1/12/17	LEAPS-N-BOUNDS	0100	6500000	5770	1190	5800000	000	Services for December	4355.00
	1/11/17	LINDSEY VALADEZ	0100	6500000	5770	3120	5800000	000	Psycho-Ed Report	1000.00
	1/27/17	MISSION FEDERAL CREDIT UNION	0100	0000000	0000	7100	5800000	000	Publication Fees	35.00
	1/20/17	N. HARRIS COMPUTER CORPORATION	0100	0000000	0000	7200	5800000	000	Merchant Fees for Dec	90.00
	1/25/17	REBECCA RIDEOUT	0100	0000085	1110	1000	5800000	111	Music Boosters	240.00
	1/11/17	RED TRUCK FIRE & SAFETY CO.	0100	8150000	0000	8110	5800000	000	Maintenance Services	796.00
	1/11/17	SAN DIEGO COUNTY VECTOR CONTROL PROGRAM	0100	0000000	0000	8200	5800000	000	Yearly Service	15.00
	1/11/17	SAN DIEGO OCCUPATIONAL THERAPY	0100	6500000	5770	1190	5800000	000	Services for Nov-Dec	1050.00
1398	1/11/17	SHRED-IT USA	0100	0000000	0000	7200	5800000	000	Services for December	102.48
	1/5/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	250.91
	1/5/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	113.30
	1/13/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	113.30
	1/18/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	255.80

1/18/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	1357.91
1/18/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	227.00
1/25/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	449.30
1/25/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	327.39
1/25/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	609.42
1/25/17	SOUTHCOAST HEATING & A/C	0100	8150000	0000	8110	5800000	000	Maintenance Services	671.93
1/13/17	STANDARD ELECTRONICS	0100	8150000	0000	8110	5800000	000	Maintenance Supplies	165.20
1/25/17	STANDARD ELECTRONICS	0100	8150000	0000	8110	5800000	000	Maintenance Supplies	237.54
1/12/17	STATE OF CALIFORNIA	0100	0000000	0000	7200	5800000	000	Fingerprinting Services	64.00
1/11/17	TRANE U.S. INC.	0100	8150000	0000	8110	5800000	000	Maintenance Services	454.38
1/4/17	VAUGHN IRRIGATION SERVICES INC	0100	8150000	0000	8110	5800000	000	Maintenance Services	362.50
1/11/17	WESTERN FIRE PROTECTION, INC.	0100	8150000	0000	8110	5800000	000	Maintenance Services	297.00
1/31/17	WILKINSON HADLEY KING & CO.	0100	0000000	0000	7191	5800000	000	Audit Services	6820.00
1/5/17	ARTIANO SHINOFF	0100	0000000	0000	7100	5800005	000	Professional Services	880.44
1/18/17	BEST BEST & KRIEGER LLP	0100	0000000	0000	7100	5800005	000	Services for December	812.80
1/9/17	FAGEN FRIEDMAN & FULFROST, LLP	0100	0000000	0000	7100	5800005	000	Services for December	106.00
1/24/17	FAGEN FRIEDMAN & FULFROST, LLP	0100	0000000	0000	7100	5800005	000	Services for December	1696.00
1/5/17	VERIZON WIRELESS	0100	0000000	0000	7200	5900001	000	Dec Statement	54.52
1/25/17	VERIZON WIRELESS	0100	0000000	0000	7200	5900001	000	Jan Statement	59.46
1/27/17	UNITED PARCEL SERVICE	0100	0000000	0000	7200	5900002	000	Postage	18.82
									$ 84,959.73

5000 (Services) Totals: Balance: 931,175 Accumulated Balance: 598,981 Remaining Balance: 332,194

CARDIFF SCHOOL DISTRICT

Enrollment Form

February 1, 2017

		CARDIFF BOYS	GIRLS			
K	Bjorstad	10	9	19		3
K	McNamara	8	9	17		3
K	Paccione	10	8	18		
K	Sallans	10	9	19		
K	Stone	10	10	20		4
				TOT K	93	4
						4
1	Carter	10	10	20		4
1	Easson	10	10	20		4
1	Hall	8	11	19		
1	Kulb/Stuart	11	8	19		
1	Miller	9	10	19		5
1	Doui/Boyesen	7	5	12		5
				TOT 1	109	5
						5
2	Gustafson	13	10	23		5
2	Kavan	13	10	23		
2	Redding	13	10	23		
2	Doui/Boyesen	9	7	16		6
				TOT 2	85	6
						6
3	Hamilton	8	11	19		6
3	Payte	8	12	20		6
3	Doui/Boyesen	7	7	14		
				TOT 3	53	

Wilson CARDIFF SCHOOL DISTRICT

Enrollment Form

February 1, 2017

Subtotal	174	166
SCHOOL TOTAL		340
DISTRICT TOTAL		709

CARDIFF SCHOOL DISTRICT

Enrollment Form

February 1, 2017

ADA HARRIS

	BOYS	**GIRLS**		
Pacet/Paz	9	9	18	
Switzler	9	9	18	
			TOT 3	36
Green	11	11	22	
Herrman	13	9	22	
Mihaly	8	14	22	
Price	13	9	22	
Trees	10	13	33	
			TOT 4	111
Cataldo	13	9	22	
d'Entremont	13	10	23	
Ensberg	12	9	21	
Murray	12	11	23	
Yant	8	12	20	
			TOT 5	109
Brice	13	8	21	
Jewell	10	12	22	
Nguyen	9	13	22	
Rector	12	9	21	
Therriault	13	9	22	
			TOT 6	108
Clune	5	0	**TOT**	5

CARDIFF SCHOOL DISTRICT

Enrollment Form

February 1, 2017

Subtotal	193	176
SCHOOL TOTAL		369

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

February 6, 2017

NAME	**POSITION**	**EFFECTIVE DATE**
Sonya Validi	Food Service Worker	01/03/17 (PT, Range 6, Step 3)
Kenna Denkers	Instructional Aide II	01/25/17 (PT, Range 11, Step 3)
Jesus Sotelo	Tech Support Spec. I	01/25/17 (PT, Range 20, Step 4)
Tanya Hrabovsky	Instructional Aide II	01/26/17 (PT, Range 11, Step 6)
Leah Parker	Extended Day Asst.	02/01/17 (PT, Range 8, Step 4)

Exhibit D

Cardiff School District
Cardiff by the Sea, California 92007

February 6, 2017

ITEM: **REVIEW AND ACCEPTANCE OF ANNUAL AUDIT REPORT**

BACKGROUND

Education Code Sections 41020 and 41020.3 specify that districts shall provide for an annual audit of all school funds and shall review the audit at one of its regularly scheduled public meetings. On or before January 31st, school district governing boards are required to review their annual audit report at a public meeting and discuss any audit findings as well as the district's specific corrective action plan. For the 2015-16 school year, an extension was granted by the California State Controller on December 13, 2016. The audit report was completed by the auditors on 1/31/17, and is now being presented to the governing board for review.

CURRENT CONSIDERATIONS

The audit report for the school year ending June 30, 2016 has been completed. Copies have been provided to the governing board as an attachment. A hard copy is available for public inspection at the school district office located at 1888 Montgomery Avenue. A representative from Wilkinson, Hadley, King & Co., LLP will be presenting the audit.

FINANCIAL IMPLICATIONS

There are no financial implications.

RECOMMENDATION

It is respectfully recommended that the Board review and accept the audit report for the fiscal year ending June 30, 2016.

Exhibit E

BETTY T. YEE

California State Controller

December 13, 2016

Brent Watson, Executive Director, District Financial Services
San Diego County Office of Education
6401 Linda Vista Road
San Diego, CA 92111-7319

Re: Extension Request Approval – Fiscal Year 2015-16 Cardiff Elementary Audit Report

Dear Mr. Watson:

The State Controller's Office agrees to grant your December 01, 2016 request for an extension of the December 15, 2016, filing deadline for the Cardiff Elementary annual audit report.

We expect to receive the fiscal year 2015-16 audit report by January 31, 2017. Please notify us promptly if additional delays are anticipated in filing the report.

If you have any questions regarding this letter or any other local education agency (LEA) audit issue, please contact a member of my LEA staff by telephone at (916) 324-6442 or by email at leaaudits@sco.ca.gov.

Sincerely,

JIM L. SPANO, CPA, Chief
Financial Audits Bureau
Division of Audits

cc: Superintendent, Cardiff Elementary
Wilkinson Hadley King & Co. LLP
Raquel Tucker, Education Fiscal Services Consultant
California Department of Education

CARDIFF SCHOOL DISTRICT
COUNTY OF SAN DIEGO
CARDIFF-BY-THE-SEA, CALIFORNIA

AUDIT REPORT

JUNE 30, 2016

Wilkinson Hadley King & Co. LLP
CPA's and Advisors
218 W. Douglas Ave
El Cajon, CA 92020

Introductory Section

Cardiff School District
Audit Report
For The Year Ended June 30, 2016

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Cardiff School District
Audit Report
For The Year Ended June 30, 2016

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Financial Section

P. Robert Wilkinson, CPA
Brian K. Hadley, CPA

WILKINSON HADLEY KING & CO. LLP
CPAs AND ADVISORS

Aubrey W. King, CPA
Kevin A. Sproul, CPA

Independent Auditor's Report

To the Board of Trustees
Cardiff School District
Cardiff-by-the-Sea, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Cardiff School District ("the District") as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the District's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Cardiff School District as of June 30, 2016, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

Change in Accounting Principles

As described in Note A to the financial statements, in 2016, Cardiff School District adopted new accounting guidance, Governmental Accounting Standards Board Statement No. 72, *Fair Value.* Our opinion is not modified with respect to this matter.

As described in Note A to the financial statements, in 2016, Cardiff School District adopted new accounting guidance, Governmental Accounting Standards Board Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not Within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* Our opinion is not modified with respect to this matter.

As described in Note A to the financial statements, in 2016, Cardiff School District adopted new accounting guidance, Governmental Accounting Standards Board Statement No. 76, *Hierarchy of GAAP.* Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis, budgetary comparison information, schedule of funding progress for OPEB benefits, schedule of the District's proportionate share of the net pension liability and schedule of District pension contributions identified as Required Supplementary Information in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the Required Supplementary Information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Cardiff School District's basic financial statements. The combining financial statements are presented for purposes of additional analysis and are not required parts of the basic financial statements. The accompanying other supplementary information is presented for purposes of additional analysis as required by the State's audit guide, *2015-16 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting* prescribed in Title 5, *California Code of Regulations,* Section 19810 and is also not a required part of the basic financial statements.

The combining financial statements and other supplementary information are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining financial statements and other supplementary information are fairly stated in all material respects in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated January 30, 2017 on our consideration of Cardiff School District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Cardiff School District's internal control over financial reporting and compliance.

Wilkinson Hadley King & Co., LLP

El Cajon, California
January 30, 2017

CARDIFF SCHOOL DISTRICT
Management Discussion and Analysis
June 30, 2016
(Unaudited)

The Management Discussion and Analysis Section of the audit report is management's overall review of the district's financial activities for the fiscal year ended June 30, 2016.

FINANCIAL HIGHLIGHTS

- Total net position is ($1,054,863). This is a decrease of $57,971 which is due to current year depreciation, bond repayment and the increase in the Net Pension Liability. *(See Table 1)*
- The District student enrollment decreased by 1 student from October 2014 to October 2015. *(See Table 2)*
- Property tax revenue increased by 8.09% over the previous year as a result of increases in the assessed value of properties within the district. *(See Table 3)*

TABLE 1
NET ASSETS

		30-Jun-15	30-Jun-16	Change
GOVERNMENTAL ACTIVITIES				
Capital Assets		13,215,823	12,858,020	
Other Assets		3,907,031	4,420,769	
	TOTAL ASSETS	**17,122,854**	**17,278,789**	
Deferred Outflows		520,417	1,097,473	
Current Liabilities		172,427	108,387	
Long Term Liabilities		18,032,936	18,862,424	
	TOTAL LIABILITIES	**18,205,363**	**18,970,811**	
Deferred Inflows		434,861	460,314	
TOTAL NET POSITION		**(996,953)**	**(1,054,863)**	**(57,910)**
BUSINESS TYPE ACTIVITIES				
	TOTAL ASSETS	**35,905**	**49,456**	
	DEFERRED OUTFLOWS	**18,684**	**67,884**	
	TOTAL LIABILITIES	**3,459**	**211,934**	
	DEFERRED INFLOWS	**67,675**	**92,597**	
TOTAL NET POSITION		**(213,497)**	**(187,191)**	**26,306**

TABLE 2

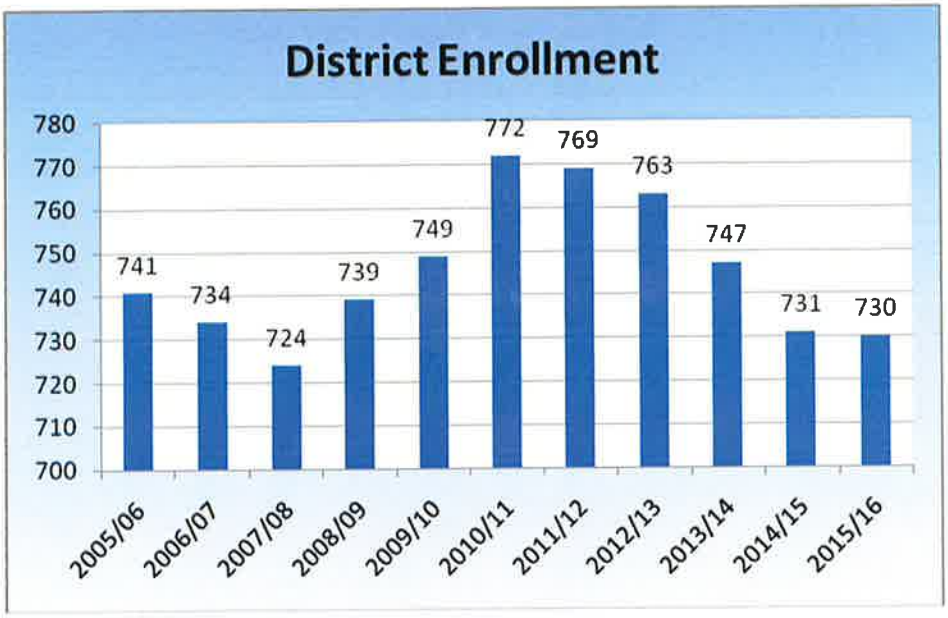


TABLE 3



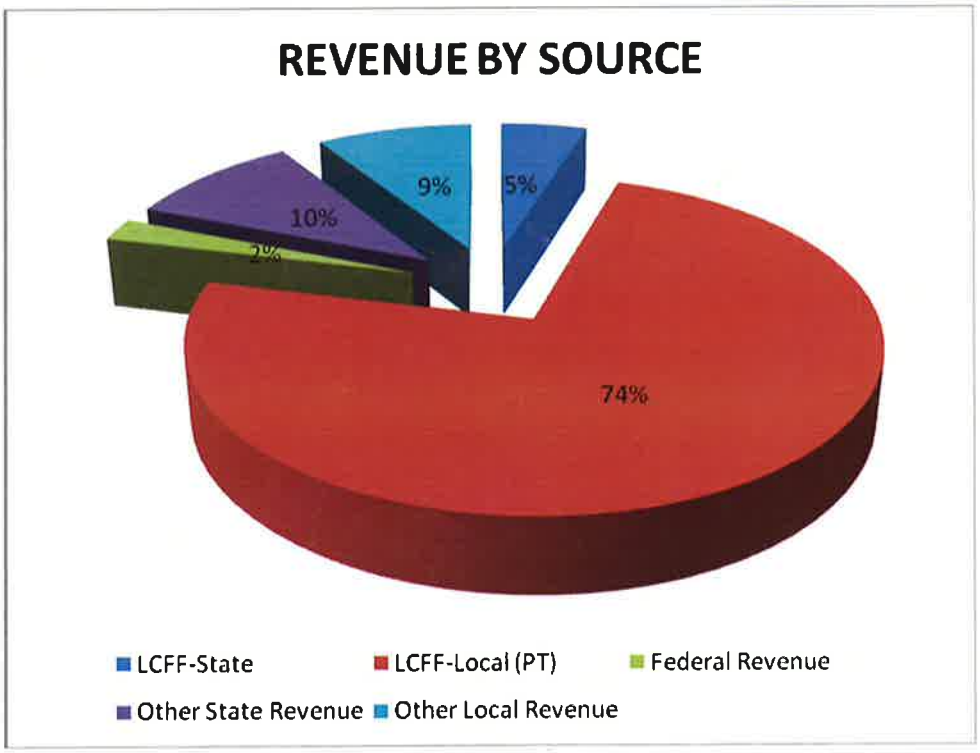
GOVERNMENTAL ACTIVITIES

REVENUES

Revenue in the governmental funds is divided into general revenue, which funds the basic ongoing instructional programs and related support services; and program revenue, which funds specific program activities that support the children enrolled in Cardiff's schools.

The largest dollar amount in revenues comes from property taxes. Other major sources are restricted program dollars.

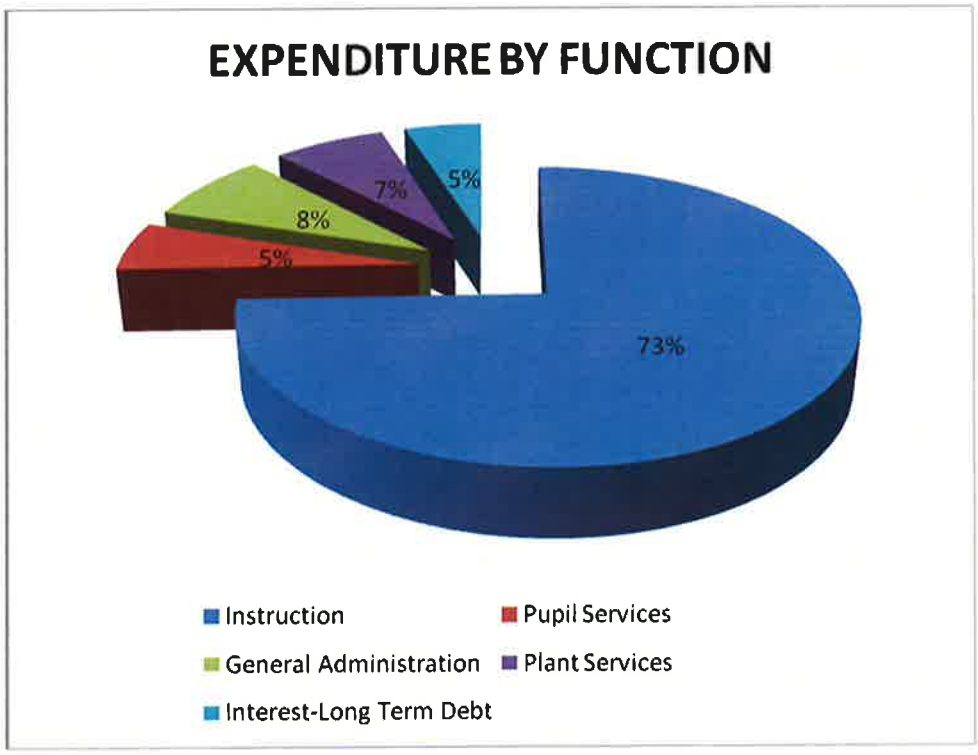
REVENUES	**2014/15**	**2015/16**
General Revenues:		
LCFF-State	542,518	527,327
LCFF-Local (PT)	7,388,328	7,965,138
Federal Revenue	236,550	245,237
Other State	448,894	1,058,106
Other Local	942,123	958,737
TOTAL	**9,558,413**	**10,754,545**



EXPENDITURES

Government wide expenditures are classified by function according to their purpose. The largest amount of funds from all sources was spent on instruction.

EXPENDITURES	2014/15	2015/16
Instruction	7,114,125	7,889,891
Pupil Services	597,590	580,643
General Administration	741,471	836,738
Plant Services	825,740	745,114
Interest – Long Term Debt	510,786	523,000
Other Outgo	189,151	237,537
TOTAL	**9,978,863**	**10,812,923**



BUDGETARY HIGHLIGHTS

The General Fund accounts are for the primary operations of the district. The District's initial budget is adopted by July 1. Over the course of the year, the district's budget is revised several times to reflect changes in funding and expenditures. The board approves these revisions as part of the First Interim and Second Interim reports. The following summarizes the general fund budget to actual information for the year ended June 30, 2016.

	ADOPTED BUDGET	YEAR END BUDGET	ACTUAL
REVENUES	8,613,285	9,391,866	9,396,749
EXPENDITURES	8,553,800	8,929,187	8,929,177

The increase to revenue was due mainly to prior year carryover amounts being budgeted mid-year, as well as new program dollars being allocated to the district. The increase to expenditures is also based on prior year carryover amounts and new program dollars.

CAPITAL PROJECTS

The district is not currently involved in any new major construction projects. Minor projects will continue to be funded with deferred maintenance funds and developer fees.

LONG TERM DEBT

At year end, the district had $18,862,424 in long term debt. The following is the breakdown for that amount.

GENERAL OBLIGATION BOND	9,589,770
NET PENSION LIABILITY	7,825,197
CAPITAL LEASES	63,617
NET OPEB OBLIGATION	1,150,671
OTHER GENERAL LONG TERM DEBT	207,719
COMPENSATED ABSENSES PAYABLE	25,450
TOTAL	**$18,862,424**

REQUESTS FOR INFORMATION

This financial report is designed to provide our citizens, taxpayers, investors, and creditors with a general overview of the district's finances and to show the district's accountability for the money it receives. If you have any questions about this report or need additional financial information, please contact Courtney Jasper, Director, Fiscal Services at Cardiff School District, 1888 Montgomery Avenue, Cardiff, CA 92007. Or you may email to courtney.jasper@cardiffschools.com

Basic Financial Statements

CARDIFF SCHOOL DISTRICT

STATEMENT OF NET POSITION
JUNE 30, 2016

	Primary Government		
	Governmental Activities	Business-type Activities	Total
ASSETS:			
Cash	$ 4,084,577	$ 63,782	$ 4,148,359
Receivables	321,510	101	321,611
Due from (to) Other Funds	14,427	(14,427)	-
Stores	255	-	255
Capital Assets:			
Land	787,808	-	787,808
Improvements	107,789	-	107,789
Buildings	16,932,625	-	16,932,625
Equipment	416,852	-	416,852
Less Accumulated Depreciation	(5,387,054)	-	(5,387,054)
Total Assets	17,278,789	49,456	17,328,245
DEFERRED OUTFLOWS OF RESOURCES	1,097,473	67,884	1,165,357
LIABILITIES:			
Accounts Payable	108,387	1,546	109,933
Long-Term Liabilities:			
Due Within One Year	1,061,944	-	1,061,944
Due in More Than One Year	17,800,480	210,388	18,010,868
Total Liabilities	18,970,811	211,934	19,182,745
DEFERRED INFLOWS OF RESOURCES	460,314	92,597	552,911
NET POSITION:			
Net Investment in Capital Assets	3,060,531	-	3,060,531
Restricted for:			
Capital Projects	110,581	-	110,581
Debt Service	1,264,651	-	1,264,651
Educational Programs	312,479	-	312,479
Other Purposes (Expendable)	410,376	-	410,376
Other Purposes (Nonexpendable)	1,755	-	1,755
Unrestricted	(6,215,236)	(187,191)	(6,402,427)
Total Net Position	$ (1,054,863)	$ (187,191)	$ (1,242,054)

The accompanying notes are an integral part of this statement.

CARDIFF SCHOOL DISTRICT

STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

Functions	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Net (Expense) Revenue and Changes in Net Position: Primary Government: Governmental Activities	Net (Expense) Revenue and Changes in Net Position: Primary Government: Business-type Activities	Net (Expense) Revenue and Changes in Net Position: Primary Government: Total
Governmental Activities:						
Instruction	$ 6,941,874	$ 1	$ 707,574	$ (6,234,299)	$ -	$ (6,234,299)
Instruction-Related Services:						
Instructional Supervision and Administration	7,024	-	-	(7,024)	-	(7,024)
Instructional Library, Media and Technology	305,012	-	-	(305,012)	-	(305,012)
School Site Administration	635,981	-	16,114	(619,867)	-	(619,867)
Pupil Services:						
Home-to-School Transportation	142,361	-	-	(142,361)	-	(142,361)
Food Services	207,484	154,198	19,897	(33,389)	-	(33,389)
All Other Pupil Services	230,798	-	62,973	(167,825)	-	(167,825)
General Administration:						
Centralized Data Processing	-	-	-	-		-
All Other General Administration	836,738	49,905	9,925	(776,908)	-	(776,908)
Plant Services	745,114	13,614	154,077	(577,423)	-	(577,423)
Enterprise Activities	(466)	-	-	466	-	466
Interest on Long-Term Debt	523,000	-	-	(523,000)	-	(523,000)
Other Outgo	237,537	-	85,289	(152,248)	-	(152,248)
Business-Type Activities						
Enterprise Activities	307,004	-	-	-	(307,004)	(307,004)
Total Expenses	$ 11,119,461	$ 217,718	$ 1,055,849	$ (9,538,890)	$ (307,004)	$ (9,845,894)
General Revenues:						
Taxes and Subventions:						
Taxes Levied for General Purposes				6,942,885	-	6,942,885
Taxes Levied for Debt Service				1,024,063	-	1,024,063
Taxes Levied for Other Specific Purposes				(74)	-	(74)
Federal and State Aid, Not Restricted				1,024,458	-	1,024,458
Interest and Investment Earnings				25,379	367	25,746
Interagency Revenues				-	-	-
Miscellaneous				464,269	332,943	797,212
Total General Revenues				$ 9,480,980	$ 333,310	$ 9,814,290
Change in Net Position				(57,910)	26,306	(31,604)
Net Position Beginning-Restated (Note N)				(996,953)	(213,497)	(1,210,450)
Net Position Ending				$ (1,054,863)	$ (187,191)	$ (1,242,054)

The accompanying notes are an integral part of this statement.

CARDIFF SCHOOL DISTRICT

BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2016

	General Fund	Cafeteria Fund
ASSETS:		
Cash in County Treasury	$ 2,278,256	$ 27,959
Cash in Revolving Fund	1,500	-
Accounts Receivable	313,212	7,566
Due from Other Funds	74,569	32,000
Stores Inventories	-	255
Total Assets	2,667,537	67,780
LIABILITIES AND FUND BALANCE:		
Liabilities:		
Accounts Payable	$ 51,081	$ 472
Due to Other Funds	33,008	59,135
Total Liabilities	84,089	59,607
Fund Balance:		
Nonspendable Fund Balances:		
Revolving Cash	1,500	-
Stores Inventories	-	255
Restricted Fund Balances	312,479	7,918
Committed Fund Balances	-	-
Assigned Fund Balances	1,096	-
Unassigned:		
Other Unassigned	2,268,373	-
Total Fund Balance	2,583,448	8,173
Total Liabilities and Fund Balances	$ 2,667,537	$ 67,780

The accompanying notes are an integral part of this statement.

Bond Interest & Redemption Fund	Other Governmental Funds	Total Governmental Funds
$ 1,264,651	$ 512,211	$ 4,083,077
-	-	1,500
-	732	321,510
-	-	106,569
-	-	255
1,264,651	512,943	4,512,911
$ -	$ -	$ 51,553
-	-	92,143
-	-	143,696
-	-	1,500
-	-	255
-	110,581	430,978
-	402,362	402,362
1,264,651	-	1,265,747
-	-	2,268,373
1,264,651	512,943	4,369,215
$ 1,264,651	$ 512,943	$ 4,512,911

CARDIFF SCHOOL DISTRICT

RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET
TO THE STATEMENT OF NET POSITION
JUNE 30, 2016

Total fund balances, governmental funds		$ 4,369,215
Amounts reported for governmental activities in the statement of net position are different because:		
Capital assets: In governmental funds, only current assets are reported. In the statement of net position, all assets are reported including capital assets and accumulated depreciation.		
Capital assets relating to governmental activities, at historical cost	18,245,074	
Accumulated depreciation	(5,387,054)	
Net		12,858,020
Unmatured interest on long-term debt: In governmental funds, interest on long-term debt is not recognized until the period in which it matures and is paid. In the government-wide statement of activities, it is recognized in the period that it is incurred. The additional liability for unmatured interest owing at the end of the period was:		(56,833)
Deferred outflows and inflows of resources relating to pensions: In governmental funds, deferred outflows and inflows of resources relating to pensions are not reported because they are applicable to future periods. In the statement of net position, deferred outflows and inflows of resources relating to pensions are reported.		
Deferred outflows of resources relating to pensions		1,097,473
Deferred inflows of resources relating to pensions		(460,314)
Long-term liabilities: In governmental funds, only current liabilities are reported. In the statement of net position, all liabilities, including long-term liabilities, are reported. Long-term liabilities relating to governmental activities consist of:		
General obligation bonds payable	9,589,770	
Net pension liability	7,825,197	
Capital leases	63,617	
Net OPEB obligation	1,150,671	
Other general long-term debt	207,719	
Compensated absences payable	25,450	
Total		(18,862,424)
Total net position, governmental activities		$ (1,054,863)

The accompanying notes are an integral part of this statement.

CARDIFF SCHOOL DISTRICT

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	General Fund	Cafeteria Fund
Revenues:		
LCFF Sources:		
State Apportionment or State Aid	$ 386,643	$ -
Education Protection Account Funds	140,684	-
Local Sources	6,853,413	-
Federal Revenue	200,982	44,255
Other State Revenue	1,049,871	2,553
Other Local Revenue	765,162	127,334
Total Revenues	9,396,755	174,142
Expenditures:		
Current:		
Instruction	5,954,173	-
Instruction - Related Services	861,957	-
Pupil Services	353,864	200,369
General Administration	718,148	-
Plant Services	662,572	-
Other Outgo	237,537	-
Debt Service:		
Principal	135,042	-
Interest	5,884	-
Total Expenditures	8,929,177	200,369
Excess (Deficiency) of Revenues Over (Under) Expenditures	467,578	(26,227)
Other Financing Sources (Uses):		
Transfers In	-	32,000
Transfers Out	(32,000)	-
Total Other Financing Sources (Uses)	(32,000)	32,000
Net Change in Fund Balance	435,578	5,773
Fund Balance, July 1	2,147,870	2,400
Fund Balance, June 30	$ 2,583,448	$ 8,173

The accompanying notes are an integral part of this statement.

Bond Interest & Redemption Fund	Other Governmental Funds	Total Governmental Funds
$ -	$ -	$ 386,643
-	-	140,684
-	89,471	6,942,884
-	-	245,237
5,682	-	1,058,106
1,022,254	66,241	1,980,991
1,027,936	155,712	10,754,545
-	-	5,954,173
-	-	861,957
-	-	554,233
-	64,870	783,018
-	52,385	714,957
-	-	237,537
820,000	-	955,042
102,800	-	108,684
922,800	117,255	10,169,601
105,136	38,457	584,944
-	-	32,000
-	-	(32,000)
-	-	-
105,136	38,457	584,944
1,159,515	474,486	3,784,271
$ 1,264,651	$ 512,943	$ 4,369,215

CARDIFF SCHOOL DISTRICT

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

Total change in fund balances, governmental funds		$ 584,944
Amounts reported for governmental activities in the statement of activities are different because:		
Capital outlay: In governmental funds, the costs of capital assets are reported as expenditures in the period when the assets are acquired. In the statement of activities, costs of capital assets are allocated over their estimated useful lives as depreciation expense**.** The difference between capital outlay expenditures and depreciation expense for the period is:		
Expenditures for capital outlay:	-	
Depreciation expense:	(357,803)	
Net		(357,803)
Debt service: In governmental funds, repayments of long-term debt are reported as expenditures**.** In the government-wide statements, repayments of long-term debt are reported as reductions of liabilities. Expenditures for repayment of the principal portion of long-term debt were:		955,042
Unmatured interest on long-term debt: In governmental funds, interest on long-term debt is recognized in the period that it becomes due. In the government-wide statement of activities, it is recognized in the period that it is incurred. Unmatured interest owing at the end of the period, less matured interest paid during the period but owing from the prior period was:		(477,192)
Postemployment benefits other than pensions (OPEB): In governmental funds, OPEB costs are recognized when the employer contributions are made. In the statement of activities, costs are measured and recognized in relation to the annual required contribution. The annual required contribution is the normal costs related to the current period plus a calculated amount necessary to systematically amortize any unfunded liability in accordance with generally accepted accounting principles. This year, the difference between the annual required contribution and amounts actually funded was:		(81,605)
Pensions: In government funds, pension costs are recognized when employer contributions are made. In the statement of activities, pension costs are recognized on the accrual basis**.** This year, the difference between accrual-basis pension costs and actual employer contributions was:		(756,674)
Amortization of debt issue premium or discount: In governmental funds, if debt is issued at a premium or at a discount, the premium or discount is recognized as an Other Financing Source or an Other Financing Use in the period it is incurred. In the government-wide statements, the premium or discount is amortized as interest over the life of the debt. Amortization of premium or discount for the period is:		62,877
Compensated absences: In governmental funds, compensated absences are measured by the amounts paid during the period. In the statement of activities, compensated absences are measured by the amounts earned. The difference between compensated absences paid and compensated absences earned was:		12,501
Change in net position of governmental activities - statement of activities		$ (57,910)

The accompanying notes are an integral part of this statement.

CARDIFF SCHOOL DISTRICT

STATEMENT OF NET POSITION
ENTERPRISE FUND
JUNE 30, 2016

	Enterprise Fund
	Enterprise Fund
ASSETS:	
Current Assets:	
Cash in County Treasury	$ 63,782
Accounts Receivable	101
Due from Other Funds	1,130
Total Current Assets	65,013
Total Assets	65,013
DEFERRED OUTFLOWS OF RESOURCES:	
Deferred Outflows of Resources-Pension Related	67,884
LIABILITIES:	
Current Liabilities:	
Accounts Payable	$ 1,546
Due to Other Funds	15,557
Total Current Liabilities	17,103
Total Liabilities	17,103
Noncurrent Liabilities:	
Net Pension Liability	210,388
Total Noncvurrent Liabilities	210,388
Total Liabilities	227,491
DEFERRED INFLOWS OF RESOURCES:	
Deferred Inflows of Resources-Pension Related	92,597
NET POSITION:	
Unrestricted (Deficit)	(187,191)
Total Net Position	$ (187,191)

CARDIFF SCHOOL DISTRICT

STATEMENT OF REVENUES, EXPENSES, AND CHANGES
IN FUND NET POSITION - ENTERPRISE FUND
FOR THE YEAR ENDED JUNE 30, 2016

	Enterprise Fund
	Enterprise Fund
Operating Revenues:	
Local Revenue	$ 333,310
Total Revenues	333,310
Operating Expenses:	
Classified Personnel Salaries	232,279
Employee Benefits	38,324
Books and Supplies	17,151
Services and Other Operating Expenses	19,250
Total Expenses	307,004
Income (Loss) before Contributions and Transfers	26,306
Change in Net Position	26,306
Total Net Position - Beginning as Restated (Note N)	(213,497)
Total Net Position - Ending	$ (187,191)

The accompanying notes are an integral part of this statement.

CARDIFF SCHOOL DISTRICT

STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	Enterprise Fund
	Enterprise Fund
Cash Flows from Operating Activities:	
Cash Received from Customers	$ 332,135
Cash Payments to Employees for Services	(283,259)
Cash Payments to Other Suppliers for Goods and Services	(38,836)
Net Cash Provided (Used) by Operating Activities	10,040
Cash Flows from Investing Activities:	
Interest and Dividends on Investments	330
Net Cash Provided (Used) for Investing Activities	330
Net Increase (Decrease) in Cash and Cash Equivalents	10,370
Cash and Cash Equivalents at Beginning of Year	53,412
Cash and Cash Equivalents at End of Year	$ 63,782
Reconciliation of Operating Income to Net Cash Provided by Operating Activities:	
Operating Income (Loss)	$ 26,306
Change in Assets and Liabilities:	
Decrease (Increase) in Receivables	285
Decrease (Increase) in Due From Other Funds	(1,130)
Decrease (Increase) in Deferred Outflows of Resources	(49,200)
Increase (Decrease) in Accounts Payable	(1,912)
Increase (Decrease) in Net Pension Liability	13,434
Increase (Decrease) in Deferred Inflows of Resources	24,922
Increase (Decrease) in Due To Other Funds	(2,335)
Total Adjustments	(15,936)
Net Cash Provided (Used) by Operating Activities	$ 10,370

The accompanying notes are an integral part of this statement.

CARDIFF SCHOOL DISTRICT

STATEMENT OF FIDUCIARY NET POSITION
FIDUCIARY FUNDS
JUNE 30, 2016

	Agency Fund Student Body Fund
ASSETS:	
Cash on Hand and in Banks	$ 48,706
Total Assets	48,706
LIABILITIES:	
Due to Student Groups	$ 48,706
Total Liabilities	48,706
NET POSITION:	
Total Net Position	$ -

The accompanying notes are an integral part of this statement.

A. Summary of Significant Accounting Policies

Cardiff School District (District) accounts for its financial transactions in accordance with the policies and procedures of the Department of Education's "California School Accounting Manual". The accounting policies of the District conform to accounting principles generally accepted in the United States of America (GAAP) as prescribed by the Governmental Accounting Standards Board (GASB) and the American Institute of Certified Public Accountants (AICPA).

1. Reporting Entity

The District's combined financial statements include the accounts of all its operations. The District evaluated whether any other entity should be included in these financial statements. The criteria for including organizations as component units within the District's reporting entity, as set forth in GASB Statement No. 14, "The Financial Reporting Entity," include whether:

- the organization is legally separate (can sue and be sued in its name)
- the District holds the corporate powers of the organization
- the District appoints a voting majority of the organization's board
- the District is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the District
- there is fiscal dependency by the organization on the District

The District also evaluated each legally separate, tax-exempt organization whose resources are used principally to provide support to the District to determine if its omission from the reporting entity would result in financial statements which are misleading or incomplete. GASB Statement No. 14 requires inclusion of such an organization as a component unit when: 1) The economic resources received or held by the organization are entirely or almost entirely for the direct benefit of the District, its component units or its constituents; and 2) The District or its component units is entitled to, or has the ability to otherwise access, a majority of the economic resources received or held by the organization; and 3) Such economic resources are significant to the District.

Based on these criteria, the District has no component units. Additionally, the District is not a component unit of any other reporting entity as defined by the GASB Statement.

2. Basis of Presentation, Basis of Accounting

a. Basis of Presentation

Government-wide Statements: The statement of net position and the statement of activities include the financial activities of the overall government, except for fiduciary activities. Eliminations have been made to minimize the double-counting of internal activities. These statements distinguish between the governmental and business-type activities of the District. Governmental activities generally are financed through taxes, intergovernmental revenues, and other nonexchange transactions. Business-type activities are financed in whole or in part by fees charged to external parties.

The statement of activities presents a comparison between direct expenses and program revenues for the different business-type activities of the District and for each function of the District's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. The District does not allocate indirect expenses in the statement of activities. Program revenues include (a) fees, fines, and charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the District's funds, with separate statements presented for each fund category. The emphasis of fund financial statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as nonmajor funds.

Proprietary fund operating revenues, such as charges for services, result from exchange transactions associated with the principal activity of the fund. Exchange transactions are those in which each party receives and gives up essentially equal values. Nonoperating revenues, such as subsidies and investment earnings, result from nonexchange transactions or ancillary activities.

The District reports the following major governmental funds:

General Fund. This is the District's primary operating fund. It accounts for all financial resources of the District except those required to be accounted for in another fund.

Bond Interest and Redemption Fund. This fund is used to account for the accumulation of resources for, and the repayment of District bonds, interest, and related costs.

Cafeteria Fund. This fund is used to account for the financial resources associated with the food service operations of the district.

The District reports the following major enterprise funds:

Enterprise Fund. This fund is used to account for revenues and expenditures of the District's daycare program.

In addition, the District reports the following fund types:

Special Revenue Funds. These funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes.

Capital Projects Funds. These funds account for the acquisition and/or construction of all major governmental general fixed assets.

Agency Funds. These funds are used to report student activity funds and other resources held in a purely custodial capacity (assets equal liabilities). Agency funds typically involve only the receipt, temporary investment, and remittance of fiduciary resources to individuals, private organizations, or other governments

Fiduciary funds are reported in the fiduciary fund financial statements. However, because their assets are held in a trustee or agent capacity and are therefore not available to support District programs, these funds are not included in the government-wide statements.

b. Measurement Focus, Basis of Accounting

These financial statements are reported using the economic resources measurement focus. The government-wide and proprietary fund financial statements are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Nonexchange transactions, in which the District gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants, entitlements, and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Governmental Fund Financial Statements: Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. The District does not consider revenues collected after its year-end to be available in the current period. Revenues from local sources consist primarily of property taxes. Property tax revenues and revenues received from the State are recognized under the susceptible-to-accrual concept. Miscellaneous revenues are recorded as revenue when received in cash because they are generally not measurable until actually received. Investment earnings are recorded as earned, since they are both measurable and available. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.

When the District incurs an expenditure or expense for which both restricted and unrestricted resources may be used, it is the District's policy to use restricted resources first, then unrestricted resources.

Under GASB Statement No. 20, "Accounting and Financial Reporting for Proprietary Funds and Other Governmental Entities That Use Proprietary Fund Accounting," all proprietary funds will continue to follow Financial Accounting Standards Board ("FASB") standards issued on or before November 30, 1989. However, from that date forward, proprietary funds will have the option of either 1) choosing not to apply future FASB standards (including amendments of earlier pronouncements), or 2) continuing to follow new FASB pronouncements unless they conflict with GASB guidance. The District has chosen to apply future FASB standards.

3. Encumbrances

Encumbrance accounting is used in all budgeted funds to reserve portions of applicable appropriations for which commitments have been made. Encumbrances are recorded for purchase orders, contracts, and other commitments when they are written. Encumbrances are liquidated when the commitments are paid. All encumbrances are liquidated as of June 30.

4. Budgets and Budgetary Accounting

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for all governmental funds. By state law, the District's governing board must adopt a final budget no later than July 1. A public hearing must be conducted to receive comments prior to adoption. The District's governing board satisfied these requirements.

These budgets are revised by the District's governing board and district superintendent during the year to give consideration to unanticipated income and expenditures.

Formal budgetary integration was used as a management control device during the year for all budgeted funds. The District employs budget control by minor object and by individual appropriation accounts. Expenditures cannot legally exceed appropriations by major object code.

5. Revenues and Expenses

a. Revenues - Exchange and Non-Exchange

Revenue resulting from exchange transactions, in which each party gives and receives essentially equal value, is recorded on the accrual basis when the exchange takes place. On a modified accrual basis, revenue is recorded in the fiscal year in which the resources are measurable and become available. Available means that the resources will be collected within the current year or expected to be collected soon enough thereafter, to be used to pay liabilities of the current fiscal year. Generally, available is defined as collectible within 60 days. However, to achieve comparability of reporting among California districts and so as to not distort normal revenue patterns, with specific respect to reimbursement grants and corrections to State-aid apportionments, the California Department of Education has defined available for districts as collectible within one year. The following revenue sources are considered to be both measurable and available at fiscal year-end: State apportionments, interest, certain grants, and other local sources.

Non-exchange transactions are transactions in which the District receives value without directly giving equal value in return, including property taxes, certain grants, entitlements, and donations. Revenue from property taxes is recognized in the fiscal year in which the taxes are received. Revenue from certain grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied. Eligibility requirements include time and purpose restrictions. On a modified accrual basis, revenue from non-exchange transactions must also be available before it can be recognized.

b. Expenses/Expenditures

On the accrual basis of accounting, expenses are recognized at the time they are incurred. The measurement focus of governmental fund accounting is on decreases in net financial resources (expenditures) rather than expenses. Expenditures are generally recognized in the accounting period in which the related fund liability is incurred, if measurable, and typically paid within 90 days. Principal and interest on long-term obligations, which has not matured, are recognized when paid in the not recognized in the governmental funds but are recognized in the government-wide financial statements.

6. Assets, Liabilities, and Equity

a. Deposits and Investments

Cash balances held in banks and in revolving funds are insured to $250,000 by the Federal Depository Insurance Corporation. All cash held by the financial institutions is fully insured or collateralized. For purposes of the statement of cash flows, highly liquid investments are considered to be cash equivalents if they have a maturity of three months or less when purchased.

In accordance with Education Code Section 41001, the District maintains substantially all its cash in the San Diego County Treasury. The county pools these funds with those of other districts in the county and invests the cash. These pooled funds are carried at cost, which approximates market value. Interest earned is deposited quarterly into participating funds, except for the Tax Override Funds, in which interest earned is credited to the general fund. Any investment losses are proportionately shared by all funds in the pool.

The county is authorized to deposit cash and invest excess funds by California Government Code Section 53648 et seq. The funds maintained by the county are either secured by federal depository insurance or are collateralized.

Information regarding the amount of dollars invested in derivatives with San Diego County Treasury was not available.

b. Stores Inventories and Prepaid Expenditures

Inventories are recorded using the purchases method in that the cost is recorded as an expenditure at the time individual inventory items are purchased. Inventories are valued at average cost and consist of expendable supplies held for consumption. Reported inventories are equally offset by a fund balance reserve, which indicates that these amounts are not "available for appropriation and expenditure" even though they are a component of net current assets.

The District has the option of reporting an expenditure in governmental funds for prepaid items either when purchased or during the benefiting period. The District has chosen to report the expenditure when incurred.

c. Capital Assets

Purchased or constructed capital assets are reported at cost or estimated historical cost. Donated fixed assets are recorded at their estimated fair value at the date of the donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized. A capitalization threshold of $5,000 is used.

Capital assets are being depreciated using the straight-line method over the following estimated useful lives:

Asset Class	Estimated Useful Lives
Infrastructure	30
Buildings	50
Building Improvements	20
Vehicles	2-15
Office Equipment	3-15
Computer Equipment	3-15

d. Receivable Balances

There are no significant receivables which are not scheduled for collection within one year of year end.

e. Compensated Absences

Accumulated unpaid employee vacation benefits are recognized as liabilities of the District. The current portion of the liabilities is recognized in the general fund at year end.

Accumulated sick leave benefits are not recognized as liabilities of the District. The District's policy is to record sick leave as an operating expense in the period taken since such benefits do not vest nor is payment probable; however, unused sick leave is added to the creditable service period for calculation of retirement benefits when the employee retires.

f. Unearned Revenue

Unearned revenue arises when potential revenue does not meet both the "measurable" and "available" criteria for recognition in the current period or when resources are received by the District prior to the incurrence of qualifying expenditures. In subsequent periods, when both revenue recognition criteria are met, or when the District has a legal claim to the resources, the liability for unearned revenue is removed from the balance sheet and revenue is recognized.

g. Interfund Activity

Interfund activity results from loans, services provided, reimbursements or transfers between funds. Loans are reported as interfund receivables and payables as appropriate and are subject to elimination upon consolidation. Services provided, deemed to be at market or near market rates, are treated as revenues and expenditures or expenses. Reimbursements occur when one fund incurs a cost, charges the appropriate benefiting fund and reduces its related cost as a reimbursement. All other interfund transactions are treated as transfers. Transfers In and Transfers Out are netted and presented as a single "Transfers" line on the government-wide statement of activities. Similarly, interfund receivables and payables are netted and presented as a single "Internal Balances" line of the government-wide statement of net position.

h. Property Taxes

Secured property taxes attach as an enforceable lien on property as of March 1. Taxes are payable in two installments on November 15 and March 15. Unsecured property taxes are payable in one installment on or before August 31. The County of San Diego bills and collects the taxes for the District.

i. Fund Balances - Governmental Funds

Fund balances of the governmental funds are classified as follows:

Nonspendable Fund Balance - represents amounts that cannot be spent because they are either not in spendable form (such as inventory or prepaid insurance) or legally required to remain intact (such as notes receivable or principal of a permanent fund).

Restricted Fund Balance - represents amounts that are constrained by external parties, constitutional provisions or enabling legislation.

Committed Fund Balance - represents amounts that can only be used for a specific purpose because of a formal action by the District's governing board. Committed amounts cannot be used for any other purpose unless the governing board removes those constraints by taking the same type of formal action. Committed fund balance amounts may be used for other purposes with appropriate due process by the governing board. Commitments are typically done through adoption and amendment of the budget. Committed fund balance amounts differ from restricted balances in that the constraints on their use do not come from outside parties, constitutional provisions, or enabling legislation.

Assigned Fund Balance - represents amounts which the District intends to use for a specific purpose, but that do not meet the criteria to be classified as restricted or committed. Intent may be stipulated by the governing board or by an official or body to which the governing board delegates the authority. Specific amounts that are not restricted or committed in a special revenue, capital projects, debt service or permanent fund are assigned for purposes in accordance with the nature of their fund type or the fund's primary purpose. Assignments within the general fund conveys that the intended use of those amounts is for a specific purpose that is narrower than the general purposes of the District itself.

Unassigned Fund Balance - represents amounts which are unconstrained in that they may be spent for any purpose. Only the general fund reports a positive unassigned fund balance. Other governmental funds might report a negative balance in this classification because of overspending for specific purposes for which amounts had been restricted, committed or assigned.

When an expenditure is incurred for a purpose for which both restricted and unrestricted fund balance is available, the District considers restricted funds to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the District considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds.

j. Minimum Fund Balance

The District maintains a minimum reserve, within the general fund, an amount not less than the amount required by state law. The fund balance reserve policy establishes a goal of the difference between local property taxes and the calculated revenue limit. The District believes a reserve at this level is prudent to maintain a high bond rating and to protect the District from the effects of fluctuations in property tax revenues to which basic aid districts such as this district are vulnerable**.** Because amounts in the nonspendable, restricted, committed, and assigned categories are subject to varying constraints in use, the Reserve for Economic Uncertainties consists of balances that are otherwise unassigned.

7. Deferred Inflows and Deferred Outflows of Resources

Deferred outflows of resources is a consumption of net assets or net position that is applicable to a future reporting period. Deferred inflows of resources is an acquisition of net assets or net position that is applicable to a future reporting period. Deferred outflows of resources and deferred inflows of resources are recorded in accordance with GASB Statement numbers 63 and 65.

8. GASB 54 Fund Presentation

Consistent with fund reporting requirements established by GASB Statement No. 54, Fund 20 (Special Reserve Fund for Postemployment Benefits) is merged with the General Fund for purposes of presentation in the audit report.

9. Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the CalPERS Schools Pool Cost-Sharing Multiple-Employer Plan (CalPERS Plan) and CalSTRS Schools Pool Cost-Sharing Multiple Employer Plan (CalSTRS Plan) and additions to/deductions from the CalPERS Plan and CalSTRS Plan's fiduciary net positions have been determined on the same basis as they are reported by the CalPERS Financial Office and CalSTRS Financial Office. For this purpose, benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms**.** Investments are reported at fair value.

GASB 68 requires that the reported results must pertain to liability and asset information within certain defined time frames. For this report, the following time frames are used:

Valuation Date (VD)	June 30, 2014
Measurement Date (MD)	June 30, 2015
Measurement Period (MP)	July 1, 2014 to June 30, 2015

10. Use of Estimates

The preparation of financial statements in conformity with GAAP requires the use of management's estimates. Actual results could differ from those estimates.

11. Change in Accounting Policies

In February 2015 the Governmental Accounting Standards Board (GASB) issued Statement No. 72 Fair Value Measurement and Application. This statement addresses accounting and financial reporting issues related to fair value measurements. The definition of fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. This Statement provides guidance for determining a fair value measurement for financial reporting purposes. This Statement also provides guidance for applying fair value to certain investments and disclosures related to all fair value measurements. The District has implemented the guidance under GASB Statement No. 72 into their accounting policies affective for the fiscal year ending June 30, 2016.

In June 2015 the Governmental Accounting Standards Board (GASB) issued Statement No. 76 The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments. The objective of this Statement is to identify - in the context of the current governmental financial reporting environment - the hierarchy of generally accepted accounting principles (GAAP). The "GAAP hierarchy" consists of the sources of accounting principles used to prepare financial statements of state and local governmental entities in conformity with GAAP and the framework for selecting those principles. This Statement reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within a source of authoritative GAAP**.** This Statement supersedes Statement No. 55, The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments. The District has implemented the guidance under GASB Statement No. 76 into their accounting policies effective for the fiscal year ending June 30, 2016

In June 2015 the Governmental Accounting Standards Board (GASB) issued Statement No. 73 Accounting and Financial Reporting for Pensions and Related Assets That Are Not Within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68. The objective of this Statement is to improve the usefulness of information about pensions included in the general purpose external financial reports of state and local governments for making decisions and assessing accountability. This Statement results from a comprehensive review of the effectiveness of existing standards of accounting and financial reporting for all postemployment benefits with regard to providing decision-useful information, supporting assessments of accountability and interperiod equity, and creating additional transparency.

This Statement establishes requirements for defined benefit pensions that are not within the scope of Statement No**.** 68, Accounting and Financial Reporting for Pensions, as well as for assets accumulated for purposes of providing those pensions. In addition, it establishes requirements for defined contribution pensions that are not within the scope of Statement 68. It also amends certain provisions of Statement No**.** 67, Financial Reporting for Pension Plans, and Statement 68 for pension plans and pensions that are within their respective scopes

The requirements of this Statement extend the approach to accounting and financial reporting established in Statement 68 to all pensions, with modifications as necessary to reflect that for accounting and financial reporting purposes, any assets accumulated for pensions that are provided through pension plans that are not administered through trusts that meet the criteria specified in Statement 68 should not be considered pension plan assets. It also requires that information similar to that required by Statement 68 be included in notes to financial statements and required supplementary information by all similarly situated employers and nonemployer contributing entities.

This Statement also clarifies the application of certain provisions of Statement 67 and 68 with regard to the following issues:

1. Information that is required to be presented as notes to the 10-year schedules of required supplementary information about investment-related factors that significantly affect trends in the amounts reported.

2. Accounting and financial reporting for separately financed specific liabilities of individual employers and nonemployer contributing entities for defined benefit pensions.

3. Timing of employer recognition of revenue for the support of nonemployer contributing entities not in a special funding situation.

The District has adopted the provisions of GASB Statement No. 73 effective for the year ending June 30, 2016.

B. Compliance and Accountability

1. Finance-Related Legal and Contractual Provisions

In accordance with GASB Statement No. 38, "Certain Financial Statement Note Disclosures," violations of finance-related legal and contractual provisions, if any, are reported below, along with actions taken to address such violations.

Violation	Action Taken
None reported	Not applicable

2. Deficit Fund Balance or Fund Net Position of Individual Funds

Following are funds having deficit fund balances or fund net position at year end, if any, along with remarks which address such deficits:

Fund Name	Deficit Amount	Remarks
Enterprise Fund	$ 187,191	The deficit is a result of recording Net Pension Liabilty in the financial statements.

C. Cash and Investments

1. Cash in County Treasury:

In accordance with Education Code Section 41001, the District maintains substantially all of its cash in the San Diego County Treasury as part of the common investment pool ($4,146,859 as of June 30, 2016). The fair value of the District's portion of this pool as of that date, as provided by the pool sponsor, was $4,146,859. Assumptions made in determining the fair value of the pooled investment portfolios are available from the County Treasurer.

The District is considered to be an involuntary participant in an external investment pool as the District is required to deposit all receipts and collections of monies with their County Treasurer (Education Code Section 41001). The fair value of the District's investments in the pool is reported in the accounting financial statements as amounts based upon the District's pro-rata share of the fair value provided by the County Treasurer for the entire portfolio (in relation to the amortized cost of the portfolio). The balance available for withdrawal is based on the accounting records maintained by the County Treasurer, which is recorded on the amortized cost basis

The San Diego County Treasury is not registered with the Securities and Exchange Commission (SEC) as an investment company; however, the County Treasury acts in accordance with investment policies monitored by a Treasury Oversight Committee consisting of members appointed by participants in the investment pool and up to five members of the public having expertise, or an academic background in, public finance. In addition, the County Treasury is audited annually by an independent auditor.

2. Cash on Hand, in Banks, and in Revolving Fund

Cash balances on hand and in banks ($48,706 as of June 30, 2016) and in the revolving fund ($1,500) are insured up to $250,000 by the Federal Depository Insurance Corporation. All cash held by the financial institution is fully insured or collateralized.

3. Investments Authorized by the California Government Code and the District's Investment Policy

The table below identifies the investment types that are authorized for the District by the California Government Code (or the District's investment policy, where more restrictive). The table also identifies certain provisions of the California Government Code (or the District's investment policy where more restrictive) that address interest rate risk, credit risk, and concentration of credit risk. This table does not address investments of debt proceeds held by bond trustee that are governed by the provisions of debt agreements of the District, rather than the general provisions of the California Government Code or the District's investment policy.

Authorized Investment Type	Maximum Remaining Maturity	Maximum Percentage of Portfolio	Maximum Investment in One Issuer
Local Agency Bonds, Notes, Warrants	5 Years	None	None
Registered State Bonds, Notes, Warrants	5 Years	None	None
U.S. Treasury Obligations	5 Years	None	None
U.S. Agency Securities	5 Years	None	None
Banker's Acceptance	180 Days	40%	30%
Commercial Paper	270 Days	25%	10%
Negotiable Certificates of Deposit	5 Years	30%	None
Repurchase Agreements	1 Year	None	None
Reverse Repurchase Agreements	92 Days	20% of Base	None
Medium-Term Corporate Notes	5 Years	30%	None
Mutual Funds	N/A	20%	10%
Money Market Mutual Funds	N/A	20%	10%
Mortgage Pass-Through Securities	5 Years	20%	None
County Pooled Investment Funds	N/A	None	None
Local Agency Investment Fund	N/A	None	None
Joint Powers Authority Pools	N/A	None	None

4. Analysis of Specific Deposit and Investment Risks

GASB Statement No. 40 requires a determination as to whether the District was exposed to the following specific investment risks at year end and if so, the reporting of certain related disclosures:

a. Credit Risk

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The county is restricted by Government Code Section 53635 pursuant to Section 53601 to invest only in time deposits, U.S. government securities, state registered warrants, notes or bonds, State Treasurer's investment pool, bankers' acceptances, commercial paper, negotiable certificates of deposit, and repurchase or reverse repurchase agreements. The ratings of securities by nationally recognized rating agencies are designed to give an indication of credit risk. The San Diego County Investment Pool is rated AAAf/S1 by Standard & Poors. At year end the District was not exposed to credit risk.

b. Custodial Credit Risk

Deposits are exposed to custodial credit risk if they are not covered by depository insurance and the deposits are uncollateralized, collateralized with securities held by the pledging financial institution, or collateralized with securities held by the pledging financial institution's trust department or agent but not in the District's name. The California Government Code and the District's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits, other than the following provision for deposits: The California Government code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits.

Investment securities are exposed to custodial credit risk if the securities are uninsured, are not registered in the name of the government, and are held by either the counterparty or the counterparty's trust department or agent but not in the District's name.

As of June 30, 2016, the District's bank balances (including revolving cash) of $50,206 was not exposed to custodial credit risk.

c. Concentration of Credit Risk

This risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer.

The investment policy of the District contains no limitations on the amount that can be invested in any one issuer beyond the amount stipulated by the California Government Code. Investments in any one issuer that represent five percent or more of the total investments are either an external investment pool and are therefore exempt. As such, the District was not exposed to concentration of credit risk.

d. Interest Rate Risk

This is the risk that changes in interest rates will adversely affect the fair value of an investment**.** Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The District manages its exposure to interest rate risk by investing in the county pool.

e. Foreign Currency Risk

This is the risk that exchange rates will adversely affect the fair value of an investment. At year end, the District was not exposed to foreign currency risk.

5. Investment Accounting Policy

The District is required by GASB Statement No. 31 to disclose its policy for determining which investments, if any, are reported at amortized cost. The District's general policy is to report money market investments and short-term participating interest-earning investment contracts at amortized cost and to report nonparticipating interest-earning investment contracts using a cost-based measure. However, if the fair value of an investment is significantly affected by the impairment of the credit standing of the issuer or by other factors, it is reported at fair value. All other investments are reported at fair value unless a legal contract exists which guarantees a higher value. The term "short-term" refers to investments which have a remaining term of one year or less at time of purchase. The term "nonparticipating" means that the investment's value does not vary with market interest rate changes. Nonnegotiable certificates of deposit are examples of nonparticipating interest-earning investment contracts.

The District's investments in external investment pools are reported in conformity with GASB Statement No. 77 unless the pool is 2a7-like, in which case they are reported at share value. A 2a7-like pool is one which is not registered with the Securities and Exchange Commission ("SEC") as an investment company, but nevertheless has a policy that it will, and does, operate in a manner consistent with the SEC's Rule 2a7 of the Investment Company Act of 1940.

D. Accounts Receivable

Accounts receivable at June 30, 2016 consisted of:

	Major Governmental Funds				
	General Fund	Cafeteria Fund	Bond Interest and Redemption Fund	Nonmajor Governmental Funds	Total Governmental Funds
Federal Government:					
Federal programs	$ 187,697	$ 7,109	$ -	$ -	$ 194,806
State Government:					
Lottery	80,665	-	-	-	80,665
Other state programs	26,419	410	-	-	26,829
Local Sources:					
Interest	4,883	47	-	732	5,662
Other local sources	13,548	-	-	-	13,548
Totals	$ 313,212	$ 7,566	$ -	$ 732	$ 321,510

	Enterprise Fund
Local Sources:	
Interest	101
Totals	$ 101

All accounts receivable are considered to be fully collectible and as such no allowance for doubtful accounts has been established.

E. Capital Assets

Capital asset activity for the year ended June 30, 2016, was as follows:

	Beginning Balances	Increases	Decreases	Ending Balances
Governmental activities:				
Capital assets not being depreciated:				
Land	$ 787,808	$ -	$ -	$ 787,808
Work in progress	-	-	-	-
Total capital assets not being depreciated	787,808	-	-	787,808
Capital assets being depreciated:				
Buildings	16,932,625	-	-	16,932,625
Improvements	107,789	-	-	107,789
Equipment	416,852	-	-	416,852
Total capital assets being depreciated	17,457,266	-	-	17,457,266
Less accumulated depreciation for:				
Buildings	(4,600,418)	(339,364)	-	(4,939,782)
Improvements	(64,045)	(4,183)	-	(68,228)
Equipment	(364,788)	(14,256)	-	(379,044)
Total accumulated depreciation	(5,029,251)	(357,803)	-	(5,387,054)
Total capital assets being depreciated, net	12,428,015	(357,803)	-	12,070,212
Governmental activities capital assets, net	$ 13,215,823	$ (357,803)	$ -	$ 12,858,020

Depreciation was charged to functions as follows:

Instruction	$ 352,809
General Administration	2,458
Plant Services	2,536
	$ 357,803

F. Interfund Balances and Activities

1. Due To and From Other Funds

Balances due to and due from other funds at June 30, 2016, consisted of the following:

Due To Fund	Due From Fund	Amount	Purpose
Cafeteria Fund	General Fund	$ 32,000	Permanent transfer
General Fund	Enterprise Fund	15,557	Direct costs
Enterprise Fund	General Fund	1,008	Reimbursement of expenses
General Fund	Cafeteria Fund	59,135	Temporary loan
	Total	$ 107,700	

All amounts due are scheduled to be repaid within one year.

2. Transfers To and From Other Funds

Transfers to and from other funds at June 30, 2016, consisted of the following:

Transfers From	Transfers To	Amount	Reason
General Fund	Cafeteria Fund	$ 32,000	Permanent transfer
	Total	$ 32,000	

G. Accounts Payable

Accounts payable at June 30, 2016 consisted of:

	Major Governmental Funds			
	General Fund	Cafeteria Fund	Total Governmental Funds	Enterprise Fund
Vendor payable	33,970	472	34,442	1,546
Payroll and related benefits	17,111	-	17,111	-
and payroll related liabilities	$ 51,081	$ 472	$ 51,553	$ 1,546

H. Deferred Outflows of Resources

In accordance with GASB Statement No. 68 & 71, payments made subsequent to the net pension liability |measurement date are recorded as deferred outflows of resources. Additionally, deferred outflows of resources pension |related include differences between expected and actual experience, change in proportionate share of the total net pension liability, and the net difference between projected and actual earnings on plan investments.

A summary of the deferred outflows of resources as of June 30, 2016 is as follows:

Description	Amortization Term	Balance July 1, 2015	Additions	Current Year Amortization	Balance June 30, 2016
Pension related - Governmental	Varies	$ 520,417	$ 1,221,735	$ 644,679	$ 1,097,473
Pension related - Business Type	Varies	18,684	79,757	30,557	67,884
Total Deferred Outflows of Resources		$ 539,101	$ 1,301,492	$ 675,236	$ 1,165,357

Future amortization of deferred outflows of resources is as follows:

Year Ending June 30	Governmental Activities Pension Related	Business Type Activities Pension Related	Total
2017	$ 724,676	$ 32,267	$ 756,943
2018	124,264	11,873	136,137
2019	124,264	11,873	136,137
2020	124,269	11,871	136,140
Total	$ 1,097,473	$ 67,884	$ 1,165,357

I. Deferred Inflows of Resources

GASB Statement No. 68 requires that certain items relating to net pension liability be recorded as deferred inflows of resources and amortized over time. For the year ended June 30, 2015 amounts recorded as deferred inflows of resources that are pension related are the differences between projected and actual earnings on plan investments**.** During the year ended June 30, 2016 additional deferred inflows of resources, pension related were accrued for changes in assumptions, change in proportionate share, and the net difference between projected and actual earnings.

A summary of the deferred inflows of resources as of June 30, 2016 is as follows:

Description	Amortization Term	Balance July 1, 2015	Additions	Current Year Amortization	Balance June 30, 2016
Pension related - Governmental	Varies	$ 434,861	$ 167,711	$ 142,258	$ 460,314
Pension related - Business Type	Varies	67,675	52,301	27,379	92,597
Total Deferred Inflows of Resources		$ 502,536	$ 220,012	$ 169,637	$ 552,911

Future amortization of deferred inflows of resources is as follows:

Year Ending June 30	Governmental Activities Pension Related	Business Type Activities Pension Related	Total Primary Government
2017	$ 142,258	$ 27,379	$ 169,637
2018	142,258	27,379	169,637
2019	142,255	27,378	169,633
2020	33,543	10,461	44,004
Total	$ 460,314	$ 92,597	$ 552,911

J. Long-Term Obligations

1. Long-Term Obligation Activity

Long-term obligations include debt and other long-term liabilities. Changes in long-term obligations for the year ended June 30, 2016, are as follows:

	Beginning Balance	Increases	Decreases	Ending Balance	Amounts Due Within One Year
Governmental activities:					
General obligation bonds	$ 5,619,035	$ -	$ 820,000	$ 4,799,035	$ 910,000
Accreted interest	4,320,709	470,026	-	4,790,735	-
Bond premium	270,596	-	62,877	207,719	62,877
Capital leases	198,659	-	135,042	63,617	63,617
Compensated absences *	37,951	-	12,501	25,450	25,450
Net OPEB liability	1,069,066	107,343	25,738	1,150,671	-
Net pension liability	6,516,920	1,308,277	-	7,825,197	-
Total governmental activities	$ 18,032,936	$ 1,885,646	$ 1,056,158	$ 18,862,424	$ 1,061,944
Business-type activities:					
Net pension liability	$ 196,952	$ 13,436	$ -	$ 210,388	-
Total business-type activities	$ 196,952	$ 13,436	$ -	$ 210,388	$ -

* Other long-term liabilities
The funds typically used to liquidate other long-term liabilities in the past are as follows:

Liability	Activity Type	Fund
Compensated absences	Governmental	General

2. Debt Service Requirements

Debt service requirements on long-term debt, net of bond premium, net pension liability, and OPEB obligation, at June 30, 2016 are as follows:

Year Ending June 30,	Principal	Accreted Interest	Interest	Total
2017	$ 999,067	$ -	$ 68,200	$ 1,067,267
2018	1,000,000	-	25,000	1,025,000
2019	383,837	791,163	-	1,175,000
2020	375,625	859,375	-	1,235,000
2021	368,498	931,502	-	1,300,000
2022-2026	1,761,075	5,828,925	-	7,590,000
Totals	$ 4,888,102	$ 8,410,965	$ 93,200	$ 13,392,267

3. Capital Leases

Commitments under capitalized lease agreements for facilities and equipment provide for minimum future lease payments as of June 30, 2016, as follows:

Year Ending June 30:	
2017	$ 65,443
Total Minimum Rentals	65,443
Less Amounts Representing Interest	(1,826)
Net Present Value of Minimum Lease Payments	$ 63,617

4. General Obligation Bonds

General obligation bonds at June 30, 2016 consisted of the following:

	Date of Issue	Interest Rate	Maturity Date	Amount of Original Issue
2000 Election Series A	07/19/2000	4.00-6.45%	08/01/2025	$ 10,999,035
2010 Refunding Bonds	01/14/2010	3.00-5.00%	08/01/2017	5,330,000
Total GO Bonds				$ 16,329,035

	Beginning Balance	Increases	Decreases	Ending Balance
2000 Election Series A	$ 2,889,035	$ -	$ -	$ 2,889,035
2000-A Accreted Interest	4,320,709	470,026	-	4,790,735
2000-A Bond Premium	112,697	-	10,245	102,452
2010 Refunding Bonds	2,730,000	-	820,000	1,910,000
2010 Bond Premium	157,899	-	52,632	105,267
Total GO Bonds	$ 10,210,340	$ 470,026	$ 882,877	$ 9,797,489

The annual requirements to amortize the bonds outstanding at June 30, 2016 are as follows:

Year Ending June 30,	Principal	Accreted Interest	Interest	Total
2017	$ 910,000	$ -	$ 68,200	$ 978,200
2018	1,000,000	-	25,000	1,025,000
2019	383,837	791,163	-	1,175,000
2020	375,625	859,375	-	1,235,000
2021	368,498	931,502	-	1,300,000
2022-2026	1,761,075	5,828,925	-	7,590,000
Totals	$ 4,799,035	$ 8,410,965	$ 93,200	$ 13,303,200

Amounts for accreted interest in the long-term debt schedule represent amounts accrued as of June 30, 2016. Amounts for accreted interest in the repayment schedule represents total payments of accreted interest over the life of the bonds.

5. Bond Premium

Bond premium arises when the market rate of interest is higher than the stated interest rate on the bond**.** Generally Accepted Accounting Principles (GAAP) require that the premium increase the face value of the bond and then amortize the premium over the life of the bond.

The District has issued bonds at a premium. The premiums are being amortized over the life of the debt using the straight line method.

Premiums issued on the debt resulted in an effective interest rate as follows:

	2000 Series A Bonds	2010 Refunding Bonds
Total Interest Payments on Bonds	$ 8,410,965	$ 1,035,202
Less Bond Premium	(266,374)	(473,692)
Net Interest Payments	$ 8,144,591	$ 561,510
Par Amount of Bonds	$ 10,999,035	$ 5,330,000
Periods	25	8
Effective Interest Rate	2.960%	1.310%

K. Joint Ventures (Joint Powers Agreements)

The District participates in one joint powers agreement (JPA) entity, the San Diego County Schools Risk Management (SDCSRM). The relationship between the District and the JPA is such that the JPA is not a component unit of the District.

The JPA arranges for and provides for various types of insurance for its member districts as requested. The JPA is governed by a board consisting of a representative from each member district. The board controls the operations of the JPA, including selection of management and approval of operating budgets, independent of any influence by the member districts beyond their representation on the board. Each member district pays a premium commensurate with the level of coverage requested and shares surpluses and deficits proportionate to their participation in the JPA.

Financial information on the District's share of the SDCSRM JPA for the year ended June 30, 2016 was not available at the time this report was issued. The information can be obtained by contacting the JPA directly.

L. Pension Plans

1. General Information About the Pension Plans

a. Plan Descriptions

Qualified employees are covered under multiple-employer defined benefit pension plans maintained by agencies of the State of California. Certificated employees are members of the California State Teachers Retirement System (CalSTRS) and classified employees are members of the California Public Employees' Retirement System (CalPERS). Benefit provisions under the Plans are established by State statute and Local Government resolution. Support by the State for the CalSTRS plan is such that the plan has a special funding situation as defined by GASB Statement No. 68. CalSTRS and CalPERS issue publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions and membership information that can be found on their respective websites.

b. Benefits Provided

CalSTRS and CalPERS provide service retirement and disability benefits, annual cost of living adjustments and death benefits to plan members. Benefits are based on years of credited service, equal to one year of full-time employment. Members with five years of total service are eligible to retire at age 62 for normal benefits or at age 55 with statutorily reduced benefits. Employees hired prior to January 1, 2013 are eligible to retire at age 60 for normal benefits or at age 55 with statutorily reduced benefits. All members are eligible for non-duty disability benefits after 10 years of service. All members are eligible for death benefits after one year of total service.

The Plans' provisions and benefits in effect at June 30, 2016 are summarized as follows:

	CalSTRS	
	Before	On or After
Hire Date	Jan. 1, 2013	Jan. 1, 2013
Benefit Formula	2% at 60	2% at 62
Benefit Vesting Schedule	5 Years	5 Years
Benefit Payments	Monthly for Life	Monthly for Life
Retirement Age	50-62	55-67
Monthly benefits, as a % of eligible compensation	1.1 - 2.4%	1.0 - 2.4%*
Required employee contribution rates (at June 30, 2015)	8.15%	8.15%
Required employer contribution rates (at June 30, 2015)	8.88%	8.88%
Required state contribution rates (at June 30, 2015)	5.679%	5.679%
Required employee contribution rates (at June 30, 2016)	9.200%	8.56%**
Required employer contribution rates (at June 30, 2016)	10.73%	10.73%
Required state contribution rates (at June 30, 2016)	7.126%	7.126%

*Amounts are limited to 120% of Social Security Wage Base.
**The rate imposed on CalSTRS 2% at 62 members is based on the normal cost of benefits.

	CalPERS	
	Before	On or After
Hire Date	Jan. 1, 2013	Jan. 1, 2013
Benefit Formula	2% at 55	2% at 62
Benefit Vesting Schedule	5 Years	5 Years
Benefit Payments	Monthly for Life	Monthly for Life
Retirement Age	50-62	52-67
Monthly benefits, as a % of eligible compensation	1.1 - 2.5%	1.0 - 2.5%
Required employee contribution rates (at June 30, 2015)	7.00%	6.00%
Required employer contribution rates (at June 30, 2015)	11.771%	11.771%
Required employee contribution rates (at June 30, 2016)	7.00%	6.00%
Required employer contribution rates (at June 30, 2016)	11.847%	11.847%

*Amounts are limited to 120% of Social Security Wage Base.

c. Contributions - CalPERS

Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. The CalPERS Board retains the authority to amend contribution rates. The total plan contributions are determined through CalPERS' annual actuarial valuation process. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability**.** The employer is required to contribute the difference between the actuarially determined rate and the contribution rate of employees. For the measurement period ended June 30, 2015 (measurement date), the average active employee contribution rate is 6.974% of annual pay, and the employer's contribution rate is 11.771% of annual payroll. For the fiscal year ending June 30, 2016, the average active employee contribution rate is 6.974%, and the employer's contribution rate is 11.847%.

d. Contributions - CalSTRS

For the measurement period ended June 30, 2015 (measurement date), Section 22950 of the California Education code requires members to contribute monthly to the system 8.15% of the creditable compensation upon which members' contributions under this part are based. In addition the employer required rates established by the CalSTRS Board have been established at 8.88% of creditable compensation. Rates are defined in Section 22950.5 through measurement period ending June 30, 2021. Beginning in the fiscal year 2021-22 and for each fiscal year thereafter, the CalSTRS Board has the authority to increase or decrease percentages paid specific to reflect the contribution required to eliminate by June 30, 2046, the remaining unfunded actuarial obligation with respect to service credited to members before July 1, 2014, as determined by the Board based upon a recommendation from its actuary. For the fiscal year ended June 30, 2016 required employee rate is 9.20% if the employee started before January 1, 2013 and 8.56% if the employee started on or after January 1, 2013. For the fiscal year ended June 30, 2016 the required employer contribution rate is 10.730%.

CalSTRS Contributions to the Business Type Activites is Not Applicable

e. On Behalf Payments

Consistent with Section 22955.1 of the California Education Code, the State of California makes contributions to CalSTRS on behalf of employees working for the District. For the measurement period ended June 30, 2015 (measurement date) the State contributed 5.678848% of salaries creditable to CalSTRS. For the fiscal year ended June 30, 2016 the State contribution rate was 7.126% of salaries creditable to CalSTRS. Under accounting principles generally accepted in the United States of America, these amounts are to be reported as revenues and expenditures. Accordingly, these amounts have been recorded in these financial statements. On behalf payments have been excluded from the calculation of available reserves, and have not been included in the budgeted amounts reported in the General Fund Budgetary Comparison Schedule.

f. Contributions Recognized

For the year ended June 30, 2016, the contributions recognized as part of pension expense for each Plan were as follows:

	Governmental Activities		Business Type Activities		
	CalSTRS	CalPERS	CalSTRS	CalPERS	Total
Contributions - Employer	$ 378,773	$ 141,643	$ N/A	$ 18,684	$ 539,100
Contributions - Employee	356,235	85,229	N/A	11,243	452,707
Contributions - State	203,704	-	N/A	-	203,704
Total Contributions	$ 938,712	$ 226,872	$ N/A	$ 29,927	$ 1,195,511

g. Pension Expense

	Governmental Activities		Business Type Activities		
	CalSTRS	CalPERS	CalSTRS	CalPERS	Total
Change in Net Pension Liability	$ 975,130	$ 333,147	$ N/A	$ 13,436	$ 1,321,713
Increases/(Decreases) Resulting From Changes In Deferred Outflows & Deferred Inflows for:					
Contributions Made Subsequent to Measurement Date	(70,853)	(9,143)	N/A	(1,710)	(81,706)
Difference Between Actual & Expected Experience	(1,211)	(98,070)	N/A	(12,936)	(112,217)
Change in Assumptions	-	105,434	N/A	13,908	119,342
Change in Proportionate Shares	(135,821)	26,735	N/A	27,933	(81,153)
Net Difference Between Projected & Actual Earnings	1,678	(370,351)	N/A	(51,473)	(420,146)
Total Pension Expense	$ 768,923	$ (12,248)	$ N/A	$ (10,842)	$ 745,833

2. Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pensions

As of June 30, 2016, the District reported net pension liabilities for its proportionate shares of the net pension liability of each plan as follows:

	Governmental Activities Proportionate Share of Net Pension Liability	Business Type Activities Proportionate Share of Net Pension Liability	Total Proportionate Share of Net Pension Liability
CalSTRS	$ 6,230,230	$ N/A	$ 6,230,230
CalPERS	1,594,967	210,388	1,805,355
Total Net Pension Liability	$ 7,825,197	$ 210,388	$ 8,035,585

The District's net pension liability for each Plan is measured as the proportionate share of the net pension liability**.** The net pension liability of each of the Plans is measured as of June 30, 2015, and the total pension liability for each Plan used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2014 rolled forward to June 30, 2015 using standard update procedures. The District's proportion of the net pension liability was based on a projection of the District's long-term share of contributions to the pension plans relative to the projected contributions of all participating employers, actuarially determined.

The District's proportionate share of the net pension liability for each Plan as of June 30, 2014 and 2015 was as follows:

	CalSTRS				
	District's Proportionate Share		State's Proportionate Share		Total for
	Governmental Activities	Business Type Activities	Governmental Activities	Business Type Activities	District Employees
June 30, 2014	0.0089%	N/A	0.0051%	N/A	0.0140%
June 30, 2015	0.0092%	N/A	0.0050%	N/A	0.0142%
Change	0.0003%	N/A	-0.0001%	N/A	0.0002%

	CalPERS		
	District's Proportionate Share		Total for
	Governmental Activities	Business Type Activities	District Employees
June 30, 2014	0.0111%	0.0017%	0.0128%
June 30, 2015	0.0108%	0.0014%	0.0122%
Change	-0.0003%	-0.0003%	-0.0006%

For the year ended June 30, 2016, the District recognized pension expense of $745,833. At June 30, 2016, the District reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Governmental Activities		Business Type Activities	
	Deferred Outflows of Resources	Deferred Inflows of Resources	Deferred Outflows of Resources	Deferred Inflows of Resources
Pension contributions subsequent to measurement date	$ 600,412	$ -	$ 20,394	$ -
Differences between actual & expected experience	99,282	-	12,936	-
Changes in assumptions	-	(105,434)	-	(13,908)
Change in employer's proportion and difference between the employer's contributions and the employer's proportionate share of contributions	135,822	(26,735)	-	(27,933)
Net difference between projected and actual experience on plan inventsments	261,957	(328,145)	34,554	(50,756)
Total	$ 1,097,473	$ (460,314)	$ 67,884	$ (92,597)

$620,806 reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2017. The other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized as pension expense as follows:

	Governmental Activities		
Year Ended June 30	Deferred Outflows	Deferred Inflows	Net Effect on Expenses
2017	$ 124,264	$ (142,258)	$ (17,994)
2018	124,264	(142,258)	(17,994)
2019	124,264	(142,255)	(17,991)
2020	124,269	(33,543)	90,726
Total	$ 497,061	$ (460,314)	$ 36,747

	Business Type Activities		
Year Ended June 30	Deferred Outflows	Deferred Inflows	Net Effect on Expenses
2017	$ 11,873	$ (27,379)	$ (15,506)
2018	11,873	(27,379)	(15,506)
2019	11,873	(27,379)	(15,506)
2020	11,871	(10,461)	1,410
Total	$ 47,490	$ (92,598)	$ (45,108)

a. Actuarial Assumptions

The total pension liabilities in the June 30, 2014 actuarial valuations were determined using the following actuarial assumptions:

	CalSTRS		CalPERS	
Valuation Date	June 30, 2014		June 30, 2014	
Measurement Date	June 30, 2015		June 30, 2015	
Actuarial Cost Method	Entry Age - Normal Cost Method for both CalSTRS & CalPERS			
Actuarial Assumptions:				
Discount Rate	7.6000%		7.6500%	
Inflation	3.0%		2.75%	
Payroll Growth	3.75%		3.00%	
Projected Salary Increase	0.05%-5.6%	(1)	3.20%-10.80%	(1)
Investment Rate of Return	7.6000%	(2)	7.6500%	(2)
Mortality	0.013%-0.435%	(3)	0.0013-0.4591%	(3)

(1) Depending on age, service and type of employment
(2) Net of pension plan investment expenses, including inflation
(3) Industry standard published by the Society of Actuaries

b. Discount Rate

The discount rate used to measure the total pension liability was 7.6000% for CalSTRS and 7.6500% for CalPERS. The projection of cash flows used to determine the discount rate assumed the contributions from plan members, employers, and state contributing agencies will be made at statutory contribution rates. To determine whether the District bond rate should be used in the calculation of a discount rate for each plan, CalSTRS and CalPERS stress tested plans that would most likely result in a discount rate that would be different from the actuariallyassumed discount rate. Based on the testing, none of the tested plans run out of assets. Therefore, the current discount rates are adequate and the use of the District bond rate calculation is not necessary for either plan. The stress test results are presented in a detailed report that can be obtained from the CalPERS and CalSTRS websites.

CalPERS has changed the discount rate from 7.50% to 7.65% to correct for an adjustment to exclude administrative expenses.

According to Paragraph 30 of GASB Statement No. 68, the long-term discount rate should be determined without reduction for pension plan administrative expense. The investment return assumption used in the accounting valuations is net of administrative expenses. Administrative expenses are assumed to be 15 basis points. Using this lower discount rate has resulted in a slightly higher Total Pension Liability and Net Pension Liability. CalSTRS and CalPERS checked the materiality threshold for the difference in calculation and did not find it to be a material difference.

CalSTRS and CalPERS are scheduled to review all actuarial assumptions as part of their regular Asset Liability Management (ALM) review cycle that is scheduled to be completed in February 2018. Any changes to the discount rate will require board action and proper stakeholder outreach. For these reasons, CalSTRS and CalPERS expect to continue using a discount rate net of administrative expenses for GASB 67 and GASB 68 calculations through at least the 2017-18 fiscal year. CalSTRS and CalPERS will continue to check the materiality of the difference in calculation until such time as they have changed their methodology.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalSTRS and CalPERS took into account both short-term and long-term market return expectations as well as the expected pension fund cash flows. Using historical returns of all the funds' asset classes, expected compound returns were calculated over the short-term (first 10 years) and long-term (11-60 years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equivalent to the single equivalent rate calculated above and rounded down to the nearest quarter of one percent.

The table below reflects the long-term expected real rate of return by asset class. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation**.** These rates of return are net of administrative expenses.

CalSTRS

Asset Class	Strategic Allocation	Long Term Expected Return*
Global Equity	47.00%	4.50%
Private Equity	12.00%	6.20%
Real Estate	15.00%	4.35%
Inflation Sensitive	5.00%	3.20%
Fixed Income	20.00%	0.20%
Liquidity	1.00%	-

*10 year geometric average used for long term expected real rate of return

CalPERS

Asset Class	Strategic Allocation	Real Return (Years 1-10)(1)	Real Return (Years 11+)(2)
Global Equity	47.00%	5.25%	5.71%
Global Fixed Income	19.00%	0.99%	2.43%
Inflation Sensitive	6.00%	0.45%	3.36%
Private Equity	12.00%	6.83%	6.95%
Real Estate	11.00%	4.50%	5.13%
Infrastructure and Forestland	3.00%	4.50%	5.09%
Liquidity	2.00%	-0.55%	-1.05%

(1) An expected inflation of 2.5% used for this period
(2) An expected inflation of 3.0% used for this period

c. Sensitivity to Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following represents the District's proportionate share of the net pension liability for each Plan, calculated using the discount rate for each Plan, as well as what the District's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1 percentage point lower or 1 percentage point higher than the current rate:

	Governmental Activities		Business Type Activities	
	CalSTRS	CalPERS	CalSTRS	CalPERS
1% Decrease	6.60%	6.65%	6.60%	6.65%
Net Pension Liability	$ 9,382,892	$ 2,595,942	$ N/A	$ 342,428
Current Discount Rate	7.60%	7.65%	7.60%	7.65%
Net Pension Liability	$ 6,230,230	$ 1,594,967	$ N/A	$ 210,388
1% Increase	8.60%	8.65%	8.60%	8.65%
Net Pension Liability	$ 3,580,681	$ 762,590	$ N/A	$ 100,593

d. Pension Plan Fiduciary Net Position

CalSTRS - Governmental Activities

	Increase (Decrease)				
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (a) - (b)	State's Share of Net Pension Liability (c)	District's Share of Net Pension Liability (a) - (b) - (c)
Balance at June 30, 2015 (Previously Reported)	$ 34,958,657	$ 26,751,409	$ 8,207,248	$ 2,983,166	$ 5,224,082
Adjustment for CalSTRS Audit Adjustments	-	(22,981)	22,981	(8,037)	31,018
Balance at June 30, 2015 (As Adjusted)	34,958,657	26,728,428	8,230,229	2,975,129	5,255,100
Changes for the year:					
Change in proportionate share	372,386	284,961	87,425	(82,351)	169,776
Service cost	788,633	-	788,633	275,801	512,832
Interest	2,633,886	-	2,633,886	921,124	1,712,762
Differences between expected and actual experience	(186,229)	-	(186,229)	(65,128)	(121,101)
Contributions:					
Employer	-	378,772	(378,772)	(132,927)	(245,845)
Employee	-	356,235	(356,235)	(124,583)	(231,652)
State On Behalf	-	203,704	(203,704)	(70,777)	(132,927)
Net investment income	-	1,080,416	(1,080,416)	(377,844)	(702,572)
Other income	-	559	(559)	(195)	(364)
Benefit payments, including refunds of employee contributions	(1,783,451)	(1,783,451)	-	-	-
Administrative expenses	-	(21,870)	21,870	7,649	14,221
Net Changes	1,825,225	499,326	1,325,899	350,769	975,130
Balance at June 30, 2016	$ 36,783,882	$ 27,227,754	$ 9,556,128	$ 3,325,898	$ 6,230,230

CalSTRS - Business Type Activities

CalSTRS is not applicable for the Buiness Type Activities

CalPERS - Governmental Activities

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (a) - (b)
Balance at June 30, 2015 (Previously Reported)	$ 7,590,725	$ 6,328,905	$ 1,261,820
Changes for the year:			
Change in proportionate share	(201,034)	(167,615)	(33,419)
Service cost	175,834	-	175,834
Interest	557,534	-	557,534
Differences between expected and actual experience	122,587	-	122,587
Changes in assumptions	(131,792)	-	-
Contributions - Employer	-	141,643	(141,643)
Contributions - Employee	-	85,229	(85,229)
Net plan to plan resource movement	-	(14)	14
Net investment income	-	137,678	(137,678)
Benefit payments, including refunds of employee contributions	(360,768)	(360,768)	-
Administrative expenses	-	(6,939)	6,939
Net Changes	162,361	(170,786)	333,147
Balance at June 30, 2016	$ 7,753,086	$ 6,158,119	$ 1,594,967

CalPERS - Business Type Activities

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (a) - (b)
Balance at June 30, 2015 (Previously Reported)	$ 1,184,807	$ 987,855	$ 196,952
Changes for the year:			
Change in proportionate share	(210,040)	(175,124)	(34,916)
Service cost	23,194	-	23,194
Interest	73,544	-	73,544
Differences between expected and actual experience	16,170	-	16,170
Changes in assumptions	(17,385)	-	-
Contributions - Employer	-	18,684	(18,684)
Contributions - Employee	-	11,243	(11,243)
Net plan to plan resource movement	-	(2)	2
Net investment income	-	18,161	(18,161)
Benefit payments, including refunds of employee contributions	(47,589)	(47,589)	-
Administrative expenses	-	(915)	915
Net Changes	(162,106)	(175,542)	13,436
Balance at June 30, 2016	$ 1,022,701	$ 812,313	$ 210,388

Detailed information about each pension plan's fiduciary net position is available in the separately issued CalSTRS and CalPERS financial reports.

M. Postemployment Benefits Other Than Pension Benefits

Plan Description

The Cardiff School District (District) administers a single-employer healthcare plan (Plan). The plan provides health benefits to eligible retirees for a maximum of five years or to the age 65, if earlier. The District currently provides retiree health benefits to approximately 60 active and 5 retired employees.

Certificated Employees

The District provides retiree medical (including prescription drug benefits), dental, and vision benefits to eligible retirees and their eligible dependents. Eligibility for retiree benefits requires retirement under STRS with at least 15 consecitive years of District eligible service. Retiree health benefits end at the earlier of the end of 5 years or the retiree's attainment of age 65. The District currently pays up to $7,271 annually towards health coverage.

Dependent coverage (except COBRA continuation) ceases upon the death of the retiree.

Classified and Other Employees

The District provides retiree medical (including prescription drug benefits), dental, and vision benefits to eligible retirees and their eligible dependents. Eligibility for retiree benefits requires retirement under PERS on or after age 55 with at least 15 consecutive years of District eligible service. Retiree health benefits end at the earlier of the end of 5 years or the retiree's attainment of age 65. The District currently pays up to $7,271 annually towards health coverage.

Dependent coverage (except COBRA continuation) ceases upon the death of the retiree.

Funding Policy: Beginning in the 2009-10 fiscal year, the District began to accrue the retiree health benefits in accordance with GASB Statement No. 45. The expense is generally accrued over the working career of employees. Under accrual accounting in accordance with GASB Statement No. 45 the District's annual OPEB cost for the fiscal year ended June 30, 2016 is $107,343.

Annual OPEB Cost and Net OPEB Obligation: The District's annual other postemployment benefits (OPEB) cost (expense) is based on the annual required contribution of the employer (ARC). The District's expense is comprised of the present value of benefits accruing in the current year (normal cost) plus a 30 year amortization (on a level-dollar basis) of the unfunded actuarial accrued liability (past service liability). The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal costs each year and to amortize any unfunded actuarial liabilities (or funding excess) over a period not to exceed thirty years.

The following table shows the components of the District's annual OPEB cost for the fiscal year ended June 30, 2016, the amount actually contributed to the plan, and changes in the District's net OPEB obligation to the plan:

	Governmental Activities
Annual required contribution (ARC)	$ 132,987
Interest on Net OPEB obligation	48,108
Adjustment to ARC	(73,752)
Annual OPEB cost	107,343
Contributions made	(25,738)
Increase in net OPEB obligation	81,605
Net OPEB obligations-beginning of year	1,069,066
Net OPEB obligations-end of year	$ 1,150,671

The District's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for the fiscal year ended June 30, 2014, 2015 and 2016 is as follows:

Fiscal Year Ended June 30,	Annual OPEB Cost	Percentage of Annual OPEB Cost Contributed	Net OPEB Obligation
2014	$ 45,970	28.49%	$ 81,899
2015	43,420	10.68%	120,682
2016	107,343	13.30%	1,150,671

Funded Status and Funding Progress: As of June 30, 2016, the accrued liability for benefits was $1,069,066, of which $1,069,066 is unfunded. The estimated covered payroll (annual payroll of active employees covered by the plan) was $4,437,000, and the ratio of unfunded actuarial accrued liability to the covered payroll was 24 percent.

The projection of future benefit payments for an ongoing plan involves estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and the healthcare cost trend. Amounts regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future.

N. Adjustment to Begining Net Position

With the implementation of GASB Statement No 68 & 71 the District relied upon information provided by CalSTRS and CalPERS in order to calculate their proportion of the net pension liability, deferred outflows of resources - pension related, and deferred inflows of resources - pension related. Proportionate share was determined based on the calculated proportionate share provided by CalSTRS. During the current year it was determined that the CalSTRS proportionate share amount did not include payments made on behalf of District employees by the California Department of Education under a special funding agreement. As a result, there was an understatement in proportionate share reported by the District which is being corrected with an adjustment to beginning net position**.** Additionally, CalSTRS auditors made audit adjustments to CalSTRS records which affected beginning net position for the District and is also being adjusted.

In addition to corrections to beginning net position related to errors in proportionate share and audit adjustments made to CalSTRS records, the District's proportionate share has changed between the prior and current year. In order to accurately calculate ending proportionate share of net pension liability, the District has adjusted beginning net position to be aligned with the current year proportionate share. The difference resulting from the change in proportionate share was then set up as a deferred inflow of resources to be amortized over five years.

The District's net OPEB obligation also needed to be corrected to account for the increase in the unfunded actuarial accrued liability based on the July 1, 2015 valuation results.

Finally, corrections were made to move items previously reported in the governmental activities on behalf of the Enterprise Fund for net pension liability, deferred outflows of resources and deferred inflows of resources. Those items are now being correctly reported in the Enterprise Fund under Business Type Activities.

Beginning net position was adjusted as follows:

	Governmental Activities	Business Activities
Net Position, Beginning (As Originally Stated)	$ (1,466,356)	$ 32,446
Adjustments for:		
Correction to Net OPEB Obligation	(948,384)	-
Correction to Net Pension Liability	93,350	(196,952)
Correction to Deferred Outflows of Resources	-	18,684
Correction to Deferred Inflows of Resources	1,324,437	(67,675)
Net Position, Beginning (As Restated)	$ (996,953)	$ (213,497)

O. Components of Ending Fund Balance

As of June 30, 2016 ending fund balance consisted of the following:

	Major Governmental Funds				
	General Fund	Cafeteria Fund	Bond Interest and Redemption Fund	Nonmajor Governmental Funds	Total Governmental Funds
Nonspendable Fund Balances					
Revolving Cash	$ 1,500	$ -	$ -	$ -	$ 1,500
Stores Inventory	-	255	-	-	255
Restricted Fund Balances					
Educational Programs	312,479	-	-	-	312,479
Child Nutrition Program	-	7,918	-	-	7,918
Capital Projects	-	-	-	110,581	110,581
Committed Fund Balances					
Deferred Maintenance	-	-	-	402,362	402,362
Postemployment Benefits	1,096	-	-	-	1,096
Assigned Fund Balances					
Debt Service	-	-	1,264,651	-	1,264,651
Unassigned Fund Balances					
Unappropriated	2,268,373	-	-	-	2,268,373
Total Fund Balance	$ 2,583,448	$ 8,173	$ 1,264,651	$ 512,943	$ 4,369,215

	Enterprise Fund
Unassigned Fund Balances	
Unappropriated	$ (187,191)

P. Commitments and Contingencies

Litigation

The District is involved in various litigation. In the opinion of management and legal counsel, the disposition of all litigation pending will not have a material effect on the financial statements.

State and Federal Allowances, Awards, and Grants

The District has received state and federal funds for specific purposes that are subject to review and audit by the grantor agencies. Although such audits could generate expenditure disallowances under terms of the grants, it is believed that any required reimbursement will not be material.

Q. Subsequent Events

New Accounting Pronouncements

GASB Statement No. 74

In June 2015, the Governmental Accounting Standards Board (GASB) issued Statement No. 74, Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans. The objective of this Statement is to improve the usefulness of information about postemployment benefits other than pensions (other postemployment benefits or OPEB) included in the general purpose external financial reports of state and local governmental OPEB plans for making decisions and assessing accountability. This Statement results from a comprehensive review of the effectiveness of existing standards of accounting and financial reporting for all postemployment benefits (pensions and OPEB) with regard to providing decision-useful information, supporting assessments of accountability and interperiod equity, and creating additional transparency.

This Statement replaces Statements No. 43, Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans, as amended, and No. 57, OPEB Measurements by Agent Employers and Agent Multiple-Employer Plans. It also includes requirements for defined contribution OPEB plans that replace the requirements for those OPEB plans in Statement No. 25, Financial Reporting for Defined Benefit Pension Plans and Note Disclosures for Defined Contribution Plans, as amended, Statement 43, and Statement No. 50, Pension Disclosures.

The District has adopted the provisions of GASB Statement No. 74 effective for the 2016-17 fiscal year.

GASB Statement No. 77

In August 2015, the Governmental Accounting Standards Board issued Statement No. 77, Tax Abatement Disclosures. Financial statements prepared by state and local governments in conformity with generally accepted accounting principles provide citizens and taxpayers, legislative and oversight bodies, municipal bond analysts, and others with information they need to evaluate the financial health of governments, make decisions, and assess accountability. This information is intended, among other things, to assist these users of financial statements in assessing (1) whether a government's current-year revenues were sufficient to pay for current-year services (known as interperiod equity), (2) whether a government complied with finance-related legal and contractual obligations, (3) where a government's financial resources come from and how it uses them, and (4) a government's financial position and economic condition and how they have changed over time.

Financial statement users need information about certain limitations on a government's ability to raise resources. This includes limitations on revenue-raising capacity resulting from government programs that use tax abatements to induce behavior by individuals and entities that is beneficial to the government or its citizens. Tax abatements are widely used by state and local governments, particularly to encourage economic development. For financial reporting purposes, this Statement defines a tax abatement as resulting from an agreement between a government and an individual or entity in which the government promises to forgo tax revenues and the individual or entity promises to subsequently take a specific action that contributes to economic development or otherwise benefits the government or its citizens.

Although many governments offer tax abatements and provide information to the public about them, they do not always provide the information necessary to assess how tax abatements affect their financial position and results of operations, including their ability to raise resources in the future. This Statement requires disclosure of tax abatement information about (1) a reporting government's own tax abatement agreements and (2) those that are entered into by other governments and that reduce the reporting government's tax revenues.

This Statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements:

Brief descriptive information, such as the tax being abated, the authority under which tax abatements are provided, eligibility criteria, the mechanism by which taxes are abated, provisions for recapturing abated taxes, and the types of commitments made by tax abatement recipients.

The gross dollar amount of taxes abated during the period.

Commitments made by a government, other than to abate taxes, as a part of a tax abatement agreement.

Governments should organize those disclosures by major tax abatement program and may disclose information for individual tax abatement agreements within those programs.

Tax abatement agreements of other governments should be organized by the government that entered into the tax abatement agreement and the specific tax being abated. Governments may disclose information for individual tax abatement agreements of other governments within the specific tax being abated. For those tax abatement agreements, a reporting government should disclose:

The names of the governments that entered into the agreements

The specific taxes being abated

The gross dollar amount of taxes abated during the period

The District has adopted the provisions of GASB Statement No. 77 effective for the 2016-17 fiscal year.

GASB Statement No. 78

In December 2015 the Governmental Accounting Standards Board (GASB) issued Statement No. 78 Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans. The objective of this Statement is to address a practice issue regarding the scope and applicability of Statement No. 68, Accounting and Financial Reporting for Pensions. This issue is associated with pensions provided through certain multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions.

Prior to the issuance of this Statement, the requirements of Statement 68 applied to the financial statements of all state and local governmental employers whose employees are provided with pensions through pension plans that are administered through trusts that meet the criteria in paragraph 4 of that Statement.

This Statement amends the scope and applicability of Statement 68 to exclude pensions provided to employees of state or local governmental employers through a cost-sharing multiple-employer defined benefit pension plan that (1) is not a state or local governmental pension plan, (2) is used to provide defined benefit pensions both to employees of state or local governmental employers and to employees of employers that are not state or local governmental employers, and (3) has no predominant state or local governmental employer (either individually or collectively with other state or local governmental employers that provide pensions through the pension plan). This Statement establishes requirements for recognition and measurement of pension expense, expenditures, and liabilities; note disclosures; and required supplementary information for pensions that have the characteristics described above.

The District has adopted the provisions of GASB Statement No. 78 effective for the 2016-17 fiscal year.

GASB Statement No. 79

In December 2015 the Governmental Accounting Standards Board (GASB) issued Statement No. 79 Certain External Investment Pools and Pool Participants This Statement addresses accounting and financial reporting for certain external investment pools and pool participants. Specifically, it establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. An external investment pool qualifies for that reporting if it meets all of the applicable criteria established in this Statement. The specific criteria address (1) how the external investment pool transacts with participants; (2) requirements for portfolio maturity, quality, diversification, and liquidity; and (3) calculation and requirements of a shadow price. Significant noncompliance prevents the external investment pool from measuring all of its investments at amortized cost for financial reporting purposes. Professional judgment is required to determine if instances of noncompliance with the criteria established by this Statement during the reporting period, individually or in the aggregate, were significant.

If an external investment pool does not meet the criteria established by this Statement, that pool should apply the provisions in paragraph 16 of Statement No. 31, Accounting and Financial Reporting for Certain Investments and for External Investment Pools, as amended. If an external investment pool meets the criteria in this Statement and measures all of its investments at amortized cost, the pool's participants also should measure their investments in that external investment pool at amortized cost for financial reporting purposes. If an external investment pool does not meet the criteria in this Statement, the pool's participants should measure their investments in that pool at fair value, as provided in paragraph 11 of Statement 31, as amended.

This Statement establishes additional note disclosure requirements for qualifying external investment pools that measure all of their investments at amortized cost for financial reporting purposes and for governments that participate in those pools. Those disclosures for both the qualifying external investment pools and their participants include information about any limitations or restrictions on participant withdrawals.

The District has adopted the provisions of GASB Statement No. 79 effective for the 2016-17 fiscal year.

GASB Statement No. 80

In January 2016 the Governmental Accounting Standards Board (GASB) issued Statement No. 80 Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14. The objective of this Statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This Statement amends the blending requirements established in paragraph 53 of Statement No. 14, The Financial Reporting Entity, as amended.

This Statement amends the blending requirements for the financial statement presentation of component units of all state and local governments. The additional criterion requires blending of a component unit incorporated as a not-for-profit corporation in which the primary government is the sole corporate member. The additional criterion does not apply to component units included in the financial reporting entity pursuant to the provisions of Statement No. 39, Determining Whether Certain Organizations Are Component Units.

The District has adopted the provisions of GASB Statement No. 80 effective for the 2016-17 fiscal year.

Required Supplementary Information

Required supplementary information includes financial information and disclosures required by the Governmental Accounting Standards Board but not considered a part of the basic financial statements.

CARDIFF SCHOOL DISTRICT

EXHIBIT B-1

GENERAL FUND
BUDGETARY COMPARISON SCHEDULE
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts			Variance with Final Budget Positive
	Original	Final	Actual	(Negative)
Revenues:				
LCFF Sources:				
State Apportionment or State Aid	$ 386,643	$ 386,643	$ 386,643	$ -
Education Protection Account Funds	135,280	140,684	140,684	-
Local Sources	6,614,660	6,853,413	6,853,413	-
Federal Revenue	173,265	200,982	200,982	-
Other State Revenue	603,944	1,049,871	1,049,871	-
Other Local Revenue	699,493	760,273	765,156	4,883
Total Revenues	8,613,285	9,391,866	9,396,749	4,883
Expenditures:				
Current:				
Certificated Salaries	4,255,235	4,328,354	4,328,349	5
Classified Salaries	1,401,353	1,459,975	1,459,970	5
Employee Benefits	1,311,806	1,567,565	1,567,565	-
Books And Supplies	253,498	238,594	238,594	-
Services And Other Operating Expenditures	1,028,420	956,236	956,236	-
Other Outgo	162,562	237,537	237,537	-
Debt Service:				
Principal	135,042	135,042	135,042	-
Interest	5,884	5,884	5,884	-
Total Expenditures	8,553,800	8,929,187	8,929,177	10
Excess (Deficiency) of Revenues Over (Under) Expenditures	59,485	462,679	467,572	4,893
Other Financing Sources (Uses):				
Transfers Out	-	-	(32,000)	(32,000)
Total Other Financing Sources (Uses)	-	-	(32,000)	(32,000)
Net Change in Fund Balance	59,485	462,679	435,572	(27,107)
Fund Balance, July 1	2,146,780	2,146,780	2,146,780	-
Fund Balance, June 30	$ 2,206,265	$ 2,609,459	$ 2,582,352	$ (27,107)

CARDIFF SCHOOL DISTRICT **EXHIBIT B-2**

CAFETERIA FUND
BUDGETARY COMPARISON SCHEDULE
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts			Variance with Final Budget Positive
	Original	Final	Actual	(Negative)
Revenues:				
Federal Revenue	$ 53,200	$ 17,080	$ 44,255	$ 27,175
Other State Revenue	125,080	149,497	2,553	(146,944)
Other Local Revenue	-	-	127,334	127,334
Total Revenues	178,280	166,577	174,142	7,565
Expenditures:				
Current:				
Classified Salaries	90,900	95,029	95,029	-
Employee Benefits	22,445	22,916	22,916	-
Books And Supplies	61,000	79,278	79,472	(194)
Services And Other Operating Expenditures	3,125	2,952	2,952	-
Total Expenditures	177,470	200,175	200,369	(194)
Excess (Deficiency) of Revenues Over (Under) Expenditures	810	(33,598)	(26,227)	7,371
Other Financing Sources (Uses):				
Transfers In	-	32,000	32,000	-
Total Other Financing Sources (Uses)	-	32,000	32,000	-
Net Change in Fund Balance	810	(1,598)	5,773	7,371
Fund Balance, July 1	2,400	2,400	2,400	-
Fund Balance, June 30	$ 3,210	$ 802	$ 8,173	$ 7,371

CARDIFF SCHOOL DISTRICT

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF FUNDING PROGRESS-OTHER POST EMPLOYMENT BENEFITS
YEAR ENDED JUNE 30, 2016

Actuarial Valuation Date	Actuarial Value of Assets (a)	Acturial Accrued Liability (AAL) - Entry Age (b)	Unfunded AAL (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a Percentage of Covered Payroll ((b-a)/c)
07/01/09	$ -	$ 401,395	$ 401,395	-	$ 4,005,000	10.0%
07/01/12	-	368,455	368,455	-	4,045,000	9.1%
07/01/15	-	1,069,066	1,069,066	-	4,437,000	24.1%

CARDIFF SCHOOL DISTRICT

SCHEDULE OF THE DISTRICT'S PROPORTIONATE
SHARE OF THE NET PENSION LIABILITY
CALIFORNIA STATE TEACHERS RETIREMENT SYSTEM (CALSTRS)
LAST TEN FISCAL YEARS *

	Fiscal Year									
	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007
District's proportion of the net pension liability (asset)	0.0092%	0.0089%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
District's proportionate share of the net pension liability (asset)	$ 6,230,230	$ 5,255,100	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
State's proportionate share of the net pension liability (asset) associated with the District	$ 3,325,898	$ 2,975,129	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total share of net pension liability (asset) associated with the District	$ 9,556,128	$ 8,230,229	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
District's covered employee payroll	$ 4,190,363	$ 4,265,462	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
District's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	148.68%	123.20%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Plan fiduciary net position as a percentage of the total pension liability	74.02%	76.52%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

* This schedule is presented to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, this schedule provides the information only for those years for which information is available.

N/A - 2014-15 was the first implementation year and as such no information is being presented for years prior to implementation.

Notes to Schedule:

1) Benefit Changes: In 2015 and 2016 there were no changes to benefits.

2) Changes in Assumptions: In 2015 and 2016, there were no changes in assumptions.

CARDIFF SCHOOL DISTRICT

SCHEDULE OF DISTRICT CONTRIBUTIONS
CALIFORNIA STATE TEACHERS RETIREMENT SYSTEM (CALSTRS)
LAST TEN FISCAL YEARS *

	Fiscal Year									
	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007
Contractually required contribution	$ 449,626	$ 378,773	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Contributions in relation to the contractually required contribution	(449,626)	(378,773)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Contribution deficiency (excess)	$ -	$ -	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
District's covered-employee payroll	$ 4,190,363	$ 4,265,462	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Contributions as a percentage of covered-employee payroll	10.730%	8.800%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

* This schedule is presented to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, this schedule provides the information for those years for which information is available.

N/A - 2014-15 was the first year of implementation and as such information is not being presented for years prior to implementation.

Notes to Schedule:

Actuarial methods and assumptions

The total pension liability for the CalSTRS Plan was determined by applying update procedures to a financial reporting actuarial valuation as of June 30, 2013 and June 30, 2014, and rolling forward the total pension liability to June 30, 2014 and June 30, 2015. The financial reporting actuarial valuation as of June 30, 2013 and June 30, 2014, used the following actuarial methods and assumptions, applied to all prior periods included in the measurement:

Valuation Date	06/30/14	06/30/15
Experience Study	07/01/06 - 06/30/10	07/01/07 - 06/30/11
Actuarial Cost Method	Entry age normal	
Investment Rate of Return	7.60%	7.60%
Consumer Price Inflation	3.00%	3.00%
Wage Growth (Average)	3.75%	3.75%
Post-retirement Benefit Increases	2.00% simple	2.00% simple

CalSTRS uses custom mortality tables to best fit the patterns of mortality among its members. These custom tables are based on RP2000 series tables adjusted to fit CalSTRS experience. RP2000 series tables are an industry standard set of mortality rates published by the Society of Actuaries. See CalSTRS July 1, 2006 – June 30, 2010 Experience Analysis for more information.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. The best estimate ranges were developed using capital market assumptions from CalSTRS general investment consultant (Pension Consulting Alliance - PCA) as an input to the process. Based on the model from CalSTRS consulting actuary's (Milliman) investment practice, a best estimate range was determined by assuming the portfolio is re-balanced annually and that annual returns are lognormally distributed and independent from year to year to develop expected percentiles for the long-term distribution of annualized returns. The assumed asset allocation by PCA is based on board policy for target asset allocation in effect on February 2, 2012, the date the current experience study was approved by the board.

CARDIFF SCHOOL DISTRICT

SCHEDULE OF THE DISTRICT'S PROPORTIONATE
SHARE OF THE NET PENSION LIABILITY
CALIFORNIA PUBLIC EMPLOYEE RETIREMENT SYSTEM (CALPERS)
LAST TEN FISCAL YEARS *

	Fiscal Year									
	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007
District's proportion of the net pension liability (asset)	0.0122%	0.0128%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
District's proportionate share of the net pension liability (asset)	$ 1,805,358	$ 1,458,773	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
District's covered-employee payroll	$ 1,444,923	$ 1,362,051	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
District's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	125.01%	107.97%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Plan fiduciary net position as a percentage of the total pension liability	79.43%	83.38%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

* This schedule is presented to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, this schedule provides the information only for those years for which information is available.

N/A - 2014-15 was the first year of implementation and as such years previous to implementation are not presented in this schedule.

Notes to Schedule:

1) Benefit changes: In 2015 and 2016 there were no changes to the benefits.

2) Changes in assumptions: In 2015, there were no changes to assumptions. In 2016 the discount rate was changed from 7.5% to 7.65% to correct for an adjustment to exclude administrative expenses.

CARDIFF SCHOOL DISTRICT

SCHEDULE OF DISTRICT CONTRIBUTIONS
CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)
LAST TEN FISCAL YEARS *

	Fiscal Year									
	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007
Contractually required contribution	$ 171,180	$ 160,327	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Contributions in relation to the contractually required contribution	(171,180)	(160,327)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Contribution deficiency (excess)	$ -	$ -	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
District's covered-employee payroll	$ 1,444,923	$ 1,362,051	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Contributions as a percentage of covered-employee payroll	11.847%	11.771%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

* This schedule is presented to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, this schedule provides the information for those years for which information is available.

N/A - 2014-15 fiscal year was the first year of implementation and as such years previous to implementation are not presented in this schedule.

Notes to Schedule

For the measurement period ended June 30, 2014 and June 30, 2015 (the measurement dates), the total pension liability was determined by rolling forward the June 30, 2013 and June 30, 2014 total pension liability. The June 30, 2014 and the June 30, 2015 total pension liabilities were based on the following actuarial methods and assumptions:

Actuarial Cost Method	Entry Age Normal in accordance with the requirements of GASB Statement No. 68	
Actuarial Assumptions		
Valuation Date	06/30/14	06/30/15
Experience Study	07/01/96 - 06/30/10	07/01/97 06/30/11
Discount Rate	7.50%	7.65%
Inflation	2.75%	2.75%
Wage Growth (Average)	3.00%	3.00%
Post Retirement Increase	2.00% Simple	2.00-2.75%

The mortality table used was developed based on CalPERS specific data. The table includes 20 years of mortality improvements using Society of Actuaries Scale BB. For more details on this table, please refer to the 2013 and 2014 experience study reports available on the CalPERS website.

All other actuarial assumptions used in the valuations were based on the results of actuarial experience studies for periods noted above, including updates to salary increase, mortality and retirement rates. Further details of the Experience Studies can be found at CalPERS' website.

Budgetary Comparison Schedule - General Fund

As described in Note A to these financial statements, for purposes of reporting in conformity with GASB Statement No. 54, the District's Special Reserve Fund for Postemployment Benefits (Fund 20) was included with the General Fund. The Budgetary Comparison Schedule included in the Required Supplementary Information is based on the legally adopted budget for the General Fund only.

General Fund - Fund Financial Statements Ending Fund Balance	$	2,583,448
Less Fund 20 Fund Balance		(1,096)
General Fund - Budgetary Comparison Schedule Ending Fund Balance	$	2,582,352
General Fund - Fund Financial Statements Net Change in Fund Balance	$	435,578
Change in Fund Balance attributed to Fund 20		(6)
General Fund - Budgetary Comparison Schedule Change in Fund Balance	$	435,572

Excess of Expenditures Over Appropriations

As of June 30, 2016, expenditures exceeded appropriations in individual budgeted funds as follows:

Appropriations Category	Excess Expenditures	Reason for Excess Expenditures
Cafeteria Fund:		
Books and Supplies	$ 194	Unexpected increase in supplies expense for the year

Combining Statements and Budget Comparisons as Supplementary Information

This supplementary information includes financial statements and schedules not required by the Governmental Accounting Standards Board, nor a part of the basic financial statements, but are presented for purposes of additional analysis.

CARDIFF SCHOOL DISTRICT

COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
JUNE 30, 2016

	Special Revenue Fund	Capital Projects Fund	Total Nonmajor Governmental Funds (See Exhibit A-3)
	Deferred Maintenance Fund	Capital Facilities Fund	
ASSETS:			
Cash in County Treasury	$ 401,773	$ 110,438	$ 512,211
Accounts Receivable	589	143	732
Total Assets	402,362	110,581	512,943
LIABILITIES AND FUND BALANCE:			
Liabilities:			
Total Liabilities	-	-	-
Fund Balance:			
Restricted Fund Balances	$ -	$ 110,581	$ 110,581
Committed Fund Balances	402,362	-	402,362
Total Fund Balance	402,362	110,581	512,943
Total Liabilities and Fund Balances	$ 402,362	$ 110,581	$ 512,943

CARDIFF SCHOOL DISTRICT

COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	Special Revenue Fund	Capital Projects Fund	Total Nonmajor Governmental Funds (See Exhibit A-5)
	Deferred Maintenance Fund	Capital Facilities Fund	
Revenues:			
LCFF Sources:			
Local Sources	$ 89,471	$ -	$ 89,471
Other Local Revenue	2,172	64,069	66,241
Total Revenues	91,643	64,069	155,712
Expenditures:			
Current:			
General Administration	-	64,870	64,870
Plant Services	34,688	17,697	52,385
Total Expenditures	34,688	82,567	117,255
Excess (Deficiency) of Revenues Over (Under) Expenditures	56,955	(18,498)	38,457
Net Change in Fund Balance	56,955	(18,498)	38,457
Fund Balance, July 1	345,407	129,079	474,486
Fund Balance, June 30	$ 402,362	$ 110,581	$ 512,943

Other Supplementary Information

This section includes financial information and disclosures not required by the Governmental Accounting Standards Board and not considered a part of the basic financial statements. It may, however, include information which is required by other entities.

Supplementary Information Section

CARDIFF SCHOOL DISTRICT

LOCAL EDUCATION AGENCY
ORGANIZATION STRUCTURE
JUNE 30, 2016

The Cardiff School District was established on February 10, 1913 and is comprised of an area of approximately 3.2 square miles in San Diego County. There were no changes in the boundaries of the district during the current year**.** The district currently operates two elementary schools, grades K-6.

Governing Board

Name	Office	Term and Term Expiration
Mark Whitehouse	President	Four year term Expires December 2018
Nancy Orr	Clerk	Four year term Expires December 2020
Siena Randall	Member	Four year term Expires December 2018
David Ross	Member	Four year term Expires December 2020
Dave Clark	Member	Four year term Expires December 2018

Administration

Jill Vinson
Superintendent

Courtney Jasper
Chief Business Official

CARDIFF SCHOOL DISTRICT

TABLE D-1

SCHEDULE OF AVERAGE DAILY ATTENDANCE
YEAR ENDED JUNE 30, 2016

	Second Period Report		Annual Report	
	Original	Revised	Original	Revised
TK/K-3:				
Regular ADA	393.32	N/A	366.28	N/A
TK/K-3 Totals	393.32	N/A	366.28	N/A
Grades 4-6:				
Regular ADA	296.53	N/A	276.35	N/A
Grades 4-6 Totals	296.53	N/A	276.35	N/A
ADA Totals	689.85	N/A	642.63	N/A

N/A - There were no audit findings which resulted in necessary revisions to attendance.

Average daily attendance is a measurement of the number of pupils attending classes of the district or charter school. The purpose of attendance accounting from a fiscal standpoint is to provide the basis on which apportionments of state funds are made to school districts and charter schools. This schedule provides information regarding the attendance of students at various grade levels and in different programs.

CARDIFF SCHOOL DISTRICT

TABLE D-2

SCHEDULE OF INSTRUCTIONAL TIME
YEAR ENDED JUNE 30, 2016

Grade Level	Ed. Code 46207 Minutes Requirement	2015-16 Actual Minutes	Number of Days Traditional Calendar	Number of Days Multitrack Calendar	Status
Kindergarten	36,000	49,200	180	-	Complied
Grade 1	50,400	52,470	180	-	Complied
Grade 2	50,400	52,470	180	-	Complied
Grade 3	50,400	52,470	180	-	Complied
Grade 4	54,000	56,295	180	-	Complied
Grade 5	54,000	56,295	180	-	Complied
Grade 6	54,000	56,295	180	-	Complied

School districts and charter schools must maintain their instructional minutes as defined in Education Code Section 46207**.** This schedule is required of all districts, including basic aid districts.

The District has received incentive funding for increasing instructional time as provided by the Incentives for Longer Instructional Day. This schedule presents information on the amount of instruction time offered by the District and whether the District complied with the provisions of Education Code Sections 46200 through 46206. The District met or exceeded its target funding.

CARDIFF SCHOOL DISTRICT

TABLE D-3

SCHEDULE OF FINANCIAL TRENDS AND ANALYSIS
YEAR ENDED JUNE 30, 2016

General Fund	Budget 2017 (See Note 1)	2016	2015	2014
Revenues and other financial sources	$ 9,253,059	$ 9,396,749	$ 8,285,923	$ 8,474,803
Expenditures, other uses and transfers out	9,116,906	8,961,177	8,602,002	8,317,621
Change in fund balance (deficit)	136,153	435,572	(316,079)	157,182
Ending fund balance	$ 2,718,505	$ 2,582,352	$ 2,146,780	$ 2,462,859
Available reserves (See Note 2)	$ 2,399,644	$ 2,263,491	$ 1,942,862	$ 2,180,271
Available reserves as a percentage of total outgo	26.3%	25.3%	23.1%	26.8%
Total long-term debt (See Note 5)	$ 18,010,868	$ 19,072,812	$ 17,177,902	$ 11,026,816
Average daily attendance at P-2	685	690	702	715

This schedule discloses the district's financial trends by displaying past years' data along with current year budget information**.** These financial trend disclosures are used to evaluate the district's ability to continue as a going concern for a reasonable period of time.

The general fund balance has increased by $276,675 over the past three years. The fiscal year 2016-17 budget projects an increase of $136,153. For a district of this size, the State recommends available reserves of at least 4% of total general fund expenditures, transfers out, and other uses (total outgo).

Long-term debt has increased by $7,880,940 over the past three years.

Average daily attendance (ADA) has decreased by 35 over the past three years.

Notes:

1 Budget 2017 is included for analytical purposes only and has not been subjected to audit.

2 Available reserves consist of all unassigned fund balances, all assigned fund balances, and all funds reserved for economic uncertainties contained within the General Fund.

3 On behalf payments of $282,274, $203,704, and $186,618, have been excluded from the calculation of available reserves as a percentage of total outgo for the fiscal years ending June 30, 2016, 2015, and 2014.

4 As described in Note A to these financial statements, for purposes of reporting in conformity with GASB Statement #54, the District's Special Reserve Fund for Postemployment Benefits (Fund 20) was included with the general fund. The above Schedule of Financial Trends and Analysis contains only the financial information of the general fund.

5 As a result of implementation of GASB Statement No. 68, long term liabilities for the year ended June 30, 2015 include net pension liabilities which were not previously accounted for. As such, total long term debt for the year ended June 30, 2016 and 2015 are not comparable to previous years represented in this table.

CARDIFF SCHOOL DISTRICT

RECONCILIATION OF ANNUAL FINANCIAL AND BUDGET
REPORT WITH AUDITED FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2016

	General Fund	Special Reserve Fund for Postemployment Benefits	Cafeteria Fund
June 30, 2016, annual financial and budget report fund balances	$ 2,577,468	$ 1,094	$ 801
Adjustments and reclassifications:			
Increasing (decreasing) the fund balance:			
Accounts Reveivable understated	4,884	2	7,372
Net Pension Liability understated,	-	-	-
Deferred Outflows of Resources understated			
Deferred Inflows of Resources understated			
GASB 54 presentation of Special Reserve Fund	1,096	(1,096)	-
June 30, 2016, audited financial statement fund balances	$ 2,583,448	$ -	$ 8,173

	Schedule of Long-Term Debt
June 30, 2016 annual financial and budget report total liabilities	$ 13,060,792
Adjustments and reclassifications:	
Increase (decrease) in total liabilities:	
General Obligation Bonds understatement	3,799,035
Accreted interest understatement	4,790,735
Net pension liability overstatement	(3,460,348)
Net OPEB obligation understatement	1,004,633
Compensated Absences understatement	3,719
Bond premium overstatement	(125,754)
Net adjustments and reclassifications	6,012,020
June 30, 2016 audited financial statement total liabilities	$ 19,072,812

This schedule provides the information necessary to reconcile the fund balances of all funds and the total liabilities balance of the general long-term debt account group as reported on the SACS report to the audited financial statements. Funds that required no adjustment are not presented.

TABLE D-4

Deferred Maintenance Fund	Capital Facilities Fund	Enterprise Fund
$ 401,773	$ 110,438	$ 47,809
589	143	101
-	-	(210,388)
		67,884
		(92,597)
-	-	-
$ 402,362	$ 110,581	$ (187,191)

CARDIFF SCHOOL DISTRICT

TABLE D-5

SCHEDULE OF CHARTER SCHOOLS
YEAR ENDED JUNE 30, 2016

No charter schools are chartered by Cardiff School District.

Charter Schools	Included In Audit?
None	N/A

Other Independent Auditor's Reports

P. Robert Wilkinson, CPA
Brian K. Hadley, CPA

WILKINSON HADLEY KING & CO. LLP
CPAs AND ADVISORS

Aubrey W. King, CPA
Kevin A. Sproul, CPA

Independent Auditor's Report on Internal Control over Financial Reporting and On Compliance and Other Matters Based on an Audit of Financial Statements Performed In Accordance With *Government Auditing Standards*

Board of Trustees
Cardiff School District
Cardiff-by-the-Sea, California

Members of the Board of Trustees:

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Cardiff School District, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise Cardiff School District's basic financial statements, and have issued our report thereon dated January 30, 2017.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Cardiff School District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Cardiff School District's internal control. Accordingly, we do not express an opinion on the effectiveness of the Cardiff School District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Cardiff School District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Wilkinson Hadley King & Co., LLP

El Cajon, California
January 30, 2017

P. Robert Wilkinson, CPA
Brian K. Hadley, CPA

WILKINSON HADLEY KING & CO. LLP
CPAs AND ADVISORS

Aubrey W. King, CPA
Kevin A. Sproul, CPA

Independent Auditor's Report on State Compliance

Board of Trustees
Cardiff School District
Cardiff-by-the-Sea, California

Members of the Board of Trustees:

Report on State Compliance

We have audited the District's compliance with the types of compliance requirements described in the *2015-16 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting,* prescribed in Title 5, *California Code of Regulations,* Section 19810 that could have a direct and material effect on each of the District's state programs identified below for the fiscal year ended June 30, 2016.

Management's Responsibility for State Compliance

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its state programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each applicable program as identified in the State's audit guide, *2015-16 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting* prescribed in Title 5, *California Code of Regulations,* Section 19810**.** We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing* Standards issued by the Comptroller General of the United States; and the State's audit guide, *2015-16 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting,* prescribed in Title 5, *California Code of Regulations,* Section 19810. Those standards and audit guide require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the compliance requirements referred to above that could have a direct and material effect on the state programs noted below occurred. An audit includes examining, on a test basis, evidence about the District's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the District's compliance with those requirements.

In connection with the audit referred to above, we selected and tested transactions and records to determine the District's compliance with the state laws and regulations applicable to the following items:

Compliance Requirements	Procedures in Audit Guide Performed?
LOCAL EDUCATION AGENCIES OTHER THAN CHARTER SCHOOLS:	
Attendance Accounting:	
Attendance Reporting	Yes
Teacher Certification and Misassignments	Yes
Kindergarten Continuance	Yes
Independent Study	N/A
Continuation Education	N/A
Instructional Time	Yes
Instructional Materials	Yes
Ratio of Administrative Employees to Teachers	Yes
Classroom Teacher Salaries	Yes
Early Retirement Incentive	N/A
GANN Limit Calculation	Yes
School Accountability Report Card	Yes
Juvenile Court Schools	N/A
Middle or Early College High Schools	N/A
K-3 Grade Span Adjustment	Yes
Transportation Maintenance of Effort	Yes
SCHOOL DISTRICTS, COUNTY OFFICES OF EDUCATION, AND CHARTER SCHOOLS:	
Educator Effectiveness	Yes
California Clean Energy Jobs Act	Yes
After School Education and Safety Program:	
After School	N/A
Before School	N/A
General Requirements	N/A
Proper Expenditure of Education Protection Account Funds	Yes
Unduplicated Local Control Funding Formula Pupil Counts	Yes
Local Control and Accountability Plan	Yes
Independent Study-Course Based	N/A
Immunizations	Yes
CHARTER SCHOOLS:	
Attendance	N/A
Mode of Instruction	N/A
Nonclassroom-Based Instruction/Independent Study	N/A
Determination of Funding for Nonclassroom-Based Instruction	N/A
Annual Instructional Minutes - Classroom Based	N/A
Charter School Facility Grant Program	N/A

The term "N/A" is used above to mean either the District did not offer the program during the current fiscal year or the program applies to a different type of local education agency.

Opinion on State Compliance

In our opinion, Cardiff School District complied, in all material respects, with the compliance requirements referred to above that are applicable to the statutory requirements listed in the schedule above for the year ended June 30, 2016.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of compliance and the results of that testing, and not to provide an opinion of the effectiveness of the entity's internal control or on compliance outside of the items tested as noted above. This report is an integral part of an audit performed in accordance with the *2015-16 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting* prescribed in Title 5, *California Code of Regulations,* Section 19810 in considering the entity's compliance. Accordingly, this communication is not suitable for any other purpose.

Wilkinson Hadley King & Co., LLP

El Cajon, California
January 30, 2017

Findings and Recommendations Section

CARDIFF SCHOOL DISTRICT
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2016

A. Summary of Auditor's Results

1. Financial Statements

Type of auditor's report issued:	Unmodified		
Internal control over financial reporting:			
One or more material weaknesses identified?	____ Yes	_X_ No	
One or more significant deficiencies identified that are not considered to be material weaknesses?	____ Yes	_X_ None Reported	
Noncompliance material to financial statements noted?	____ Yes	_X_ No	

2. Federal Awards

Internal control over major programs:			
One or more material weaknesses identified?	____ Yes	_X_ Not Applicable	
One or more significant deficiencies identified that are not considered to be material weaknesses?	____ Yes	_X_ Not Applicable	
Type of auditor's report issued on compliance for major programs:	Not Applicable		
Any audit findings disclosed that are required to be reported in accordance with section 510(a) of Circular A-133?	____ Yes	_X_ Not Applicable	

Identification of major programs:

CFDA Number(s)	Name of Federal Program or Cluster
Not Applicable	Not Applicable

Dollar threshold used to distinguish between type A and type B programs:	$750,000		
Auditee qualified as low-risk auditee?	____ Yes	_X_ Not Applicable	

3. State Awards

Any audit findings disclosed that are required to be reported in accordance with Standards and Procedures for Audits of California K-12 Local Education Agencies?	____ Yes	_X_ No	
Type of auditor's report issued on compliance for state programs:	Unmodified		

CARDIFF SCHOOL DISTRICT

SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2016

B. Financial Statement Findings

NONE

C. State Award Findings and Questioned Costs

NONE

CARDIFF SCHOOL DISTRICT

SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FOR THE YEAR ENDED JUNE 30, 2016

Finding/Recommendation	Current Status	Management's Explanation If Not Implemented
There were no findings reported in the June 30, 2015 audit.		

Cardiff School District Resolution Number 16-17-13
Resolution to Establish a Building Fund and a Debt Service Fund

On motion of Member _____, Seconded by Member _____ , the following resolution is adopted:

WHEREAS, Cardiff School District, County of San Diego, State of California (District) is duly authorized and existing under the law of said state; and

WHEREAS, the voters of the Cardiff School District community passed a general obligation bond measure to provide monies to finance the construction of school facilities in accordance with applicable public contract codes. The general obligation bonds will be sold by the District's bond underwriter, as set forth in the California Education Code 15100; and

WHEREAS, school districts are authorized by Education Code section 15146 to establish a restricted fund known as the Building Fund. In addition, pursuant to California Code 15100, a Debt Service Fund must also be established after issuing and selling the bonds.

THEREFORE, BE IT RESOLVED, that the Cardiff School District shall establish two new restricted funds with the San Diego County Auditor named Building Fund for the purpose of receiving, holding, investing, and disbursing funds for the construction project; and a Debt Service Fund for receiving levied taxes with which bond payments will be made.

PASSED AND ADOPTED by the Governing Board on February 6, 2017, by the following vote:

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, _____, Clerk/Secretary of the Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by said Board at a regularly called and conducted meeting held on said date. Clerk/Secretary of the Governing Board.

Exhibit F

Cardiff School District
Cardiff-by-the-Sea, California 92007

February 6, 2017

ITEM: **NORTH COASTAL CONSORTIUM FOR SPECIAL EDUCATION 2016 LOCAL PLAN REVISION**

BACKGROUND

Special Education is a program mandated by the Individuals with Disabilities Educational Act (IDEA). This legislation was originally passed in 1975 and has undergone recent revisions in 1997 and 2004. California laws comply with federal statutes.

California has divided regions of the state into Special Education Local Plan Areas (SELPAs). SELPAs are large unified districts or consist of a specific group of local educational agencies (LEAs) charged with the responsibility of providing a free appropriate public education (FAPE) to qualified students with special needs within its area. Both federal and state special education funds are directed to the SELPA, and the member LEAs collaborate to meet the needs of its students and to devise a method for equitable distribution of funds. The SELPA and LEAs must be in compliance with all state and federal special education laws.

The first level of compliance is establishing and maintaining a Local Plan. This Local Plan contains statements from IDEA that briefly summarize major elements of IDEA. The Local Plan describes the governance structure of the North Coastal Consortium for Special Education and defines the roles of various entities responsible for providing a continuum of services to students with special needs within the SELPA. Local school boards, the County Superintendent of Schools, and the State School Board must approve all items of the Local Plan. All additional policies and procedures that define the way that the North Coastal Consortium for Special Education operates shall be maintained on file at the SELPA Office with copies in each LEA. Each LEA shall supplement the Local Plan, SELPA policies and SELPA procedures with its own policies and procedures.

FINANCIAL IMPLICATIONS

Failure to approve the 2016 Local Plan could result in the State withholding special education revenues to the SELPA, which would impact all fourteen (14) districts within the North Coastal Consortium for Special Education. It would also keep the 2007 Local Plan in effect, which is outdated and does not align with all current compliance standards and fiscal allocation practices of the SELPA.

RECOMMENDATION

It is respectfully recommended that the Board Approve North Coastal Consortium for Special Education's (NCCSE) 2016 Local Plan as submitted.

Exhibit G

North Coastal Consortium of Special Education SELPA

2016 Local Plan Revision

Comparison of Language from 2007 Local Plan

Section	Summary of Change
Acknowledgments	• New section added for 2016 to recognize Local Plan Stakeholder Review Committee members
Overview Section	• "Purpose and Intent" section of 2007 document now incorporated into "Introduction" section
Governance Overview	• Additional language for clarity of NCCSE governance structure • Changed order of various entities within the governance structure of the Local Plan document
Board of Governors	• Additional language specifying Board of Governors as the policy-making entity for the SELPA • Additional language to establish collaborative roles between Board of Governors and the San Diego County Office of Education in the selection, supervision, evaluation, and discipline of the Director of the NCCSE
Trustee Review Committee	• Changed meeting frequency from 2 times per year to 1-2 times per year
Program Cabinet	• Changed reference from "Cabinet" to "Program Cabinet • Additional language to specify that each district (and charter if designated) is assigned one vote
Finance Committee	• Responsibility changed from "developing the Annual Budget Plan" to "review and recommend approval of the Annual NCCSE Budget as proposed by the Program/Finance Work Group for review and approval by Cabinet and Board of Directors
Program/Finance Work Group	• New section added for 2016 which replaces the "Program Committee" from the 2007 Local Plan • Membership in Program/Finance Workgroup includes representation from each member LEA with 7 District Directors of Special Education and 7 Finance Directors • Focus of the work is to annually review cost centers and SELPA services and offer initial recommendations to Program Cabinet and Board of Governors for budget planning
Community Advisory Committee	• Additional language to provide opportunity for members in good standing to be appointed for multiple two-year terms upon recommendation and selection by their local governing boards
Program Specialists	• Additional language to establish collaborative roles between the local LEAs and the NCCSE Director in providing direction to Program Specialists • Additional language to formalize Program Specialist services through annual MOUs with LEAs
NCCSE Director	• Amends language specific to evaluation of NCCSE Director: RLA evaluates Director with input from Board of Governors
General Responsibilities and Administration of Regionalized Operation and Services	• Added responsibility of NCCSE Director to provide technical assistance to LEAs related to compliance and performance indicators • Added language specific to Common Core State Standards and California Alternative Assessment • Removes language "provides direct instructional support to Program Specialists" • Adds language to participate in on-site reviews of non-public schools in collaboration with CDE • Amends language to work with LEAs in the coordination of services for students in residential facilities, LCIs, foster homes, and juvenile court placements • Adds language to provide technical assistance to complete all required state and federal reports

2016 Local Plan Revision

Comparison of Language from 2007 Local Plan

Section	Summary of Change
Roles and Responsibilities of Participating Entities	• Some of this information is new to 2016 Local Plan document • 2007 Local Plan document included this information under Governance and Administrative Structure
Responsibilities of Local Governing Boards of Education	• New language specifies that Governing Board of each LEA approves its participation in the NCCSE • Additional language clarifying the role of the Governing Boards as the policy-making bodies for the implementation of the Local Plan and provision of special education services for its students
Responsibilities of LEA Superintendents of Education	• Additional language to establish collaborative role with District Directors of Special Education to monitor the implementation of the Local Plan and special education program operation in each district • Additional language to assist in the identification of special education program and service needs for the NCCSE through participation on Board of Governors
Responsibilities of the LEA	• Removes reference to McGeorge School of Law in sections related to mediation, due process, and requests for free or low-cost legal services • Adds detailed language related to the requirements of an LEA if it intends to withdraw from the SELPA • Additional language for responsibilities associated with receipt and distribution of special education funds in accordance with state and federal law • Additional language for responsibilities associated with preparation and submission of required program and fiscal State and Federal reports
Responsibilities of LEA Administrator of Special Education	• No changes
Responsibilities of the San Diego Office of Education (RLA)	• Removes language "providing education for individuals in special education programs maintained by other districts or counties and may include within the special education program pupils who reside in other districts or counties" • New responsibilities added: administrative and business support, employment of SELPA staff to implement Local Plan, approval of Annual Budget and Services Plans upon recommendation of Board of Governors, and hearing appeals of unresolved issues brought before it by LEAs, Board of Governors, or Trustee Review Committee
Additional Elements: • Income Distribution and Maintenance of Effort • Annual Budget Plan • Annual Service Plan	• New sections: general descriptions of SELPA responsibilities and oversight of these processes
State and Federal Fund Allocation	• Section amended to reflect current NCCSE process for budget planning and processes used to ensure Board of Governors' approval for State and Federal fund allocation
Operation of Special Education Programs	• Section amended to reflect current NCCSE process of identifying LEAs wishing to provide "tuition classes" to other member districts through IntraSELPA transfers • Language from 2007 Local Plan document related to regionalized classes is removed

2016 Local Plan Revision

Comparison of Language from 2007 Local Plan

Section	Summary of Change
Programs for Early Childhood Special Education	• References Interagency Agreement between San Diego Regional Center for the Developmentally Disabled and San Diego County SELPAs and LEAs and Superintendent of SDCOE
Services in Alternative Educational Settings	• New section to outline services to students housed in county and state hospitals, LCIs and foster homes, and juvenile court and community schools
Hospitalized Students	• New section to outline provision of services to students in hospitals or other residential facilities
State Hospital Programs	• New section to outline coordination of services for students returning from a State Hospital program
LCI and Foster Homes	• New section added to outline provision of services to students in these placements
Juvenile Court and Community Schools	• New section added to outline provision of services to students in these placements
Oversight of Nonpublic School Placements	• New section outlines responsibility for oversight of nonpublic school placements to include annual review of IEP, review of Master Contract, and evaluation of student progress
Utilization of General Education Resources	• New section outlines legal requirement that referral to special education occurs only after the resources of the general education program have been considered and, where appropriate, utilized
Reading Criteria	• Previously embedded under “Literacy” in the 2007 Local Plan
Access to Core Curriculum	• Previously embedded under “Literacy” in the 2007 Local Plan
Low Incidence Funds	• Previously part of the funding allocation plan • Funds no longer maintained at the SELPA; funds distributed to districts by qualifying pupil counts
Request for SELPA membership by a Charter School	• Previously embedded under “Charter Schools” in 2007 Local Plan • Additional language to require approval for membership by the Board of Governors
Policies, Operational Guidelines, and Local Agreements	• Previously SELPA policies were part of Local Plan • Now maintained separately in order to be updated as needed or required by law • New general information to reflect how policies, operational guidelines, and local agreements are formally approved within the SELPA
Interagency Agreements	• New section that describes how these are maintained at the SELPA office
Amendments to the Local Plan	• New section that describes process for making amendments to the Local Plan
Public Participation	• No changes
Dispute Resolution	• No changes

North Coastal Consortium for Special Education

SELPA Local Plan 2016

Approved November 14, 2016

NORTH COASTAL CONSORTIUM
FOR SPECIAL EDUCATION

255 Pico Avenue, Suite 101/Room 220
San Marcos, CA 92069
760-761-5110
www.nccse.org

NORTH COASTAL CONSORTIUM FOR SPECIAL EDUCATION

Local Plan Stakeholder Review Committee 2016

The North Coastal Consortium of Special Education (NCCSE) Special Education Local Plan Area (SELPA) wishes to acknowledge the 2016 Local Plan Stakeholder Review Committee along with the Board of Governors, Directors' Cabinet, Program-Finance Committee, and Community Advisory Committee for the many hours of time that they each devoted to the careful consideration of this Local Plan document and the resulting revisions to it. The Local Plan Stakeholder Review Committee Members were:

Carmen Blum	Parent and CAC Co-Chairperson
Julie Law Cheeseman	Parent and CAC Executive Board Member
Lori Cummins	Director, Student Services, Bonsall Unified School District
Joseph Gora	Special Education Teacher/CAC Representative, Bonsall Unified School District
Kelly Carr	Speech Language Pathologist, Carlsbad Unified School District
Nicole Michael	Special Education Teacher, Carlsbad Unified School District
Maria Waskin	Director, Pupil Personnel, Encinitas Union School District
Michael Doria	School Psychologist, Fallbrook Union Elementary School District
Charles Bishop	General Education Teacher, Oceanside Unified School District
Monica M. Hans	General Education Teacher/CAC Executive Board Member, Oceanside Unified School District
Stephen Ledesma	General Education Teacher, Oceanside Unified School District
Ameret Reed	Assistant Principal, Oceanside Unified School District
Mark Curtis	Financial Analyst, North Coastal Consortium of Special Education
Julie Hong	Coordinator, North Coastal Consortium of Special Education
Lisa Houghtelin	Parent Liaison/CAC Member, North Coastal Consortium of Special Education
Theresa Kurtz	Executive Director, North Coastal Consortium of Special Education
Jeremy Owen	Director, Special Education, Rancho Santa Fe School District
Charles Adams	Director, Special Education, San Dieguito Union High School District
Julie Goldberg	Teacher on Special Assignment, San Dieguito Union High School District
Carrie Goodwiler	Speech Pathologist and CAC Member, San Marcos Unified School District
Garth Phillips	Teacher on Special Assignment, San Marcos Unified School District
Joe Parsons	School Psychologist, Solana Beach School District
Theresa Wetherhold	Speech Language Pathologist, Solana Beach School District
David Jones	Superintendent, Vallecitos School District

NORTH COASTAL CONSORTIUM FOR SPECIAL EDUCATION

NCCSE Local Plan 2016
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Overview
- Introduction
- Participating Local Educational Agencies
- NCCSE Map
- Mission Statement

Governance and Administrative Structure
- Governance Overview
- Board of Governors
- Trustee Review Committee
- Program Cabinet
- Finance Committee
- Program/Finance Work Group
- Community Advisory Committee
- Program Specialists
- NCCSE Director

General Responsibilities and Administration of Regionalized Operation and Services

Roles and Responsibilities of Participating Entities
- Responsibilities of Local Governing Boards of Education
- Responsibilities of LEA Superintendents of Education
- Responsibilities of Local Education Agency
- Responsibilities of the LEA Administrator of Special Education
- Responsibilities of the San Diego Office of Education (RLA)

Additional Elements of the Local Plan
- Income Distribution Agreement and Maintenance of Effort
- Annual Budget Plan
- Annual Service Plan
- State and Federal Fund Allocation
- Operation of Special Education Programs
- Programs for Early Childhood Special Education
- Services in Alternative Educational Settings
- Hospitalized Students
- State Hospital Programs
- Licensed Children's Institutions (LCI) and Foster Homes
- Juvenile Court and Community School Placements
- Oversight of Nonpublic School Placements
- Utilization of General Education Resources

Reading Criteria
Access to Core Curriculum
Low Incidence Funds
Request for SELPA Membership by a Charter School
Policies, Operational Guidelines and Local Agreements
Interagency Agreements
Amendments to the Local Plan
Public Participation
Dispute Resolution
Legal References

Exhibit A: (SED LP-5) Special Education Local Plan Area Local Education Agency Assurances

Exhibit B: Elements of the Local Plan SED LP

Exhibit C: Interagency Agreement between Regional Center and SDCOE – Part C

INTRODUCTION

The development of the North Coastal Consortium for Special Education (NCCSE) Local Plan was initiated as a requirement pursuant to Education Code Sections 56195, 56200, 56202, 56205, and the requirements of United States Codes Title 20 USC 1412(a), 20 USC 1413(a)(1), 20 USC 1413, 56203(a)(5) 9.

The development and review of the elements of the Local Plan was completed by a committee of representatives from superintendents, special education Directors, finance administrators, principals, special and general education teachers, related services staff, Trustee Review Committee, the Community Advisory Committee and Program Specialists.

The elements of the Local Plan address state and federally mandated criteria and attempt to describe governance, administration, roles and responsibilities and general provisions for the implementation of the North Coastal Consortium for Special Education. In accordance with California Education Code, the elements of the Local Plan assures access to special education and services for all individuals with exceptional needs residing in the geographic area served by the districts; hereafter known as the North Coastal Consortium for Special Education (NCCSE).

The NCCSE is an agency which is separate from the parties to this Agreement and is responsible for administering the Agreement and the Local Plan. The powers of the NCCSE shall include, but not be limited to:

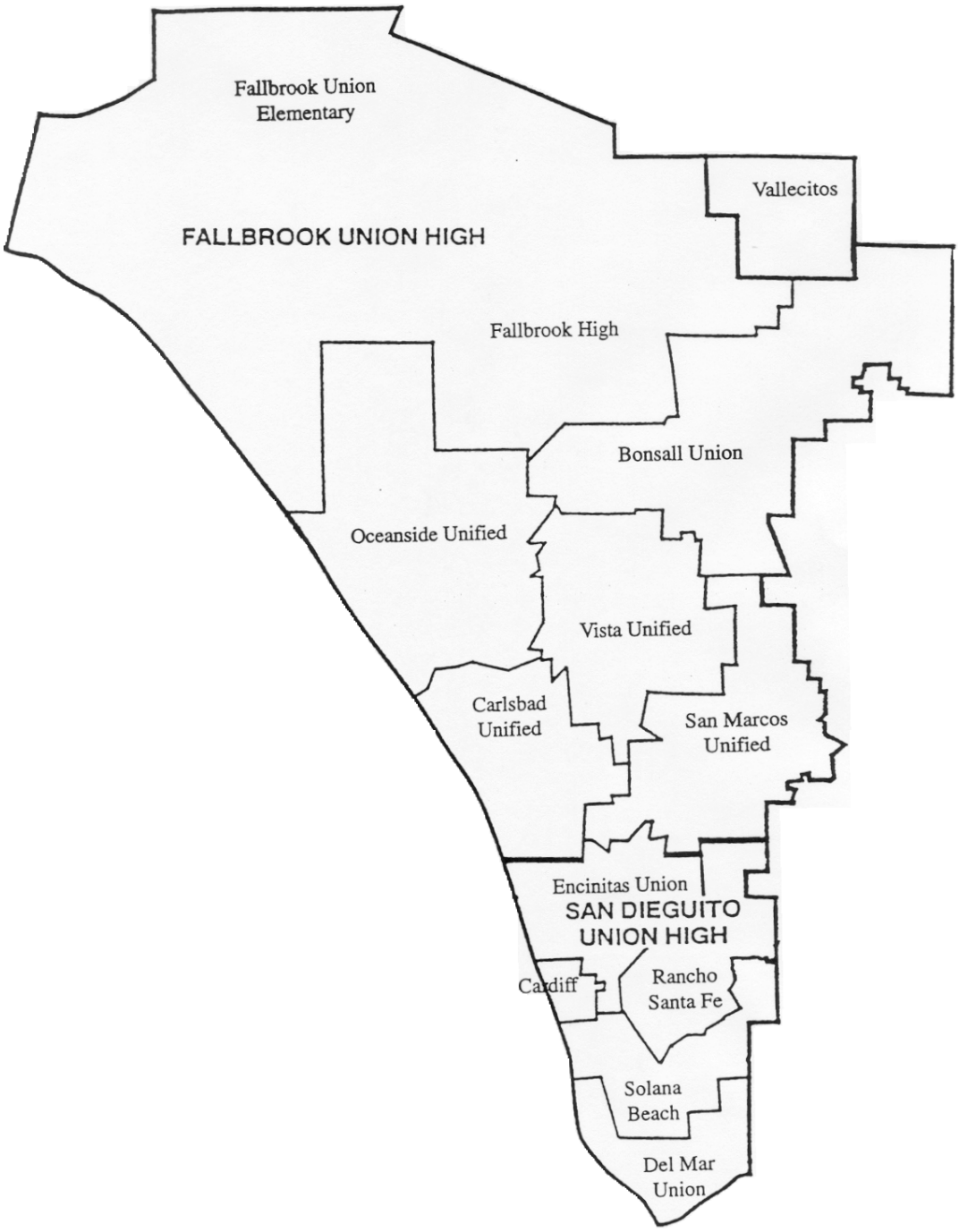
- Making and entering into contracts.
- Utilizing the services of personnel when such services are offered.
- Acquiring, constructing, managing, maintaining or operating buildings.
- Acquiring, holding or disposing of property.
- Applying for, accepting, receiving the disbursing funds and grants from agencies of the United States, State of California or other public agencies.
- Adopting policies governing the operation of the NCCSE as outlined in the Agreement or the Local Plan.
- Coordinating and enforcing all provisions of the Agreement and the Local Plan.

The fourteen member districts adopt the Local Plan and work to insure all of the provisions within the Plan are implemented within their LEA.

Participating Local Educational Agencies

Bonsall Unified School District
Cardiff School District
Carlsbad Unified School District
Del Mar Union School District
Encinitas Union School District
Fallbrook Union Elementary School District
Fallbrook Union High School District
Oceanside Unified School District
Rancho Santa Fe School District
San Dieguito Union High School District
San Marcos Unified School District
Solana Beach School District
Vallecitos School District
Vista Unified School District

North Coastal Consortium for Special Education
(NCCSE)



Mission Statement

The North Coastal Consortium for Special Education (NCCSE) is a dynamic, regional, collaborative special education local planning area whose purpose is to support local school districts as they provide for the needs of students with disabilities.

The NCCSE provides and supports districts with:

- Staff Development activities and parent education
- Program Specialist services
- Help when responding to needs of parents of special education students
- Unification of common needs
- Help in identifying unique needs within local school districts
- Legal and technical assistance
- Awareness and dissemination of current best practices
- Creation of forums for problem solving

Governance and Administrative Structure

Governance
56195.1(b)(1), 56195.9, 56200, 56203, 56205(a)(12)(A)

The North Coastal Consortium for Special Education (NCCSE) is a multidistrict Special Education Local Planning Area (SELPA) composed of fourteen school districts that have joined in a cooperative effort to provide a coordinated delivery of programs, services and assurances to eligible individuals with disabilities who reside within the local planning area. Through the Local Plan, the NCCSE participating districts designate the Board of Governors to be the governing body of the organization. The San Diego County Office of Education (SDCOE) is designated as the Administrative Unit (AU) for the NCCSE.

The Board of Governors shall be the policy making body for the NCCSE and its member districts. Policies and procedures adopted by the Board of Governors, under the authority of the adopting district's board, have the same status as other district boards. Policies and procedures are established pursuant to Federal/State code and shall provide direction for all aspects of the NCCSE. The SELPA Administrator and each member district are responsible for implementation of the policies, procedures and decisions of the Board of Governors.

The governance structure of the SELPA is established by agreement among the governing boards of the member Local Education Agencies (LEAs). It consists of the Board of Governors, the Program Director's Cabinet, the Finance Committee, the Combined Program/Finance Committee, and the Community Advisory Committee. The SELPA Administrator may convene additional advisory committees. The SELPA Administrator is responsible for coordination of the SELPA and implementation of the Local Plan.

The following is a description of the governance and administration of the Local Plan, including the responsibility of the governing body and elected officials to whom the governing body is responsible.

Board of Governors
56205(a)(12)(D)(ii)(I)

The Board of Governors of the North Coastal Consortium for Special Education (NCCSE) is composed of the Superintendent of each participating member district, the San Diego County Office of Education Superintendent of Schools, or designee and the NCCSE Director. The Board of Governors shall be the policy making body for the North Coastal Consortium for Special Education (NCCSE).

The primary functions of the Board of Governors shall include, but are not limited to, the following:

- Selecting the Responsible Local Agency, Administrative Unit (AU).
- Approving the NCCSE policies and procedures.
- Establishing procedures for appeals.
- Receiving input submitted by the Community Advisory Committee (CAC) regarding the development, amendment, and review of the Local Plan.
- Approving the Local Plan and its elements and all NCCSE policies.
- Reviewing the annual priorities submitted by the CAC.
- Reviewing complaints, due process hearing results and program noncompliance issues and trends.
- Selecting, supervising, evaluating and disciplining the Director of the NCCSE in collaboration with the SDCOE Assistant Superintendent of Pupil Services.
- Providing an opportunity to hear public comment.
- Approving the NCCSE distribution of special education funds to member districts.

- Approving annual budget and services plans and fiscal reports required of the NCCSE.
- Monitoring use of federal, state and local funds allocated for special education programs and services.
- Reviewing and evaluating the effectiveness of the Local Plan, and approving modifications to the Local Plan.
- Approving agreements including, but not limited to, interagency agreements and facilities.

The Board of Governors shall hold a minimum of four (4) regular meetings annually. The date, time, and place for each regular meeting shall be fixed by resolution of the Board of Governors. All meetings of the Board of Governors shall be called, held, and conducted in accordance with the terms and provisions of the Ralph M. Brown Act. All meetings shall be open to the public. The Board of Governors shall record minutes of its meetings, and provide a copy of the minutes to each member of the Board of Governors, the Community Advisory Committee (CAC), Cabinet and the Trustee Review Committee (TRC).

Each of the Board of Governors shall have one vote, which may be cast only by the representative who is in physical attendance. A designee with voting privilege (other than a NCCSE Program Cabinet representative) may be utilized when a Superintendent is ill or absent from his/her district due to official business. The Superintendent or designee will be responsible for notifying the NCCSE Director of his/her anticipated absence and/or who will be his/her designee. The presence of eight (8) voting members shall constitute a quorum to conduct business. Unless otherwise specified, a majority vote shall be sufficient to constitute action. Neither the NCCSE Director nor the San Diego County Office of Education Superintendent or designee shall have voting privileges. Both shall be members in an advisory capacity.

The chairperson shall see that all orders and resolutions of the Board of Governors are carried into effect and shall be an ex officio member of all committees appointed by the Board of Governors. The chairperson shall perform other duties as may be prescribed from time to time by the Board of Governors. The Board of Governors shall meet annually in January to elect a chairperson and vice-chair. The chairperson will assist the NCCSE Director in setting agendas and calling meetings. The vice-chair will act in the absence of the chairperson. The NCCSE Director shall act as secretary to the Board of Governors.

The Board of Governors shall be responsible for approving the staff required to support the functioning of the NCCSE. In reviewing and approving the NCCSE budgets on an annual basis, the Board of Governors agree to the employment of staff for the NCCSE office upon recommendation of Cabinet.

Trustee Review Committee (TRC)
56200, 56205

The Trustee Review Committee (TRC) shall be composed of one (1) representative from each member district's governing board, the chairperson of the Board of Governors and the North Coastal Consortium for Special Education (NCCSE) Director. The TRC shall annually elect a chairperson and a vice-chairperson. The chairperson will assist the NCCSE Director in setting agendas, in calling meetings, and in appointing the Appeals Board. The vice-chairperson will act in the absence of the chairperson. The NCCSE Director shall act as secretary to the TRC. The TRC shall meet 1-2 times yearly, and may meet more often as necessary. All meetings of the TRC shall be called, held, and conducted in accordance with the terms and provisions of the Ralph M. Brown Act. All meetings of the TRC shall be open to the public. The TRC shall keep minutes of its meetings, and distribute them to the Board of Governors, Cabinet, and the Executive Committee of the CAC.

The TRC reviews areas that may include, but are not limited to: staff development activities, new and/or revised laws, budgets, and reports concerning program compliance/noncompliance and results of due process proceedings.

Special meetings may be called to consider appeals or other matters within the functions of the TRC (dispute resolution, distribution of funds) by the chairperson of the TRC. The chairperson of the TRC will appoint a panel of five (5) members of the TRC, on an ad hoc basis, to act as an Appeals Board on appeals concerning decisions or actions of the Board of Governors. The review process requires that:

- Requests for review of a Board of Governors' decision or action shall be made through a member district's Superintendent to the Board of Governors.
- Upon notification of the intent to appeal a Board of Governors' decision or action, the chairperson of the Board of Governors shall transmit the request to the chairperson of the TRC.
- No member may serve on the Appeals Board if the appeal in question has direct impact on his/her district. Members may be renamed to subsequent Appeals Boards so long as these conditions are met.
- The TRC Appeals Board shall meet to consider the requested appeal.
- In formulating its decision on the appeal, the TRC Appeals Board may, by majority vote, grant, deny, or modify the decision or action of the Board of Governors under consideration.
- The Appeals Board shall complete its deliberations within thirty (30) calendar days of the date of receipt of request for appeal.
- The TRC shall provide its decision in writing to the chairperson of the Board of Governors.
- The decision of the TRC Appeals Board shall be binding.
- The chairperson of the Board of Governors shall forward the decision of the TRC Appeals Board to each representative on the Board of Governors.

Program Cabinet
56200, 56205

Each school district shall appoint one representative to the Cabinet. An alternate or designee shall be sent in the absence of the representative. Whenever possible, the representative and/or alternate shall have management status within the district. Typically, Cabinet members are personnel who have administrative and/or coordinating responsibilities for special education within their district. Meetings shall be held at least monthly and will be scheduled in May for the following year. The Cabinet representative is the liaison to his/her district and Superintendent. The North Coastal Consortium for Special Education (NCCSE) Director chairs the Cabinet meetings. Action items on the Cabinet agenda will be approved by a majority vote of those in attendance. The Cabinet assists the NCCSE Director in advancing the goals, recommending policy and developing procedures for the NCCSE. The Cabinet makes recommendations to the Board of Governors, through the NCCSE Director, regarding policies, procedures, budgets, personnel, operation and evaluation of the Local Plan. Recommended changes of governance may be made by the Cabinet, and submitted to the Board of Governors for inclusion in the Local Plan. The Board of Governors may ratify the Cabinet's recommendations by a majority vote or refer the issue back to Cabinet with input to assist them in developing an alternate recommendation. Each District (or Charter if so designated) will have one vote on Cabinet matters or recommendations to the Board of Governors. The District Director may assign his or her vote to a designee only if that designee is employed by that district. The following is a non-exhaustive list of the primary responsibilities of the Program Cabinet:

- Develop policy and procedures for the implementation, operation and evaluation of services in the NCCSE.
- Establish working committees to recommend policies and procedures to the Cabinet and policies to the Board of Governors.
- Provide all the necessary data for the completion of reports to the NCCSE office.
- Coordinate the implementation of all NCCSE adopted policies and procedures at the local level.

Finance Committee

The Finance Committee shall be composed of one chief business officer or designee from each member local education agency (LEA) within the North Coastal Consortium for Special Education (NCCSE). It shall also include the NCCSE Director, two Cabinet members and a NCCSE appointed financial officer. This committee shall advise the NCCSE Director, Cabinet and CAC on all special education budgets and special education fiscal policies, procedures and allocation of funds. All LEA business officers will follow NCCSE approved policies and procedures for reporting special education income and expenditures provided within the LEA. The Finance Committee shall review and recommend approval of the Annual NCCSE Budget as proposed by the Program/Finance Work Group for review and approval by Cabinet and the Board of Governors. A majority vote of those present at pre-established meeting dates shall constitute a recommendation from the committee. All meeting dates for the future year shall be established no later than June of the preceding year.

Program/Finance Work Group

The Program/Finance Work Group is comprised of 14 members, one from each LEA member district. The composition of the Work Group will be 7 Program Administrators and 7 Finance Administrators (Finance Administrators can be the CBO or his or her designee; the Program Administrator must be a District Director). Each member district will be represented by one member to the Program/Finance Work Group. This will insure that each LEA is represented on the Work Group. This Work Group will convene in October each year to start the process of developing the NCCSE budget for the next year. The Work Group will review the current budget cost centers and determine what, if any, changes need to occur moving ahead to the next year. Program representatives will have the opportunity to discuss additional services needed by the member districts or services which could be reduced. Finance representatives will have the opportunity to identify areas where cost savings or reductions in the budget could occur. The recommendations from this Work Group are brought to the Program Cabinet to provide the foundation for the Cabinet to develop and approve the NCCSE budget which will be ultimately brought to the Board of Governors for Approval. The Program/Finance Work Group can convene additional meetings to create recommendations for the Program Cabinet regarding new programs, NCCSE funding models or matters requiring consensus between the Finance and Program Directors. These additional meetings can be requested by the Finance Committee, the Program Cabinet or the Board of Governors. The NCCSE Director will facilitate these meetings.

Community Advisory Committee (CAC)
56190, 56205(a)(12)(c)

There shall be a Community Advisory Committee known as CAC. It will have representation and carry out functions as specified in their bylaws. The CAC role is established in Ed. Code. The NCCSE's CAC includes representatives from all of the member districts and/or communities from within the NCCSE. The CAC strives to involve parents, students, teachers and community members in the educational programs for students with disabilities.

Parents of students with disabilities who are enrolled in public or private schools shall constitute a majority of the CAC membership. The remaining members shall be parents of other pupils enrolled in school, special education and general education classroom teachers, other direct service personnel, representatives from public or private agencies, and members of the community at large.

The selection of the CAC district representative(s) is overseen by district administrators of special education and approved by the local governing board. Community agency representatives are solicited and accepted by the current CAC executive board.

CAC members are appointed for a two-year term. Length of membership is staggered to ensure that no more than one half of the membership serves the first year of their term in any one year. Members in good standing may be appointed for multiple two-year terms upon request and selection by their local governing boards.

The Community Advisory Committee shall have the authority and fulfill the responsibilities that are delineated in the Local Plan. The responsibilities shall include, but need not be limited to the following:

- Review of the Local Plan (CAC members will have at least 30 days to review the Local Plan prior to its submission to the State Department of Education).
- Advise the policy and administrative entity of member districts, the NCCSE or the Board of Governors, regarding the development, amendment and review of the Local Plan.
- Recommend annual priorities to the Board of Governors.
- Assist in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the Local Plan.
- Encourage community involvement in the development and review of the Local Plan.
- Support activities on behalf of students with disabilities.

- Assist parents to become aware of the importance of regular school attendance.

The Board of Governors will create a liaison with the CAC, by exchanging minutes and inviting a CAC representative to present a report at each Board of Governor's meeting.

The NCCSE personnel will provide and assist the CAC with clerical and administrative support. The NCCSE staff in attendance at each CAC meeting will be in an advisory/non-voting capacity.

Members of the CAC will participate in continual development and review of the Local Plan.

The CAC will conduct ongoing training for its representatives regarding the Local Plan, CAC roles and functions, as well as specific topics requested by members. The CAC will assist in publicizing specific activities supporting students with disabilities during public comment time at monthly meetings (see CAC bylaws on file locally).

Program Specialists
56195.7(1-6), 56205(a)(12)(B), 56368, 56836.23

The Program Specialists are employed by the San Diego County Office of Education (SDCOE) and are subject to the responsible local agency (RLA) policies and procedures, but receive directions from and are responsible to the North Coastal Consortium for Special Education (NCCSE) Director in collaboration with the Local District Special Education Director.

The NCCSE member districts understand and rely upon the employment of Program Specialists to provide unique and necessary services to the LEA and to pupils in the NCCSE. The NCCSE will have in place a Memorandum of Understanding (MOU) with each district for any/all Program Specialists assigned to that district. The number of days served by the Program Specialist will be determined by the LEA.

A Program Specialist is an employee possessing one of the following credentials: special education, clinical services, health services, speech and language pathology, school psychology, or administrative. He/she shall also have an in-depth knowledge of specific areas of disabilities, advanced training and related experience in education of students with disabilities, and/or a specialized, in-depth knowledge in a specific content area (i.e.: preschool programming, transition services, student behavior).

Program Specialist services shall be available to students with disabilities, their families and district staff. These services may include, but are not limited to:

- Observe, consult with, and assist SAI instructors and related services staff in effective methods and strategies to educate students with disabilities.
- Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for students with disabilities under the direction of the District Director and NCCSE Director.
- Participate in each school's staff development, program development, and innovation of special methods and approaches.
- Facilitate and serve as administrative designees in IEP meetings.

NCCSE Director
56200, 56205(a)(12)(D)(ii) and (I) (II)(III)(IV)(V)

The fundamental role of the North Coastal Consortium for Special Education (NCCSE) Director is to provide leadership and to facilitate the decision making process. The NCCSE Director's role includes dissemination of information, providing services identified by the Board of Governors, technical assistance, leadership and arbitration. It is the NCCSE Director's responsibility to represent the interests of the special education local planning area (SELPA) as a whole without promoting any particular local education agency's interest over the interest of any other agencies. In the event there are differences of opinions and/or positions on issues related to regional programs and/or services, it is the SELPA Directors' responsibility to attempt to mediate a reasonable resolution of the issue(s).

The NCCSE Director is an employee of the responsible local agency (RLA) and is subject to the RLA policies and procedures for day to day operations, but receives direction from, and is responsible to, the Board of Governors. The NCCSE Director is evaluated by the RLA Superintendent (or designee) with input from the Board of Governors.

In addition, the duties of the NCCSE Director shall include, but not be limited to:

- Coordinate the development, implementation, revision, maintenance and administration of the Local Plan.
- Chair the Cabinet meetings.
- Assure the development and implementation of the NCCSE policies and Operational Guidance.
- Be responsible for coordinating business services with the Responsible Local Agency (RLA).
- Assure that there is a comprehensive program of personnel development activities.
- Supervise, evaluate and discipline personnel who are responsible to the Director and/or the NCCSE and its member districts and who are employees of the RLA.
- Assist the Community Advisory Committee and act as a resource so that it can fulfill its responsibilities under the Education Code.
- Maintain familiarity with federal and state laws, and local policies relating to special education.
- Disseminate information pertaining to laws and regulations.
- Initiate and press for needed legislation through all available channels.
- Coordinate with educational agencies, public agencies, private providers of services, and other community groups involved in the provision of service for individuals with exceptional needs, including medical facilities, licensed children's institutions, and foster homes.
- Monitor Federal and State special education laws, regulations, guidelines and local policies relating to special education, disseminate information pertaining to these laws, regulations and guidelines to all LEA members, facilitate adherence to such by making recommendations for compliance to the Cabinet and to the Board of Governors, assist with identifying non-compliance and developing and monitoring of any California Department of Education/LEA approved and agreed upon Action Plan(s) to bring the LEA into compliance.
- Address with the Cabinet and Board of Governors any systemic non-compliance SELPA-wide issues.
- Monitor allocation from the state of federal and state funds to the special education local plan area RLA or to the member LEAs.
- Monitor the appropriate use of the federal, state and local funds allocated for special education programs.
- Provide information on program compliance, evaluation, and due process to the Board of Governors, Trustee Review Committee (TRC), Cabinet and Community Advisory Committee.
- Act as secretary to the Board of Governors and TRC.
- Establish meeting times and agendas for Board of Governors, Cabinet, TRC, Finance Committee and Program/Finance Work Group.
- Prepare program and fiscal reports as required by the state.
- Negotiate with Nonpublic School/Agency (NPS/A) interagency agreements and cost of services by committee participation.
- Develop NCCSE Annual Budget Plan and the Annual Service Plan.
- Maintain a Management Information System for purposes of state report requirements.

General Responsibilities and Administration of Regionalized Operation and Services

56195.7(1-6), 56205(a)(12)(B), 56836.23

Coordination and administration of the Local Plan is the responsibility of the North Coastal Consortium for Special Education (NCCSE) Director. Under his/her guidance, the NCCSE member districts shall participate in a coordinated management information system in order to gather pupil count information and State and/or Federal required data.

The NCCSE regional services shall provide a coordinated effort to identify, evaluate, and serve students with disabilities within its member districts. The NCCSE shall also be actively involved in ongoing dialogue and negotiations of agreements with agencies to ensure that all students with disabilities have equal access to programs and services. Among those agencies are:

- California Children's Services
- Children's Mental Health
- San Diego Regional Center for the Developmentally Disabled

The NCCSE Director will assist districts within the NCCSE to implement program review and evaluation activities. The NCCSE Director will assist in the development of a mechanism for correcting any identified problems. The NCCSE Director will also assist districts in collecting data and reporting information to the State Department of Education by:

- Providing notification to the districts of required evaluation data, procedures and timelines.
- Suggesting data sources and procedures.
- Developing agreed-upon evaluation procedures and outcome measures.
- Providing data collected on the Management Information System to districts for inclusion in their reports.
- Providing technical assistance to the LEAs to improve compliance and performance outcomes as determined by CDE.

Additional regionalized services of the NCCSE, delivered and coordinated by the Director/designee, may include:

- Coordinating the services provided by NCCSE and the implementation of the Local Plan.
- Coordinating a system of curriculum development for students accessing the California Alternative Assessment aligned with the Common Core State Standards.
- Working with LEAs in the coordination of services for students with exceptional needs in public hospitals, proprietary hospitals, and residential medical facilities.
- Working with LEAs in the coordination of services for students with exceptional needs in licensed children's institutions and foster family homes.
- Working with LEAs and SDCOE in the coordination of services for students with exceptional needs placed in juvenile court schools.
- Providing technical assistance to complete all required state and federal reports (program and finance reports). Preparing and transmitting all required state and federal reports.
- Developing policies, procedures, manuals, brochures, handbooks, and forms to be utilized by the member districts. These shall be developed with input and approval of the Cabinet, and when appropriate the Community Advisory Committee (CAC). All policies and procedures will be approved by the Board of Governors. All brochures and forms will be approved by the Cabinet.
- Updating and distribution of the Procedural Safeguards, including translated versions as needed.
- Gathering input and coordinating parent education and training for CAC.
- Coordinating a program review and evaluation process to include:

    - Review of the Annual NCCSE Budget by the Board of Governors, Cabinet, Finance Committee, and CAC
    - Review of the Annual Budget and Services Plan by the Board of Governors, Cabinet, Finance Committee, and CAC
    - Review of the Fund Distribution Plan by the Board of Governors, Cabinet, Finance Committee, and CAC
    - Review of the SELPA member districts' Performance Indicators by the Board of Governors, Cabinet, Program Committee, and CAC
    - Review of the SELPA member districts' Staff Development Needs Survey and the CAC priorities by the Board of Governors, Cabinet, Program Committee, and CAC
    - Review of the pertinent California Special Education Management Information System data and reports by the Board of Governors, Cabinet, and CAC
- Providing fiscal and logistical support to the CAC.
- Coordinating the fiscal administration and allocation of State and Federal funds.
- Participating in nonpublic school/agency development of master contracts including rate setting on behalf of member districts and uniform procedures for individual service contracts.
- Participating in the onsite reviews of County-wide NPS sites in collaboration with CDE.
- Coordinating regionalized personnel development programs.

Roles and Responsibilities of Participating Entities

Responsibilities of Local Governing Boards of Education
56195.5(a) & (b), 56200, 56205(a)(12)(D)(i)

The governing board of each Local Education Agency (LEA) shall approve its participation in the North Coastal Consortium for Special Education.

Each LEA's governing board responsibilities include, but are not limited to:

- Authority over the programs of the district.
- Approval of the Local Plan and revisions.
- LEA compliance with all elements of the Local Plan.
- Responsibility for the quality of the special education programs and facilities in the district.
- Input on SELPA policies and procedures through the Superintendent of the LEA.
- Approval of the selected representatives to the Community Advisory Committee (CAC).
- Selection of a board member to serve on the NCCSE Trustee Review Committee (TRC).
- Approval of Policies and Operational Guidelines as they relate to the LEA and are developed by NCCSE.
- Authority to provide education and services for a student with special needs who resides in a neighboring district and authority to have a student with special needs residing within its boundaries receive special education and related services by a neighboring district.
- Appointment of the LEA Superintendent to the NCCSE Board of Governors.
- Authority over the special education programs and services it directly provides, consistent with the Local Plan.

District governing boards are the policy-making bodies for implementation of the plan. They must approve the governance structure of the plan and provide the necessary administrative support to implement the plan. Boards may request reports from administrators regarding programs and plans for special education and approve local program plans and annual budgets. Local boards rely upon the Board of Governors to develop policies for their consideration and approval for implementation of the plan throughout the region.

Responsibilities of LEA Superintendents of Education
56205(a)(12)(D)(i), 56195.1(3)(c)

Each LEA's superintendent, in collaboration with the local district director, monitors the implementation of the local plan and special education program operation in the district. All superintendents are members of the Board of Governors. Superintendents of each LEA are responsible to their respective governing boards. In addition, district superintendents:

- Serve as a member of the Board of Governors.
- Assist in the identification of special education program and service needs for the NCCSE through participation on the Board of Governors.
- Communicate SELPA information to their governing boards.
- Implement district policies and procedures which specifically address general and special education, and the NCCSE programs in accordance with the NCCSE policies and procedures.

Responsibilities of Local Education Agency (LEA)
56195.1(b)(2), 56195.1(c)(1), 56195.1(c)(2)(f), 56195.5(b), 56203(c), 56205(a)(12)(D)(i)

Each participating LEA and any charter school which might be accepted as an LEA in the North Coastal Consortium for Special Education (NCCSE), is responsible for implementing programs and services assigned to the local agency and shall provide them through its own facilities and staff. However, when the LEA is unable to provide an appropriate program and/or service(s) for an individual with exceptional needs, that LEA shall, in cooperation with another NCCSE member district, arrange for an appropriate placement through the Individualized Education Program (IEP). If such a placement or service(s) is not possible, the LEA will look outside of the NCCSE.

Each member district, including a charter school, should one be accepted as an LEA within the NCCSE, assures that all individuals with disabilities (birth through 21 years) shall have equal access to instruction and services appropriate to meet their needs, as specified in their Individualized Education Program (IEP). Each LEA within the NCCSE, including a charter school, should one be accepted as a LEA, can choose to operate or not to operate local and/or a regional special education program(s) and service(s).

In addition, the LEA, including a charter school should one be accepted as a LEA, has the following responsibilities:

- Involve special and general education teachers selected by their peers and parents selected by their peers in an active role towards developing the Local Plan.
- Participate with the NCCSE in providing a coordinated system of staff development and parent education activities as required to implement a successful program/ service.
- Provide program, employee, student, and fiscal information as needed by the NCCSE to facilitate program coordination, fiscal accountability, budget preparation, and state, federal, and local reports.
- Adopt a special education budget plan process and to assure audits of the LEA's budget.
- Make available, upon request, information about free or low cost legal services, the phone numbers and/or addresses of an agency designated by the State Department of Education.
- Annually notify in writing its students, employees, and parents/guardians about the procedures for filing a complaint and the uniform complaint procedures. The LEA notification includes the name of the person responsible for special education complaints, the notice of the opportunity to appeal a local decision to the California Department of Education (CDE), any civil law remedies that may be available, and the procedures the CDE will use in investigating the alleged complaints.
- Provide a coordinated system of identification, referral, evaluation, and placement of individuals with disabilities (Child Find).

- Provide a coordinated system of curriculum development, aligned with core curriculum, and assure full educational opportunity to all special education students residing in the district.
- Approve its portion of the Annual Services and Budget Plans.
- Utilize the NCCSE-wide management information system to record, document and report suspension/expulsion, disability codes, and all other information required by the NCCSE, State, or Federal reports.
- Provide parents/guardians/surrogates/students procedural safeguards in accordance with State and Federal laws and regulations.
- Follow Interagency Agreements developed between the NCCSE and other public agencies.
- Ensure that the NCCSE employees will have access to special education students, staff, and records.
- Participate in review, implementation, accountability and evaluation of the Local Plan.
- Ensure services to students residing in licensed children's facilities, foster family homes, and medical facilities located within the boundaries of the LEA.
- Provide and coordinate transportation for a student with disabilities to a local/regional program and/or service as indicated on the student's Individualized Education Program.
- Provide coordination of career and vocational transition services.
- Cooperate with the San Diego County Office of Education, member school districts, the NCCSE, and the State and notify each of its intent to elect an alternate option to its membership in the NCCSE at least one year prior to the proposed implementation.
- Agree to indemnify and hold harmless each of the other LEAs within NCCSE and the San Diego County Office of Education.
- Provide parents and/or legal guardians all rights and due process procedures throughout the identification, referral, evaluation, program planning, and placement process. It shall be the philosophy and practice of all member LEAs that any concerns over procedural safeguards be addressed at the local level in a non-adversarial manner. When a parent wishes to file for due process, the district of residence shall provide the phone number and/or address of the agency designated by the State Department of Special Education.
- Address all due process and complaint requests. The NCCSE Director may provide technical assistance and participate in proceedings at the request of the LEA. At such time that a due process or complaint is filed, district staff and NCCSE personnel may work jointly to gather information concerning the issues, and meet with designated compliance, mediation, or hearing officers or local school boards to review the case.
- Accept the transfer of responsibility for a student identified with special needs between an elementary and high school district, which shall occur on September 1, unless otherwise accomplished through graduation from the 6th or 8th grade or IEP Team decision. The fiscal, case management, and transportation responsibilities for the identified student also transfers to the high school district when the identified student transfers.
- Adopt NCCSE policies for the programs and services it operates and to adopt local policies and procedures to insure compliance with both state and federal regulations.
- Request from the state a waiver should the caseload(s) exceed state guidelines or proposed regulations for a particular program.
- Operate all special education programs and services in accordance with state and federal laws and regulations.
- Cooperate with the county office and other school districts in the geographic area in planning its options under EC 56195.1, and each fiscal year, notify the California Department of Education, impacted special education local plan areas, and participating county offices of its intent to withdraw from the

SELPA at least one year prior to the proposed effective date of the implementation to the alternative plan (Education Code 56195.3(b)).

  - Any such plan will be submitted to the county office for review.
  - Any district initiating a proposal to withdraw from the SELPA shall bear the total cost of consultants retained by the LEA or SELPA to provide a thorough analysis of legal or fiscal implications caused by such proposed action. In addition, any due process costs associated with a withdrawal from SELPA or program transfer within the SELPA shall be borne entirely by the district initiating the change.

- Receive and distribute special education funds (generated from all Federal, State, and property tax sources) for the operation of special education programs and services, pursuant to state and federal law.
- Prepare and submit all required program and fiscal State and Federal reports.

Responsibilities of the LEA Administrators of Special Education
56200, 56205(a)(12)(D)(i)

The responsibilities of the district administrator of special education and the administrator of a charter school, should one be accepted into North Coastal Consortium for Special Education (NCCSE) as an LEA, include:

- Developing and implementing district special education policies and procedures in accordance with the NCCSE policies and procedures, state and federal law.
- Representing the district on the NCCSE Cabinet.
- Establishing local district procedures for the nomination and selection of district representatives to the CAC.
- Acting in the capacity of administrator at local district IEP meetings.
- Participating on NCCSE committees as a Cabinet representative.

Responsibilities of the San Diego County Office of Education [Responsible Local Agency (RLA)]
56195.1(b)(3), 56195.l(c)(2), 56195.5(a)(b), 56205(a)(12)(D)(i) & (ii), 56205(a)(12)(D)(ii)(iv), 56205(a)(12)(D)(ii)(v)

The RLA shall be designated by the positive vote from eight (8) members of the Board of Governors and the consent of the governing board of the RLA. The San Diego County Office of Education (SDCOE) is currently designated by the Board of Governors as the RLA for the North Coastal Consortium for Special Education (NCCSE).

The Superintendent of Schools, SDCOE, or designee, shall attend the NCCSE Board of Governors meetings and serve in an advisory capacity, without voting privileges. It will be the role of the RLA to carry out the functions described in the Local Plan and/or any contract developed between the NCCSE and the RLA. The RLA is a "flow-through" position and not one of policy or decision-making. Responsibilities include:

- Acting as the entity for receipt, disbursement and monitoring of federal and state funds in accordance with law and the decisions of the Board of Governors. The RLA shall provide regular information on receipts and disbursements of funds, prepare fiscal reports, and respond to audits as necessary. The RLA will consult with and advise the NCCSE Director in the preparation of program and fiscal reports required by the state. The RLA will follow the AB 1200 oversight process, assist LEA's with audits, and provide the NCCSE with fiscal analyst/budget management.
- Acting as the official employer of the NCCSE personnel in accordance with law and the decisions of the Board of Governors, the RLA will provide for recruitment, employment, evaluation, attendance, and leave in accordance with procedures established by the San Diego County Office of Education. Such

employment functions shall be solely for the convenience of the NCCSE and shall place no long-term obligations on the RLA should funding for the NCCSE positions cease or decrease.

- Providing for facilities, staff, and equipment approved by the Board of Governors, through rental and/or contractual agreements.
- Providing for such services as duplicating, printing, data processing, etc., on a fee basis equivalent to other users and approved by the Board of Governors.
- Acquiring, inventorying, and disposing of fixed assets for the purpose of carrying out the mission of the NCCSE, subject to the consent of the Board of Governors.
- Receiving gifts, contributions, and services for the use of the NCCSE, subject to the approval of the Board of Governors.
- Providing services and relevant provisions of contracts between the RLA/NCCSE and its employees governing wages, hours, and working conditions.

The NCCSE will submit their Local Plan to the RLA for review and will cooperate with the RLA to assure that its Local Plan is compatible with other Local Plans within the San Diego County.

The NCCSE and its member districts will communicate with the RLA if planning to elect an alternative administrative entity and/or will notify the RLA and the state department if the special education local plan area is impacted and wishes to elect an alternative option from those specified in Section 56195.1 at least one year prior to the proposed effective day of implementation.

Through a Memorandum of Understanding (MOU), the NCCSE and the RLA ensure students attending school in the county's Juvenile Court and Community Schools (JCCS) have access to special education services while they are detained in programs operated by the County Board of Supervisors and the County's Summit Schools and Community Home Education Programs (see Memorandum of Understanding on file locally).

The RLA shall actively be involved with the NCCSE in developing and revising the Agreement for Nonpublic, Nonsectarian School Services and Agency Services Master Contract. In addition, the RLA will assist the NCCSE in negotiating costs for NPS/NPA.

The Administrative Unit (AU) is responsible for implementing the following functions:

- Administrative and Business support, including establishing and maintaining an office for SELPA staff.
- Employment of SELPA staff to coordinate implementation of the local plan.
- Approval of the Annual Budget and Services Plan upon the recommendation of the Board of Governors.
- Hearing appeals of unresolved issues brought before it by districts, Board of Governors, or the Trustee Review Committee. Decisions of the County Board upon such appeals will be implemented.

Additional Elements of the Local Plan

Income Distribution Agreement and Maintenance of Effort

An income distribution agreement has been adopted by the SELPA and shall be reviewed and revised on a regular schedule. The model distributes all funds pursuant to applicable state and federal regulations. Districts and the SDCOE acknowledge the obligation to maintain the level of general fund contribution towards the provision of special education services at a level equal to or greater than that of the prior year (Maintenance of Effort), in compliance with state and federal mandates.

Annual Budget Plan

The SELPA shall adopt an annual budget plan at a public hearing scheduled at a Board of Governors' meeting in compliance with all legal mandates. The annual budget plan shall identify expected income and expenditures as required by state and federal laws.

Annual Service Plan

The SELPA shall adopt an annual services plan at a public hearing scheduled at Board of Governors' meeting in compliance with all legal mandates. The services plan provides an overview of the programs and services available within the SELPA.

State and Federal Fund Allocation

The North Coastal Consortium for Special Education (NCCSE) Director will utilize The CDE Special Education Exhibit, average daily attendance (ADA) information, input from the Finance Committee, Cabinet, Program/Finance Work Group, CAC, other sources of information and data collected to formulate a yearly recommendation for the distribution of state and federal funds to the local education agencies (LEA) within the NCCSE and to a Charter School should they be accepted as a LEA. This will be the Fund Distribution Plan for the upcoming fiscal year.

Each year after the P2 Data is available, the NCCSE Director, based on the NCCSE Fund Distribution Plan, will recommend a proposed distribution of state and federal funds to the Finance Committee for the following year. The Finance Committee will recommend approval of this Fund Distribution Plan to the Board of Governors for approval. The San Diego County Office of Education (RLA) will distribute state and federal funds for the following year to each member LEA, based upon the Fund Distribution Plan approved by the Board of Governors. Monitoring appropriate use of federal, state and local funds allocated for special education programs and preparation of program and fiscal reports requested by the state are initiated by the NCCSE. They shall be completed and audited by the local LEA and finalized by the RLA AB 1200 oversight process.

Operation of Special Education Programs

Each member district of the North Coastal Consortium for Special Education (NCCSE), including any charter school which might be accepted as a local education agency (LEA), assures that all individuals with disabilities (birth through 21 years) shall have equal access to instruction and services as specified in the Individualized Education Program (IEP) in the student's least restrictive environment. Each LEA within the NCCSE, including a Charter School should they be accepted as a LEA, can choose to provide a full continuum of services within their district or not.

In the event that a NCCSE member district is unable to provide the specialized program(s), services, and supports required in the student's IEP, the LEA may enter into an agreement with a NCCSE member district who will provide those services. Each year, no later than May, the Program Cabinet will approve a master list of the classes which will be available for other NCCSE member districts to access in order to provide services they are unable to provide. Each LEA Director will identify existing classes, classes which have moved location, and new classes

available as part of the yearly update. This yearly "Tuition Classes Available" list will be approved at the subsequent Board of Governors meeting.

The NCCSE Director will work with the NCCSE Program Business Specialist to create an Intra-SELPA Calculator which will be used by all NCCSE member districts to calculate the cost of these Tuition Classes. This calculator will be reviewed yearly by the Program Cabinet to insure that all of the class types and services are included. The Board of Governors approves this calculator yearly as well as the list of available classes.

Programs for Early Childhood Special Education

See Interagency Agreement between San Diego Regional Center for the Developmentally Disabled and San Diego County Special Education Local Plan Areas and Local Education Agencies and Superintendent of Schools San Diego County Office of Education for California Early Start Program (Part C of IDEA) in the Exhibits section related to services for children aged birth to three years. For a listing of programs for early childhood special education programs and services for children aged three through five years of age, see the Annual Service Plan.

Services in Alternative Educational Settings

It shall be the policy of this SELPA that children with disabilities residing in hospitals, licensed children's institutions (LCIs), foster homes, juvenile court schools, and county community schools shall be provided with special education and related services as appropriate to their IEPs. Any student residing within the SELPA, including within any of these settings, may be referred for special education services.

Hospitalized Students

Each LEA shall be responsible for the provision of special education and related services to students with special needs residing in hospitals and other residential facilities located within the geographical area of the districts. Each LEA shall first consider services operated by the LEA and by the other LEAs within the SELPA, and/or by the County Office of Education. If the special education services available within these entities are not appropriate, the LEA shall contract with an appropriate service provider for implementation of the student's IEP.

State Hospital Programs

No state hospital programs are located within the NCCSE. The education code provides that the county wherein the hospital is located shall provide special education services. The LEA is to receive prior notice regarding the return of a student to the district within the SELPA from any state hospital program. If the district of residence does not receive prior notification, the district will attempt to obtain the current educational records and SELPA agrees to provide appropriate technical assistance to the district of residence in order to facilitate a timely and appropriate placement into an educational setting.

Licensed Children's Institutions (LCI) and Foster Homes

Each LEA shall be responsible for the provision of special education and related services to individuals with exceptional needs residing in LCIs and foster homes located within the geographical area of the LEA. Each LEA shall first consider services operated by the LEA, other LEAs within the SELPA, and/or by the County Office of Education. If the special education services available within these entities are not appropriate, the LEA shall contract with an appropriate service provider for implementation of the student's IEP.

Juvenile Court and Community Schools

Students with exceptional needs who have been placed in a juvenile court or community school will be provided services as appropriate to their IEP. As identified in the Education Code, procedures for identification, referral,

program planning, and review shall be followed. The policy for providing services in the least restrictive environment may be interpreted in relation to the amount of segregation being utilized in the institution.

Oversight of Nonpublic School Placements

Each LEA that contracts with a nonpublic, nonsectarian school shall evaluate the placement of its pupil(s) in such schools on at least an annual basis as part of the annual IEP review. The LEA representative shall review the master contract, the individual services agreement, and the IEP to ensure that all services agreed upon and specified in the IEP are provided.

Nonpublic, nonsectarian schools are required by the master contract and the IEP to annually evaluate the pupil to determine if they are making appropriate educational progress. The LEA representative shall collaboratively review with the nonpublic, nonsectarian school the evaluations conducted by the nonpublic, nonsectarian school to ensure that they were appropriate and valid for measuring pupil progress. The LEA may choose to administer additional assessments as necessary, with parent consent where required, to determine whether the pupil is making adequate educational progress.

Utilization of General Education Resources

Each LEA shall ensure that a pupil is referred for special educational instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized. Such resources may include, but not be limited to, response to intervention models, student success teams, early literacy programs, and remedial programs.

Reading Criteria

Each LEA shall ensure that all eligible children with disabilities will participate in the California Reading Initiative in order to improve their educational results. Special education instructional personnel will participate in staff development in-service opportunities in the area of literacy that includes:

1. Information about current literacy and learning research.
2. State adopted standards and frameworks.
3. Increased participation of students with disabilities in statewide student assessments.
4. Research-based instructional strategies for teaching reading to a wide range of diverse learners in order to increase the percentage of children with disabilities who are literate.

Access to Core Curriculum

Each LEA shall ensure that students with disabilities will have access to:

1. All required core curriculum including state adopted core curriculum and supplementary materials.
2. Instructional materials and support.

Low Incidence Funds

Funds for low incidence equipment, materials, and supplies as well as for low incidence services are restricted to support students in the following disability categories: hard-of-hearing, deaf, visual disability, severely orthopedically impaired, and deaf-blind. The funds are distributed to each LEA by the number of resident students with low incidence disabilities reported by CDE. District are required to follow all applicable laws and regulations related to low incidence funding to include receipt of funds, expenditure of funds, maintenance of an inventory, exchange of equipment, and reporting to the state.

Request for SELPA Membership by a Charter School

A request by a charter school to participate as an LEA in the North Coastal Consortium for Special Education will not be treated differently from a similar request made by a school district. In reviewing and approving such a request, the following requirements shall apply:

1. The charter school shall participate in State and Federal funding for special education and receive funding in the same manner as other LEAs of the SELPA as specified in the SELPA income distribution model.
2. The charter school shall participate in the governance of the SELPA in the same manner as other LEAs of the SELPA.
3. The addition of new members to the NCCSE, as approved by the Board of Governors, shall be followed by an amendment to the local plan.

Policies, Operational Guidelines and Local Agreements

SELPA Policies, Operational Guidelines and local agreements necessary to support the implementation of the local plan, and as required by legal mandates, have been developed and are available upon request. These documents can be requested through the SELPA office.

All policies and procedures adopted by the Board of Governors shall have the same status as other local education agency board policies. Policies governing NCCSE and its member districts shall be adopted by the Board of Governors and implemented the following calendar year beginning July 1, unless noted differently in the approved action. The Cabinet will review, make the required changes and approved the Policies with a recommendation to be approved by the Board of Governors. The SELPA policies shall be reviewed on a schedule of no less than every 4 years.

Operational Guidelines will be approved by either the Program Cabinet or the Finance Committee or both, depending upon the content.

Interagency Agreements

Interagency agreements necessary to support the implementation of the local plan, and as required by legal mandates, have been developed with the following agencies:

1. California Children's Services
2. Head Start San Diego County Office of Education
3. San Diego Regional Center

Other interagency agreements will be developed as needed. Copies of these documents can be requested through the SELPA office.

Amendments to the Local Plan

The SELPA Administrator shall be responsible for the coordination of the development of any proposed amendments to the local plan.

Amendments to the permanent portion of the local plan may be considered at any time. The Executive Committee may adopt changes to the local plan on an interim basis, not to exceed one school year. To formally adopt proposed and interim amendments the following procedure shall be followed:

1. A committee comprised of special and regular education teachers and administrators as well as CAC representatives shall be convened to provide input and make recommendations regarding the proposed or interim amendments to the local plan.

2. The CAC and other advisory groups as determined appropriate by the SELPA Administrator will review the recommended amendments to the local plan, as presented by the committee, and provide additional input and revision, if needed.
3. The Program Cabinet will review the recommended amendments, propose any final revisions, and submit the final draft to the Board of Governors for approval.
4. The Board of Governors will review and approve the final draft amendments of the local plan and submit to the LEA governing boards for approval.
5. LEA governing boards will review and take action on the recommended amendments to the local plan within 60 days of submission from the Board of Governors.
6. Amendments require the approval of each LEA governing board.
7. Following approval by all LEA governing boards, the SELPA will submit the local plan to the California Department of Special Education for submission to the State Board of Education.

Public Participation

Members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the Local Plan, may address their questions or comments to the Community Advisory Committee (CAC) or the Board of Governors on a particular agenda item, policy, procedure, or Local Plan during the designed public comment time established in each of their agendas. Time for public comment is on every agenda which affords individuals the opportunity to make comment prior to the adoption of policies, procedures, the Annual Budget or Service Plan, Local Plan, or revisions to the CAC bylaws.

Dispute Resolution

In the event of a disagreement among local education agencies within the North Coastal Consortium for Special Education (NCCSE), a district and NCCSE, or the NCCSE and the Responsible Local Agency (RLA), a dispute resolution process shall be in place. It is the intent of the Board of Governors that issues be resolved at the lowest level possible. If any party involved in a disagreement is a voting member on the Board of Governors, the alternate for that district/office will replace the voting member during the resolution of the dispute. This policy is intended to resolve disagreements within a period of 45 days.

If a local education agency (LEA) disagrees with a decision or practice of another LEA, NCCSE, or the RLA, that local education agency or NCCSE has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the assistance of the NCCSE Director or the Chair of the Board of Governors. If this process fails, the parties may pursue a hearing on the issues and resolution with the Board of Governors.

If either party disagrees with the recommendation of the Board of Governors, and the dispute relates to the distribution of funding, the responsibility for service provision, or other governance activities specified within Local Plan, the dispute shall be submitted to the Trustee Review Committee (TRC) Appeals Board whose decision shall be a final binding arbitration.

Legal References

Federal Requirements: *20 USC Chapter 33 Subchapter II & III*

State Requirements: *Education Code 47640-47647, 56001, 56190-56194, 56195, 56195.1 , 56195.3, 56195.5, 56195.7, 567195.8, 56195.9, 56195.10, 56205, 56206, 56207, 56207.5, 56208, 56240, 56241, 56301, 56368, 56475, 56836.03, 56836.23, 56842, and California Code of Regulations 3052*

SPECIAL EDUCATION LOCAL PLAN AREA
LOCAL EDUCATION AGENCY ASSURANCES

California Department of Education
Form SED-LP-5 (Revised 3/2016)

Special Education Division

1. Free appropriate public education (20 *United States Code* [*U.S.C.*] § 1412 [a][1])

It shall be the policy of this local educational agency (LEA) that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

2. Full educational opportunity (20 *U.S.C.* § 1412 [a][2])

It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children.

3. Child find (20 *U.S.C.* § 1412 [a][3])

It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

4. Individualized education program (IEP) and individualized family service plan (IFSP) (20 *U.S.C.* § 1412 [a][4])

It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 *U.S.C.* § 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 *U.S.C.* § 1414 (d). It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

5. Least restrictive environment (20 *U.S.C.* § 1412 [a][5])

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

6. Procedural safeguards (20 *U.S.C.* § 1412 [a][6])

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations.

7. Evaluation (20 *U.S.C.* § 1412 [a][7])

It shall be the policy of this LEA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate.

8. Confidentiality (20 *U.S.C.* § 1412 [a][8])

It shall be the policy of this LEA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act.

9. Part C to part B transition (20 *U.S.C.* § 1412 [a][9])

It shall be the policy of this LEA that children participating in early intervention programs (Individuals with Disabilities Education Act [IDEA], Part C), and who will participate in preschool programs, experience a smooth and effective transition to those preschool programs in a manner consistent with 20 *U.S.C.* § 1437 (a)(9). The transition process shall begin prior to the child's third birthday.

10. Private schools (20 *U.S.C.* § 1412 [a][10])

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

11. Local compliance assurances (20 *U.S.C.* § 1412 [a][11])

It shall be the policy of this LEA that the Local Plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California *Education Code*, Part 30.

12. Interagency (20 *U.S.C.* § 1412 [a][12])

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process.

13. Governance (20 *U.S.C.* § 1412 [a][13])

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

14. Personnel qualifications (20 *U.S.C.* § 1412 [a][14])

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications.

15. Performance goals and indicators (20 *U.S.C.* § 1412 [a][15])

It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

16. Participation in assessments (20 *U.S.C.* § 1412 [a][16])

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

17. Supplementation of state, local, and federal funds (20 *U.S.C.* § 1412 [a][17])

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, and other federal funds.

18. Maintenance of effort (20 *U.S.C.* § 1412 [a][18])

It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations.

19. Public participation (20 *U.S.C.* § 1412 [a][19])

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

20. Rule of construction (20 *U.S.C.* § 1412 [a][20])

(Federal requirement for state educational agency only)

21. State advisory panel (20 *U.S.C.* § 1412 [a][21])

(Federal requirement for state educational agency only)

22. Suspension and expulsion (20 *U.S.C.* § 1412 [a][22])

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be revised.

23. Access to instructional materials (20 *U.S.C.* § 1412 [a][23])

It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard.

24. Overidentification and disproportionality (20 *U.S.C.* § 1412 [a][24])

It shall be the policy of this LEA to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities.

25. Prohibition on mandatory medicine (20 *U.S.C.* § 1412 [a][25])

It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

26. Distribution of funds (20 *U.S.C.* § 1411 [e] and [f][1–3])

(Federal requirement for state educational agency only)

27. Data (20 *U.S.C.* § 1418 [a–d])

It shall be the policy of this LEA to provide data or information to the CDE that may be required by regulations.

28. Charter schools (California *Education Code* 56207.5 [a–c])

It shall be the policy of this LEA that a request by a charter school to participate as an LEA in a special education local plan area (SELPA) may not be treated differently from a similar request made by a school district.

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (a) Each special education local plan area submitting a local plan to the superintendent under this part shall demonstrate, in conformity with subsection (a) of Section 1412 of, and paragraph (1) of subsection (a) of section 1413 of, Title 20 of the United States Code, that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies governing the following:	56195.1 (a)(12)(D)	Exhibit A pp. 1-22	
56205 (a) (12) (A) A description of the governance and administration of the plan, including identification of the governing body of a multi-district plan or the individual responsible for administration in a single district plan, and of the elected officials to whom the governing body or individual is responsible.	56195.1 (a)(12)(D)	pp. 1-8	Yes ( ) No ( )
56205 (a) (12) (B) A description of the regionalized operations and services listed in Section 56836.23 and the direct instructional support provided by program specialists in accordance with Section 56368 to be provided through the plan		pp. 6-8 pp. 9-10	Yes ( ) No ( )
56205 (a) (12) (C) Verification that a community advisory committee has been established pursuant to Section 56190.		pp. 5-6	Yes ( ) No ( )

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
Multidistrict SELPAs **56205 (a) (12) (D)** Multidistrict plans, submitted pursuant to subdivision (b) or (c) of Section 56195.1, shall do the following:			
56205 (a) (12) (D) (i) Specify the responsibilities of each participating county office and district governing board in the policymaking process, the responsibilities of the superintendents of each participating district and county in the implementation of the plan, and the responsibilities of district and county administrators of special education in coordinating the administration of the local plan.	56195.1	pp. 11-16	Yes ( ) No ( )
56205 (a) (12) (D) (ii) Identifying the respective roles of the administrative unit and the administrator of the special education local plan area and the individual local education agencies within the special education local plan area in relation to the following:	56195.1 (b)		
56205 (a) (12) (D) (ii) (I) The hiring supervision, evaluation, and discipline of the administrator of the special education local plan area and staff employed by the administrative unit in support of the local plan.		p. 7 pp. 14-16	Yes ( ) No ( )
56205 (a) (12) (D) (ii) (II) The allocation from the state of federal and state funds to the special education local plan area administrative unit or to local education agencies within the special education local plan area.	56195.1 (b)	pp. 1-2 pp. 14-16 p. 17	Yes ( ) No ( )
56205 (a) (12) (D) (ii) (III) The operation of special education programs.		pp. 1-22	Yes ( ) No ( )
56205 (a) (12) (D) (ii) (IV) Monitoring the appropriate use of federal, state, and local funds allocated for special education programs.		p. 7 p. 15-17	Yes ( ) No ( )

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (a) (12) (D) (ii)(V) The preparation of program and fiscal reports required of the special education local plan area by the state.		pp. 7-8 p. 15 p. 17	Yes ( ) No ( )
56205 (a) (13) Copies of joint powers agreements or contractual agreements, as appropriate, for districts and counties that elect to enter into those agreements pursuant to subdivision (b) or (c) of Section 56195.1.		pp. 17-21	Yes ( ) No ( )
56205 (b) (1) Each local plan submitted to the superintendent under this part shall also contain all the following:			
(1) An Annual Budget Plan that shall be adopted at a public hearing held by the special education local plan area Notice of this hearing shall be posted in each school in the local plan area at least 15 days prior to the hearing. The annual budget plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraph (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and Section 56195.9. The annual budget plan shall identify expected expenditures for all items required by this part which shall include, but not be limited to, the following:		To be submitted one year after plan is approved by CDE	The due date for the Annual Budget Plan is June 30 each fiscal year.
56205(b) (1) (A) Funds received in accordance with Chapter 7.2 (commencing with Section 56836).			
56205(b) (1) (B) Administrative costs of the plan.			
56205(b) (1) (C) Special education services to pupils with severe disabilities and low incidence disabilities.			

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	**Cross Reference**	**Page # where criteria can be located in Local Plan**	**Compliance Checklist** (For CDE use)
Article 1. 1 State Requirements			
56205(b) (1) (D) Special education services to pupils with nonsevere disabilities.		To be submitted one year after plan is approved by CDE	
56205(b) (1) (E) Supplemental aids and services to meet the individual needs of pupils placed in regular education classrooms and environments.			
56205(b) (1) (F) Regionalized operations and services, and direct instructional support by program specialists in accordance with Article 6 (commencing with Section 56836.23) of Chapter 7.2.			
56205(b) (1) (G) The use of property taxes allocated to the special education local plan area pursuant to Section 2572.			

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (b) (2) An Annual Service Plan shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each school district in the special education local plan area at least 15 days prior to the hearing. The annual service plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraphs (D) and (E) and paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and with Section 56195.9. The annual service plan shall include a description of services to be provided by each district and county office, including the nature of the services and the physical location at which the services will be provided, including alternative schools, charter schools, opportunity schools and classes, community day schools operated by school districts, community schools operated by county offices or education, and juvenile court schools, regardless of whether the district or county office of education is participating in the local plan. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.		To be submitted one year after plan is approved by CDE.	The due date for the Annual Service Plan is June 30 each fiscal year.
56205 (b) (3) A description of programs for early childhood special education from birth through five years of age.		pp. 12-14 pp. 17-21 Ex A pp. 1-2	Yes ( ) No ( )
56205 (b) (4) A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan, may address questions or concerns to the governing body or individual.	56205 (b) (1) 56205 (b) (2)	p. 1-16 p. 22 Ex A p. 3	Yes ( ) No ( )

ELEMENTS OF THE LOCAL PLAN

CHAPTER 3. ELEMENTS OF THE LOCAL PLAN	Cross Reference	Page # where criteria can be located in Local Plan	Compliance Checklist (For CDE use)
Article 1. 1 State Requirements			
56205 (b) (5) A description of a dispute resolution process, including mediation and final binding arbitration to resolve disputes over the distribution of funding, the responsibilities for service provision, and the other governance activities specified within the plan.		p. 3	Yes ( ) No ( )
56207.5 A request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, the following requirements shall apply:		pp. 12-14 p. 20 Ex A. p. 4	
56207.5 (a) The special education local plan area shall comply with Section 56140.		pp. 12-14 p. 20 Ex. A. p. 4	Yes ( ) No ( )
56207.5 (b) The charter school shall participate in state and federal funding for special education and the allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05 in the same manner as other local educational agencies of the special education local plan area.	56195.1 (f) 56203	pp. 11-20 Ex. A. p. 4	Yes ( ) No ( )
56207.5 (c) The charter school shall participate in governance of the special education local plan area in the same manner as other local educational agencies of the special education local plan area.	56195.1 (f) 56203	pp. 11-20 Ex. A. p. 4	Yes ( ) No ( )

LOCAL INTERAGENCY AGREEMENT

BETWEEN

SAN DIEGO REGIONAL CENTER
FOR THE DEVELOPMENTALLY DISABLED

AND

SAN DIEGO AND IMPERIAL COUNTY
SPECIAL EDUCATION LOCAL PLAN AREAS

SUPERINTENDENT OF SCHOOLS
SAN DIEGO COUNTY OFFICE OF EDUCATION

AND

SUPERINTENDENT OF SCHOOLS
IMPERIAL COUNTY OFFICE OF EDUCATION



May 2011

1213745

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed such parties acting by their representatives being thereunto duly authorized.

SAN DIEGO REGIONAL CENTER FOR THE DEVELOPMENTALLY DISABLED

By (Authorized Signature)

Carlos Flores Exec Director for

Name & Title (Type or Print)

11/7/11

Date

SAN DIEGO COUNTY SUPERINTENDENT OF SCHOOLS

By (Authorized Signature)

LORA L. DUZYK

Name & Title (Type or Print)

ASSISTANT SUPERINTENDENT

Date

IMPERIAL COUNTY SUPERINTENDENT OF SCHOOLS

By (Authorized Signature)

Anne J. Mallory

Name & Title (Type or Print)

12-6-12

Date

EAST COUNTY SELPA

By (Authorized Signature)

Ernie Anastos, Superintendent

Name & Title (Type or Print)

December 14, 2011

Date

NORTH COASTAL SELPA

By (Authorized Signature)

Justin Cunningham

Chair, NCCSE

Name & Title (Type or Print)

12-5-11

Date

NORTH INLAND SELPA

By (Authorized Signature)

Robert Graeff, Superintendent - Council Chair

Name & Title (Type or Print)

11-17-11

Date

SOUTH COUNTY SELPA

By (Authorized Signature)

Chris Oram Ed.D.

Name & Title (Type or Print)

Superintendents' Council Chair

Date November 16, 2011

POWAY UNIFIED SCHOOL DISTRICT

By (Authorized Signature)

John P. Collins, Superintendent

Name & Title (Type or Print)

2-3-12

Date

SAN DIEGO UNIFIED SCHOOL DISTRICT

By (Authorized Signature)

Arthur S. Hanby Jr., CPPO, CPM., CPPB

Name & Title (Type or Print)

Strategic Sourcing and Contracts Officer

Date

07/11/2012

LEGALITY AND FORM APPROVED

6/19/12

PATRICK D. FROST, Assistant General Counsel

San Diego Unified School District

Approved in public meeting of the Board of Education of the San Diego Unified School District on 6/28/12

Josefina Vargas for

Cheryl Ward, Board Action Officer.

SAN DIEGO REGIONAL CENTER
LOCAL INTERAGENCY AGREEMENT

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed such parties acting by their representatives being thereunto duly authorized.

SAN DIEGO REGIONAL CENTER FOR THE DEVELOPMENTALLY DISABLED

By (Authorized Signature)

Name & Title (Type or Print)

Date

SAN DIEGO COUNTY SUPERINTENDENT OF SCHOOLS

By (Authorized Signature)

Name & Title (Type or Print)

Date

IMPERIAL COUNTY SUPERINTENDENT OF SCHOOLS

By (Authorized Signature)

Name & Title (Type or Print)

Date

EAST COUNTY SELPA

By (Authorized Signature)

Name & Title (Type or Print)

Date

NORTH COASTAL SELPA

By (Authorized Signature)

Name & Title (Type or Print)

Date

NORTH INLAND SELPA

By (Authorized Signature)

Name & Title (Type or Print)

Date

SOUTH COUNTY SELPA

By (Authorized Signature)

Name & Title (Type or Print)

Date

POWAY UNIFIED SCHOOL DISTRICT

By (Authorized Signature)

Name & Title (Type or Print)

Date

SAN DIEGO UNIFIED SCHOOL DISTRICT

By (Authorized Signature)

Name & Title (Type or Print)

Date

ACKNOWLEDGMENTS

This revision of the Interagency Agreement was completed as a result of many hours of intense discussion, draft versions and input from many representatives of the San Diego Regional Center serving San Diego and Imperial Counties and from the San Diego County Office of Education, the Imperial County Office of Education, the seven SELPAs and individual school districts in the two county area. All individuals gave of their time and energy to improve the efficiency and quality of services to the children and young adults served by both agencies.

TASK FORCE MEMBERS

Regional Center Representatives

Ron Plotkin, PhD., Director of Special Projects
Nina Garrett, Associate Director, Case Management Services

Education Representatives

Carolyn Nunes, Senior Director, Special Education Services
San Diego County Office of Education, Co-chairperson
Susan Bobbitt-Voth, Senior Director, North Inland SELPA
Sheila Weinberg, Senior Director, South County SELPA
Tim Glover, Director, East County SELPA
Heather Zumbahlen, Program Specialist, East County SELPA
Susan Martinez, Director, San Diego Unified School District
Theresa Kurtz, Director, Poway Unified School District
Gayle Patterson, Program Specialist, North Coastal SELPA
Kurt Leptich, Director, Imperial County Office of Education

PURPOSE AND SCOPE OF THIS AGREEMENT

This agreement is between the San Diego Regional Center for the Developmentally Disabled (SDRC) and public school districts in the Special Education Local Plan Areas (SELPAs), San Diego County Office of Education (SDCOE) and Imperial County Office of Education (ICOE). This agreement is for individuals requiring special education services via the IEP process from three to age twenty-two.

The purpose of this agreement is to provide local guidelines and working procedures for the staffs of the public education agencies of San Diego and Imperial c2ounties and the San Diego Regional Center for the implementation of the state interagency agreement. The agreement developed by the California Department of Education, Special Education Division, and the California Department of Developmental Services, Community Operations Branch (Regional Centers), covers state-level commitments by the respective agencies to provide both education and program services to eligible individuals with disabilities. Both the California Department of Education and the California Department of Developmental Services must be accountable for the effective use of all monies allocated by the California legislature. Neither agency may supplant the budget of any other agency that receives public funds and has the legal responsibility for providing specific services to eligible individuals with disabilities.

It is the intent of this local interagency agreement to:

1. Identify each agency's responsibility to the eligible individuals with disabilities, including which services are to be provided by each agency.

2. Delineate the fiscal responsibility of each agency to provide services to eligible individuals with disabilities.

3. Establish joint planning at the local level to ensure that resources will be utilized in the most effective manner.

4. Establish and maintain channels of communication between the agencies at the local level.

5. Ensure that each agency conforms to legislative mandates and intents.

6. Establish a process to resolve disputes beginning at the lowest local level possible.

7. Ensure the recognition and respect for the advocacy role of each agency in the identification and delivery of a free appropriate public education.

INTERAGENCY DISPUTE RESOLUTION

San Diego Regional Center (SDRC) and the LEAs believe that problems should be resolved at the lowest local level possible. LEA representatives and SDRC staff are encouraged to contact the appropriate supervisor(s) if concerns arise so that problems can be resolved quickly and avoid interagency disputes if possible. All parties agree to work in a cooperative, timely manner to achieve resolution of any interagency dispute that may arise.

The following step-by-step procedures will be utilized.

1. If there is a disagreement between the line staff of the SDRC/LEA agencies, the involved parties and their supervisors will meet to resolve the issues within 10 working days.

2. If issues cannot be resolved in step 1, the SDRC/LEA administrators of the staff involved in the dispute will clarify the issues in writing and attempt to resolve the issues through discussion within the next 10 working days.

3. If the issues remain unresolved, a panel of at least two representatives from each agency will review the issues in dispute and make recommendations for resolution within the next 10 working days.

4. After steps 1 through 3 have been exhausted, SDRC and the LEA may; a) request mediation/facilitation from other resources with the cost to be shared equally between the agencies; or b) request technical assistance in writing from Department of Developmental Services (DDS) and California Department of Education (CDE). This step should be completed within the next 20 working days.

5. If resolution cannot be reached through mediation/facilitation, or if agencies agree to a state-level review in lieu of local mediation or technical assistance, the issue will be jointly referred by the SDRC and the LEA in writing to DDS and CDE for a state-level review and resolution.

Evaluation of the Plan

The effectiveness of this Interagency Agreement will be reviewed on an annual basis by a committee comprised of Regional Center representatives, SELPA directors and local education agencies. This review shall include an analysis of such data as complaints, due process, evaluations of joint staff development, and other items deemed appropriate. An annual plan will be developed to address any identified needs.

In addition to the analysis included above, the representative committee, on an annual basis, shall review the prior year joint planning objectives with each SELPA region and develop planning objectives for the next year.

REVIEW OF INTERAGENCY AGREEMENT

This agreement will be reviewed triennially or as the need arises upon request of the agencies ratifying this agreement. The agency requesting a review shall specify the reasons for such review in writing to all the participating agencies. Any interested parties may submit recommendations for review to their representative agency.

No additions, deletions or modifications may be made to this agreement without the joint written approval of the participating agencies of the agreement. This document shall be revised as necessary to conform to changes in federal and state legislation. Liaison persons designated by the San Diego County Office of Education, Student Services Division, and/or Imperial County SELPA Office and San Diego Regional Center will initiate triennial review procedures and facilitate requests for interim revisions. Upon revisions/renewal of the interagency agreement inservice meetings will be jointly planned and conducted to in a timely manner disseminate this agreement and to enhance interagency communication.

This document is in effect until replaced by a revised interagency agreement by all participating agencies.

REGIONAL CENTER AND EDUCATIONAL AGENCIES AGREEMENT

A. EXCHANGE OF AGENCY INFORMATION: The Local Educational Agencies (LEAs) and Regional Center shall facilitate the exchange of information between agencies.

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
1. By October 1 of each year, the San Diego County Office of Education (SDCOE) Special Education Services and Imperial County SELPA shall provide San Diego Regional Center (SDRC) with the names and addresses of the SELPA administrators in the seven Special Education Local Plan Areas and a list of school district special education administrators.	1. By October 1 of each year San Diego Regional Center will designate to the SDCOE Special Education Services and Imperial County SELPA the SDRC representative, who will serve as the liaison person for facilitating interactions with local educational agencies, along with their geographic assignments. A list of personnel contacts in Regional Center branch offices shall also be provided.
2. The SDCOE shall disseminate to SELPA administrator's copies of the information received from the SDRC.	2. The SDRC liaison person(s) shall disseminate to appropriate Regional Center staff copies of information received from education agencies.
APPENDIX 1 and 2: SAN DIEGO COUNTY AND IMPERIAL COUNTY MAPS OF SELPAs WITH DIRECTORY LISTINGS TO BE ANNUALLY PROVIDED TO EACH AGENCY	REFER TO APPENDIX 1 and 2
3. By January 15 of each year, representatives of the SDCOE and Imperial County SELPA shall disseminate to SDRC liaison person(s) changes in general policies, laws and regulations, as appropriate.	3. By January 15 of each year, SDRC liaison person(s) shall disseminate general agency information to SDCOE and each of the seven SELPAs for distribution to school districts.

A. EXCHANGE OF AGENCY INFORMATION: The LEAs and Regional Center shall facilitate the exchange of information between agencies. (Continued)

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center

a. Each SELPA/district shall exchange with SDRC representative(s) in their geographic area:

1. Special education eligibility criteria and program information.

2. District contact person(s) available to discuss program eligibility and referrals for special education services.

b. Each SELPA director will contact the SDRC representative to schedule a meeting between the district special education directors and the SDRC program managers by SELPA as needed.

a. The SDRC representative(s) shall arrange for exchange of information with SELPAs/district in their geographic area:

1. Developmental disability (definition)

2. Services provided

3. Referral system

b. The SDRC representative will collaborate with each SELPA director to schedule a meeting between the district special education directors and the SDRC program managers by SELPA as needed.

APPENDIX 4 CONTAINS STATE AND FEDERAL ELIGIBILITY CRITERIA FOR SPECIAL EDUCATION

APPENDIX 5 ELIGIBILITY FOR REGIONAL CENTER SERVICES

B. CHILD FIND/CASE FINDING: The LEAs and Regional Center shall work cooperatively to meet their respective child find/case finding requirements.

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
1. At the time of initial evaluation, or when the LEA suspects that a child is eligible for Regional Center services, the LEA shall provide to parents information concerning the SDRC. This includes the name and phone number of the SDRC Intake Unit for assessment and/or evaluation and other program information.	1. SDRC shall provide to parents, information concerning the local education agency (district/SELPA/SDCOE). This may include a contact person, telephone number and program information.
2. If a parent needs assistance in making a referral, the district shall obtain permission to exchange information with SDRC and prepare a referral packet that contains: a. Current psycho-educational evaluation reports b. Individualized Education Program (IEP) documents and any other independent evaluations which may be available (including any medical reports) c. Developmental history, if available d. Information regarding other agency providers, as appropriate	2. SDRC shall assist families in initiating a referral of all potentially eligible children, ages 3-21 years, to the school district of residence (or its designee, for special education assessment and program planning). 3. SDRC will provide LEA's with SDRC Intake Unit information, to include the name and telephone number of the SDRC Intake Unit for assessment and/or evaluation and other program information.
APPENDIX 6 EDUCATION CODE SECTION 56026 RE. Definition of School Age Eligibility from Education from Ed Code 56026.	APPENDIX 6 EDUCATION CODE SECTION 56026 RE. Definition of School Age Eligibility from Ed Code 56026.

NOTE: EXCHANGE OF PERSONALLY IDENTIFIABLE INFORMATION IS BASED ON EACH AGENCY ANNUALLY OBTAINING A SIGNED RELEASE OF INFORMATION

REGIONAL CENTER AND EDUCATION AGENCIES AGREEMENT

C. EVALUATIONS: The LEAs and Regional Center shall have benefit of appropriate evaluations to develop the Individualized Education Program/Individual Program Plan (IEP/IPP).

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center

1. REFER TO THE MOST RECENT LOCAL INTERAGENCY AGREEMENT BETWEEN SAN DIEGO REGIONAL CENTER FOR THE DEVELOPMENTALLY DISABLED AND SAN DIEGO COUNTY SPECIAL EDUCATION LOCAL PLAN AREAS AND SUPERINTENDENT OF SCHOOLS, SAN DIEGO COUNTY OFFICE OF EDUCATION FOR CALIFORNIA EARLY START PROGRAM (BIRTH TO THREE YEARS) AND THE IMPERIAL COUNTY OFFICE OF EDUCATION.

2. The school district of residence or its designee shall be responsible for providing educational evaluation, as appropriate, to determine eligibility for special education services and to develop the Individualized Education Program (IEP).

1. REFER TO THE MOST RECENT LOCAL INTERAGENCY AGREEMENT BETWEEN SAN DIEGO REGIONAL CENTER FOR THE DEVELOPMENTALLY DISABLED AND SAN DIEGO COUNTY SPECIAL EDUCATION LOCAL PLAN AREAS AND SUPERINTENDENT OF SCHOOLS, SAN DIEGO COUNTY OFFICE OF EDUCATION FOR CALIFORNIA EARLY START PROGRAM (BIRTH TO THREE YEARS) AND THE IMPERIAL COUNTY OFFICE OF EDUCATION.

2. SDRC shall provide necessary assessment for completion of Regional Center consumer's Data Base for:

   a. Diagnosis
      1) Social assessment
      2) Medical assessment
      3) Psychological/developmental assessment
   b. Determination of eligibility for SDRC services
   c. Development of the Individual Program Plan (IPP)

C. EVALUATIONS: The LEAs and Regional Center shall have benefit of appropriate evaluations to develop the Individualized Education Program/Individual Program Plan (IEP/IPP). (Continued)

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
3. The LEA evaluation reports and/or school staff reports shall include only general recommendations regarding eligibility for services and areas of need and will not recommend specific programs/classes, services or methodologies to be provided by SDRC.	3. Regional Center evaluation/assessment reports shall include only general recommendations regarding eligibility for services and areas of need and will not recommend specific programs/ classes, services or methodologies to be provided by the LEA.
4. With written parental consent, the LEA shall request any relevant Regional Center evaluation information when developing an assessment plan for children with developmental disabilities in order to coordinate evaluation and avoid duplication.	4. With written parental consent, the SDCRC shall request any relevant assessment information from the local education agency when developing an individual program plan in order to coordinate assessments and avoid duplication.
5. With written parental consent, the LEA shall provide any requested relevant evaluation information that the LEA has generated to the SDRC in a timely fashion.	5. With written parental consent, the SDRC shall provide any requested relevant assessment information that the Regional Center has generated to the local education agency in a timely fashion.
APPENDIX 6 CONTAINS STATE AND FEDERAL ELIGIBILITY CRITERIA FOR SPECIAL EDUCATION	APPENDIX 5 CONTAINS ELIGIBILITY CRITERIA FOR REGIONAL CENTER SERVICES
APPENDIX 2 SCHOOL DISTRICT CONTACT LIST USED TO REQUEST PUPIL RECORDS	APPENDIX 3 ADDRESSES OF SDRC REGIONAL OFFICES (with summary of geographic areas served) TO BE USED TO REQUEST RECORDS

D. INDIVIDUALIZED EDUCATION PROGRAM/INDIVIDUAL PROGRAM PLAN (IEP/IPP): The LEAs and Regional Center should have the benefit of cooperative planning and programming.

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
1. With written parent/guardian consent, the LEA will invite a Regional Center representative to attend the student's IEP meeting. REFER TO SECTION C.1. APPENDIX 7 IEP/IPP PROCESS	1. With written parent/guardian consent, a representative of the LEA will be invited to attend the consumer's IPP meeting. REFER TO SECTION C.1. APPENDIX 7 IEP/IPP PROCESS
2. With written parent/guardian consent, the LEA representative (teacher, program specialist or other designee) may contact the Regional Center Services Coordinator prior to the IEP/IPP meeting to discuss service issues and options to be determined by the IEP/ITP.	2. With written parent/guardian consent, a representative of the SDRC will contact the LEA representative (teacher, program specialist or designee) prior to the IPP meeting to discuss IPP issues.
3. The IEP Team shall identify the special education and related service needs of the student. With written parent/guardian consent, a copy of the current IEP shall be sent to the SDRC.	3. The IPP Team shall develop and implement the Individual Program Plan, of which the IEP will be the educational component. With written parental consent, a copy of the current IPP shall be sent to the local educational agency.
4. The LEA shall be responsible for assuring that all special education and related services are provided as identified in the IEP, either by direct provision or through interagency agreements.	4. SDRC shall be responsible for securing identified services specified in the IPP, but not included in the IEP, either through direct provision or interagency agreements.

D. INDIVIDUALIZED EDUCATION PROGRAM/INDIVIDUAL PROGRAM PLAN (IEP/IPP): The LEAs and Regional Center should have the benefit of cooperative planning and programming. (Continued)

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
5. The LEA shall assist families in identifying activities that interface Regional Center services with LEA calendars including extended year schedules.	5. SDRC shall assist families in identifying activities that interface with LEA calendars, including extended school year schedules.
6. Through the expanded IEP process, the LEA shall determine the educationally related mental health needs of the student through joint agreement with County Mental Health.	6. The Individual Program Plan (IPP) will include, if applicable, IEP educationally related mental health services.
7. The LEA IEP team shall make only general recommendations regarding SDRC programs and will not recommend specific programs, services or methodologies to be provided by SDRC.	7. The SDRC IPP team shall make only general recommendations regarding LEA programs and will not recommend specific programs, services or methodologies to be provided by the LEA.

REGIONAL CENTER AND EDUCATION AGENCIES AGREEMENT

E. RELATED SERVICES: Individuals birth to twenty-two years who are served by LEAs and Regional Center shall receive related services which are necessary and appropriate.

Education	Regional Center
LEAs of San Diego & Imperial Counties	San Diego Regional Center
1. The LEAs shall provide related services, at no cost to the parent, that are needed to assist eligible individuals to benefit from specially designed instruction as indicated in the IEP.	1. San Diego Regional Center shall obtain/purchase services, under established rates and requirements, when included in the IPP and there are no other resources to provide them.
2. The LEAs shall work cooperatively with the family, Regional Center and other agencies to ensure that the student has access to related services as indicated in the IEP.	2. San Diego Regional Center shall work cooperatively with the family, school and other agencies to ensure the consumer has access to services as indicated in the IPP.

F. INFANTS, BIRTH UNTIL THREE: Eligible infants and/or parent(s) who are served by LEAs and Regional Center should have the benefit of cooperative evaluation, assessment planning and programming which shall maximize use of available disciplines in each of the participating agencies to assure nonduplication of evaluation and facilitate entry of infant and parent into appropriate services.

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
1. The LEA shall provide appropriate referral, evaluation and/or direct services as determined by state and local interagency agreements. There is a separate interagency agreement for services to infants via a multi-agency Individualized Family Service Plan (IFSP) process.	1. SDRC shall provide appropriate referral, evaluation assessment and/or direct services as determined by state and local interagency agreements. There is a separate interagency agreement for California Early Start services to infants and toddlers via a multi-agency Individualized Family Service Plan (IFSP) process.
2. To facilitate the transition of toddlers receiving educational service through California Early Start by age 3 years, the LEA infant program staff will coordinate transition activities with the child's LEA of residence and SDRC by the time the child is 2 years 6 months. This collaboration will facilitate a smooth transition for the child and family.	2. To facilitate the transition of toddlers from California Early Start services at age 3 years, the SDRC staff will coordinate transition activities with the child's LEA of residence by the time the child is 2 years 6 months. This collaboration will facilitate a smooth transition for the child and family.
3. To facilitate the transition of California Early Start children serviced by SDRC, the LEA of residence will receive notification from SDRC prior to the child's age of 2 years 7 months and will be invited to and attend a Transition meeting scheduled by SDRC before the child is 2 years 9 months of age.	3. To facilitate the transition of California Early Start children served by SDRC in private vendored infant programs, SDRC will notify the LEA of residence prior to the child's age of 2 years 7 months for consideration of special education conference scheduled by SDRC before the child is 2 years 9 month of age.

G. PRESCHOOL, AGES THREE THROUGH FIVE, INCLUSIVE: The preschool child served by LEAs and Regional Center shall have the benefit of cooperative planning.

Education	Regional Center
Public Schools of San Diego and Imperial Counties	San Diego Regional Center
1. The special education representative for the LEA/SELPA of residence shall assist families of preschool pupils in initiating a referral to the San Diego Regional Center to determine regional center eligibility.	1. San Diego Regional Center shall refer, with parental or legally authorized representative's, written consent, parents with children of preschoolers who are suspected of having disabilities to the LEA of residence for educational evaluation to determine eligibility for special education. When necessary, staff will assist the parent in completing the referral process. Also, SDRC will contact families to initiate the referral process upon request by the LEA/SELPA of residence.
REFER TO APPENDIX 3 SDRC Direct Extension Directory	
2. Special Education Administrator or designee shall, for Regional Center consumers three to five years who do not meet CDE criteria as individuals with disabilities, refer to public preschool programs such as Head Start, State Preschool or Child Development Programs.	2. San Diego Regional Center staff shall, for regional center consumers three through five years of age who do not meet the California Department of Education criteria as individuals with disabilities, refer to public preschool programs such as Head Start, State Preschool or Child Development Programs.

H. CONSUMER/PUPIL RELOCATION: Individuals birth to twenty-two years served by the LEAs and Regional Center shall have the benefit of cooperative planning in any proposed relocation of the consumer/pupil**.**

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center

1. The LEA shall participate in long-range planning with the Regional Center on an annual basis to provide for education needs of pupils/consumers who may be returned to the area of their parents' residence.

   a. The LEA shall inform SDRC and parents/guardians about enrollment in educational programs/services and, when necessary, assist in the coordination of activities relative to location or relocation of Regional Center consumers enrolled in an LEA program.

   b. San Diego County Office of Education (SDCOE) Special Education Department, will annually invite Regional Center Coordinator of Education Services) to a meeting of the seven (7) SELPA Administrators, including Imperial County SELPA, to discuss the status of plans to locate or relocate Regional Center consumers in residential facilities and the status of educational programming.

1. San Diego Regional Center shall participate in long-range planning on an annual basis with the LEA/ SELPA to provide for educational needs of pupils/consumers who may be returned to the area of their parents' residence.

   a. San Diego Regional Center shall periodically send to the SDCOE, Special Education Section, for dissemination to SELPAs in San Diego and Imperial counties, information on licensed facilities which may impact LEAs.

   b. San Diego Regional Center will notify involved LEAs regarding proposed new residential facilities and the potential special education needs of the residents.

H. CONSUMER/PUPIL RELOCATION: Individuals birth to twenty-two years served by the LEAs and Regional Center shall have the benefit of cooperative planning in any proposed relocation of the consumer/pupil**.** (Continued)

Education	**Regional Center**
LEAs of San Diego and Imperial Counties	San Diego Regional Center
2. Upon notification of pending relocation, the LEA shall assist in the identification of the availability of the appropriate special education instruction and services for the pupils/consumers within the proposed area of relocation.	2. When proposing to relocate consumers/pupils, SDRC shall notify and request the assistance of the special education administrator of the LEA of residence, SELPA or county office in identifying the availability of the appropriate special education instruction and services prior to effecting the relocation. a. Regional Center shall consider the availability of programs meeting the consumer's/pupil's educational needs when making relocation decisions. b. Regional Center will invite appropriate educational representatives to contingency planning meetings related to relocation of pupils due to closure of residential facilities.
3. Upon referral by parent or legal representative, the LEA shall ensure evaluation, determine eligibility for special education services, and notify Regional Center of program operation if it is other than the LEA of residence.	3. San Diego Regional Center shall give notification to the school district of residence prior to location or relocation of a specific pupil requiring an educational program with tentative entry date into residence.
4. The LEA shall receive and utilize Regional Center notifications as appropriate.	4. At the time of consumer/pupil placement, SDRC shall identify for the LEA the individual with educational signing rights.

H. CONSUMER/PUPIL RELOCATION: Individuals birth to twenty-two years served by the LEAs and Regional Center shall have the benefit of cooperative planning in any proposed relocation of the consumer/pupil**.** (Continued)

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
	APPENDIX 8 NOTIFICATION OF PLACEMENT OF INDIVIDUAL WITH DISABILITIES IN LICENSED CHILDREN'S INSTITUTION INCLUDING FOSTER HOME (SDRC No. 113)
	APPENDIX 9 REGIONAL CENTER GUIDELINES FOR NOTIFYING SELPAs PRIOR TO PLACEMENT
	APPENDIX 10 APPOINTMENT OF EDUCATIONAL REPRESENTATIVE - SAMPLES
5. The LEA shall be responsible for education costs of a certified nonpublic, nonsectarian school when the placement is jointly determined and is necessary to implement both the Individualized Education Program (IEP) and the Individual Program Plan (IPP).	5. Regional Center shall be responsible for the approved residential and noneducational costs when the placement is jointly determined and is necessary to implement both the Individualized Education Program (IEP) and the Individual Program Plan (IPP).

H. CONSUMER/PUPIL RELOCATION: Individuals birth to twenty-two years served by the LEAs and Regional Center shall have the benefit of cooperative planning in any proposed relocation of the consumer/pupil**.** (Continued)

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
6. The LEA shall be responsible for special education instruction and services as well as the residential and other noneducational costs, when the placement in a certified nonpublic, nonsectarian residential school is made solely for the purpose of implementing the requirements of the individualized education program.	6. In accordance with least restrictive environment (LRE) implementation, SDRC shall only place in a residential facility, which does not require attendance in a nonpublic school (NPS) as a criterion for placement. Regional Center shall be responsible for residential costs and other noneducational costs in accordance with the Schedule of Maximum Allowance of a state certified nonpublic, nonsectarian school when placing a consumer in a residential facility for purposes other than identified educational needs.
a. This provision applies when cooperative efforts for joint planning with mutual responsibility cannot occur.	a. This provision applies when cooperative efforts for joint planning with mutual responsibility cannot occur.
b. This provision does not apply to residential placement unilaterally made by parents or other agencies.	b. This provision does not apply to residential placements unilaterally made by parents or other agencies.

REGIONAL CENTER AND EDUCATION AGENCIES AGREEMENT

I. DUE PROCESS/PROCEDURAL SAFEGUARDS: Individuals birth to twenty-two years served by the LEAs and Regional Center shall be afforded individual rights and protection as required by federal and state statues.

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
1. The LEA shall comply with all procedural safeguards and due process guarantees pursuant to Individuals with Disabilities Education Act (I.D.E.A.), Education Code Sections 56507 and California Code of Regulations, Title 5, Section 3080-3082.	1. San Diego Regional Center shall comply with all procedural safeguards and due process guarantees pursuant to the Welfare and Institution Code Sections 4700 et seq. and California Code of Regulations, Title 17, Section 50540.
APPENDIX 11 SPECIAL EDUCATION RIGHTS OF PARENTS AND CHILDREN	APPENDIX 12 SDRC RESIDENT RIGHTS FORM
APPENDIX 13a CDE COMPLAINT PROCESS TIMELINE	APPENDIX 14 SAN DIEGO REGIONAL CENTER APPEAL PROCEDURE
APPENDIX 13b DUE PROCESS HEARING TIMELINE	

REGIONAL CENTER AND EDUCATION AGENCIES AGREEMENT

J. ADMINISTRATION: Individuals birth to twenty-two years served by the LEAs and Regional Center shall have the benefit of cooperative agreements between the state and local education and regional center staff.

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
1. The LEA shall cooperatively plan and participate in a joint countywide meeting disseminating this agreement.	1. San Diego Regional Center shall cooperatively plan and participate in a joint countywide meeting disseminating this agreement.
2. The LEA shall work cooperatively with San Diego Regional Center to implement this local agreement and shall, when appropriate, coordinate with other existing local agreements.	2. San Diego Regional Center shall work cooperatively with the LEA to implement this local agreement and shall, when appropriate, coordinate with other local agreements in existence.
3. San Diego Regional Center personnel shall be notified, as appropriate, of staff development activities. The San Diego County Office of Education, Special Education Department and Imperial County SELPA will each designate a liaison person to facilitate joint planning and coordination of staff development when indicated.	3. The LEA & San Diego Regional Center staff shall be notified, as appropriate, of staff development training. The San Diego Regional Center will designate a liaison person to facilitate joint planning and coordination of staff development when indicated.
4. The LEA shall accommodate appropriate requests by San Diego Regional Center personnel for school visitation for a specifically identified purpose in accordance with district policy.	4. Prior to any school site visitation or observation, San Diego Regional Center staff and vendors shall make prior contact with appropriate district special education administrator or designee to arrange on-site visitation and specify the purpose of the contact. The LEA special education administrator or designee will inform the site administrator regarding the specifics of the visit. Visitations will comply with district policy.

J. ADMINISTRATION: Individuals birth to twenty-two years served by the LEAs and Regional Center shall have the benefit of cooperative agreements between the LEA and Regional Center.

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
5. The education agencies and San Diego Regional Center will disseminate information regarding this agreement. Wherever needed, geographic/regional follow-up meetings coordinated by the designated liaisons will be encouraged to address specific needs.	5. The education agencies and San Diego Regional Center will disseminate information regarding this agreement. Wherever needed, geographic/regional follow-up meetings coordinated by the designated liaisons will be encouraged to address specific needs.

REGIONAL CENTER AND EDUCATION AGENCIES AGREEMENT

K. SPECIALIZED EQUIPMENT: Individuals birth to twenty-two years served by LEAs and Regional Center shall have the right to appropriate specialized equipment.

Education	Regional Center
Public Schools of San Diego and Imperial Counties	San Diego Regional Center
1. The LEA may provide specialized equipment for the use of individuals enrolled in an education program. With the exception of equipment purchased with "Low Incidence Disability (LID) funds", such equipment is not for the exclusive use by any one individual with disabilities at the school site.	1. San Diego Regional Center shall work cooperatively with the school, family and other agencies to assure that the consumer has access to specialized equipment as indicated in the IPP. SDRC shall purchase equipment within budgetary limitations when it is part of the IPP and there is no other resource to provide it.
2. As appropriate, the LEA shall interface with other existing local agreements and cooperate with other local resources. The LEA and Regional Center shall coordinate as appropriate, the assessment and purchase of specialized equipment and facilitate their use of it.	2. As appropriate, SDRC shall interface with other existing local agreements and cooperate with other local resources. The LEA and Regional Center shall coordinate as appropriate, the assessment and purchase of specialized equipment and facilitate its use.
3. The IEP team, with appropriate input from Regional Center representatives, shall identify which specialized equipment is to be used exclusively within the school setting, which equipment may also be used in the home and which equipment purchased by Regional Center, pursuant to an IPP, shall be shared in the home or school setting.	3. The IPP team, with appropriate input from education representatives, shall identify which specialized equipment is to be used exclusively within the home setting and which equipment may also be used in the school setting.

L. TRANSITION: Individuals birth to twenty-two years served by LEAs and Regional Center shall have the benefit of transition planning to adult programs.

Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
1. LEAs will initiate and conduct transition information meetings for parents, providers and students.	1. San Diego Regional Center may provide support personnel and resources to facilitate student/parent transition needs at school-sponsored meeting(s).
2. LEAs will invite Regional Center representatives to staff inservices regarding transition issues.	2. San Diego Regional Center will support the participation of representatives at LEA staff inservices on transition issues.
3. To the extent required by law, an Individualized Transition Plan will be developed at IEP meetings or subsequent meetings for students in special education programs beginning with a transition plan by age 16 or sooner if requested. The Individualized Transition Plan will be designed to be within a result-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities.	3. San Diego Regional Center will ensure attendance of Regional Center staff at initial IEP/ITP meetings and follow up with students, parents and teachers on transition issues.
4. The LEA will coordinate the content of the IEP with the IPP.	4. San Diego Regional Center will coordinate the content of the IPP with the IEP.
5. During the final two years of a student's enrollment in a special education program, the LEA will invite Regional Center representative(s) and adult program providers to IEP/ITP meetings with written parent/guardian consent.	5. During the final two years of a student's enrollment in a special education program, SDRC will ensure the presence of a Regional Center representative at IEP/ITP meetings.

L. TRANSITION: Individuals birth to twenty-two years who are served by LEAs and Regional Center shall have the benefit of transition planning to adult programs.

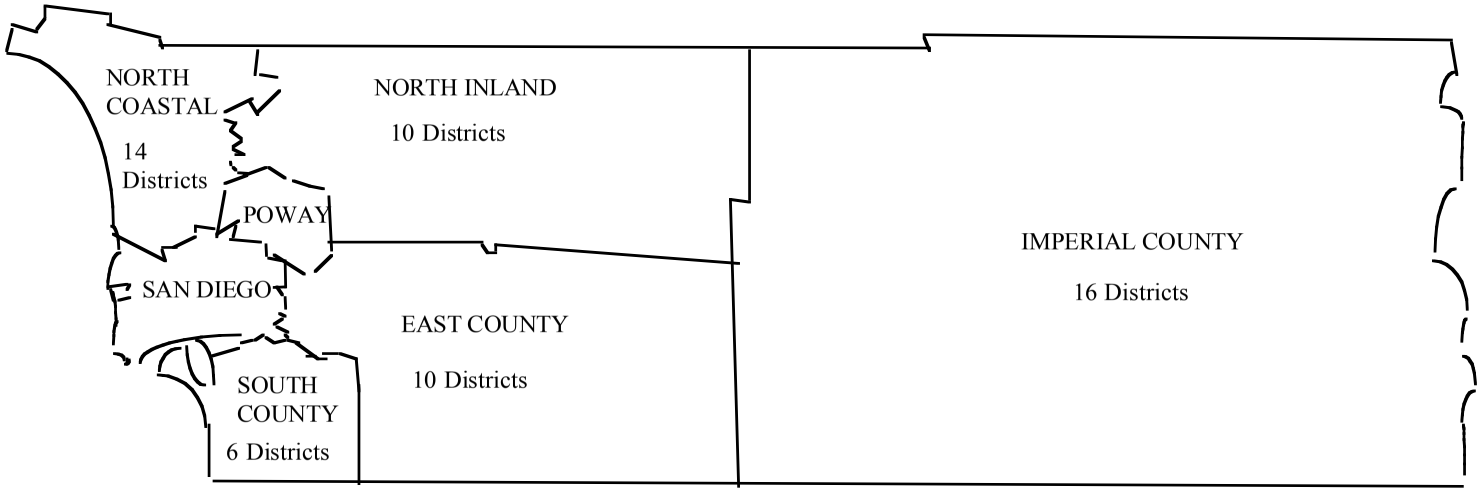
Education	Regional Center
LEAs of San Diego and Imperial Counties	San Diego Regional Center
6. By November 1 of each school year, districts will provide SDRC with the estimated number of students anticipated to complete their education during the next two years.	6. Upon request by an LEA, SDRC will make efforts to provide follow up information on former students with appropriate consent.
7. A Summary of Performance which includes a summary of students academic and functional performance including recommendations on how to assist them in meeting their post-secondary goals will be given to SDRC to assist in identifying appropriate post-school programs.	7. Regional Center will utilize relevant information from the Summary of Performance for planning purposes and coordinate these activities with the parent, student and school in order to assist the student to meet their post-secondary goals.

Regional Center and Special Education Agreement

APPENDICES

APPENDIX 1
Refer to Section: A. Exchange of Agency Information

SAN DIEGO/IMPERIAL COUNTIES
SPECIAL EDUCATION LOCAL PLAN AREAS



APPENDIX 2

Refer to Section(s): A. Exchange of Agency Information
C. Evaluations

SAN DIEGO COUNTY/IMPERIAL COUNTY
SPECIAL EDUCATION DIRECTORY

	Director	Telephone	Special Education Local Plan Area Director
S.D. County Office of Education			
6401 Linda Vista Road, Room 315 San Diego CA 92111	Carolyn Nunes	(858) 292-3774	
East County SELPA			
Alpine Union	Deann Jeffreys	(619) 445-4935	Tim Glover (619) 590-3920 924 Main Street El Cajon CA 92021
Barona Indian Charter School	Bill Adams	(619) 443-0948	
Cajon Valley Union	Wendy Vaughn Platt	(619) 588-3265	
Dehesa	Connie Bley	(619) 444-2161	
Grossmont Union High	Mary Sue Glenn	(619) 644-8115	
Jamul-Dulzura Union	Olivia Rivera	(619) 669-7702	
Lakeside	Heather Difede	(619) 390-2620	
La Mesa-Spring Valley	Andrew Smith	(619) 668-5700	
Lemon Grove	Deborah Burke	(619) 825-5623	
Mountain Empire Unified	Mona Noran	(619) 473-8869	
Santee	Hope Michel	(619) 258-2365	
North Coastal SELPA			
Bonsall Union	Cathy Myhers	(760) 631-5218	Bruce Kramer (760) 761-5110 255 Pico Avenue Suite 101 San Marcos CA 92069
Cardiff	Miranda Shields	(760) 632-5890	
Carlsbad Unified	Bruce Kramer	(760) 331-5016	
Del Mar Union	Cara Schukoske	(858) 523-6192	
Encinitas Union	Maria Waskin	(760) 944-4300	
Fallbrook Union	Barbara Driscoll	(760) 723-7005	
Fallbrook Union High	Sallie Hunt	(760) 723-6332	
Oceanside Unified	Randi Gibson	(760) 967-1322	
Rancho Santa Fe	Jeffrey Owen	(858) 756-1141	
San Dieguito Union High	Eric Beam	(858) 753-6491	
San Marcos Unified	Jackie Bachman	(760) 752-1223	
Solana Beach	Mary Ellen Nest	(858) 794-7124	
Vallecitos	Paul Cartas	(760) 728-7092	
Vista Unified	John Hannaman	(760) 726-2170	
North Inland SELPA			
Borrego Springs Unified	Carmen Garcia	(760) 767-5357	Susan Bobbit-Voth (760) 788-4671 398 "D" Street, P.O. Box 2709 Ramona CA 92065
Escondido Union	Kelly Prins	(760) 432-2168	
Escondido Union High	Susan Davis	(760) 291-3255	
Julian Union	Anne Hensel	(760) 765-0661	
Julian Union High	Bobbi Burkett	(760) 788-4671	
Ramona Unified	Eileen Highley	(760) 788-5141	
San Pasqual Union	Linda Tyler	(760) 504-1005	
Spencer Valley	Julie Weaver	(760) 765-0336	
Valley Center-Pauma	Leiani Osugi	(760) 749-0464	
Warner Unified	Ron Koenig	(760) 782-3517	
South County SELPA			
Chula Vista Elementary	Deborah Wenbourne	(619) 425-9600	Sheila Weinberg (619) 470-5224 800 National City Boulevard Suite 202 National City CA 91950
Coronado Unified	Richard Erhard	(619) 522-8932	
National	Roxie Jackson	(619) 336-7743	
San Ysidro	Jason Romero	(619) 428-4476	
South Bay Union	Russell Coronado	(619) 628-1660	
Sweetwater Union High	Ronald Lopez	(619) 407-6300	

5/07

APPENDIX 2 (Continued)
Refer to Section(s): A. Exchange of Agency Information
C. Evaluations

	Director	Telephone	Special Education Local Plan Area Director
Poway Unified			
15250 Avenue of Science	Theresa Kurtz	(858) 521-2822	Theresa Kurtz
San Diego, CA 92128	Melanie Brown	(858) 521-2824	
San Diego Unified			
4100 Normal Street, Annex 6	Susan Martinez	(619) 725-7650	Susan Martinez
San Diego CA 92103			
Imperial County		**Area Code 760**	Kurt Leptich
Alternative Education	Monalisa Vitela	312-5525	(760) 312-6417
Brawley Elementary	Edward Singh	344-9911	1398 Sperber Road
Brawley Union High	Frances Terrazas	312-6066	
Calexico Unified	Michael McFaddin	768-3895	
Calipatria Unified	Angie Ortiz	348-2892	
Central Union High	Chip Raczka	336-4300	
El Centro Elementary	Janice Lau	352-5712	
Holtville Unified	Margie Stacie	356-2926	
Imperial COE Special Education	Deborah Montoya	312-6427	
Imperial Unified	Hector Coronel	355-3264	
Magnolia Union Elementary	Blaine Smith	344-2494	
McCabe Union elementary	Marty Bell	352-5443	
Meadows Union Elementary	Marci Meadows	352-7512	
Mulberry Elementary	Dan Eddins	344-8600	
San Pasqual Valley Unified	Julie Corona	572-0222	
Seeley Union Elementary	Ruben Castro	352-3571	
Westmorland Union Elementary	Linda Morse	344-4364	

APPENDIX 3

Refer to Section(s): C. Evaluations
G. Preschool, Ages Three through Five

SAN DIEGO REGIONAL CENTER

FAX NUMBERS

***KEARNY MESA**
BUSINESS SERVICES/TRUST: 858.503.4413
COMMUNITY SERVICES: 858.576.2827
HUMAN RESOURCES: 858.503.4445 * 858.503.4413
EXECUTIVE OFFICE: 858.576.2873
INFO SYSTEM/SANDIS: 858.560.9862
INTAKE: 858.496.4302
CLINICAL SERVICES: 858.496.4303
ASSOCIATE DIRECTORS: 858.496.4328 (3RD floor)
UNITS 5, 9, 11, 17, 21, 26: 760.736.1262
UNITS 1, 12, 16/Federal Programs: 858.576.4327
UNITS 10, 18: 858.503.4437
UNITS 19, 20: 858.503.4407
UNIT 25: 858.503.4443

IMPERIAL VALLEY
UNITS 6 & 24: 760.355.0739
SANTEE
UNITS 2, 4, 8, 23: 619.596.1098
NATIONAL CITY
UNITS 3, 7, 14, 15, 22: 619.477.6248
SAN MARCOS
UNITS 5, 9, 11, 17, 21, 26: 760.736.1262

JOB LINE: 858.576.2838 | TTY/DD: 858.292.5821 | WEBSITE: www.sdrc.org
TRAINING LINE: 858.576.2805 | E-MAIL: info@sdrc.org

DEPARTMENTS/UNITS

Business Services	4355 Ruffin Road, #119, SD 92123	858.576.4374
Case Management Services	4355 Ruffin Road, #315, SD 92123	858.576.2937
Community Services	4355 Ruffin Road, #104, SD 92123	858.576.2966
Clinical Services	4355 Ruffin Road, #210, SD 92123	858.576.2922
Executive Office	4355 Ruffin Road, #215, SD 92123	858.576.2933
Human Resources	4355 Ruffin Road, #200/202 SD 92123	858.576.2996
Info Systems/SANDIS	4355 Ruffin Road, #205, SD 92123	858.576.2806
Intake	4355 Ruffin Road, #203, SD 92123	858.576.2938
Transportation	4355 Ruffin Road, #104, SD 92123	858.576.2969
Trust	4355 Ruffin Road, #119, SD 92123	858.576.4374
Unit 1	4355 Ruffin Road, #306, SD 92123	858.576.2980
Unit 2	8760 Cuyamaca St. #100 Santee 92071	619.596.1000
Unit 3	2727 Hoover Ave. National City 91950	619.336.6600
Unit 4	8760 Cuyamaca St. #100 Santee 92071	619.596.1000
Unit 5	1370 W. San Marcos Blvd, #100 San Marcos 92078	760.736.1200
Unit 6	512 West Aten Rd. Imperial 92251	760.355.8383
Unit 7	2727 Hoover Ave. National City 91950	619.336.6600
Unit 8	8760 Cuyamaca St. #100 Santee 92071	619.596.1000
Unit 9	1370 W. San Marcos Blvd, #100 San Marcos 92078	760.796.1200
Unit 10	4355 Ruffin Road, #300, SD 92123	858.576.2900
Unit 11	1370 W. San Marcos Blvd, #100 San Marcos 92078	760.796.1200
Unit 12	4355 Ruffin Road, #306, SD 92123	858.576.2988
Unit 13	4355 Ruffin Road, #200, SD 92123	858.496.4318
Unit 14	2727 Hoover Ave. National City 91950	619.336.6600
Unit 15	2727 Hoover Ave. National City 91950	619.336.6600
Unit 16/Federal Programs	4355 Ruffin Road, #302, SD 92123	858.576.2985
Unit 17	1370 W. San Marcos Blvd, #100 San Marcos 92078	760.796.1200
Unit 18	4355 Ruffin Road, #301, SD 92123	858.496.4366
Unit 19	4355 Ruffin Road, #306, SD 92123	858.576.2954
Unit 20	4355 Ruffin Road, #312, SD 92123	858.496.4343
Unit 21	1370 W. San Marcos Blvd, #100 San Marcos 92078	760.796.1200
Unit 22	2727 Hoover Ave. National City 91950	619.336.6600
Unit 23	8760 Cuyamaca St. #100 Santee 92071	619.596.1000
Unit 24	512 West Aten Rd. Imperial 92251	760.355.8383
Unit 25	4355 Ruffin Road, #325, SD 92123	858.503.4477
Unit 26	1370 W. San Marcos Blvd, #100 San Marcos 92078	760.796.1200

APPENDIX 4

IDEA 97

34 Code of Federal Regulations Sections 300.7 (c)

ELIGIBILITY FOR SPECIAL EDUCATION

(Federal Criteria -- Not State)

AUTISM

(1) (I) *Autism* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before are 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b) (4) of this section.

(ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c) (1) (i) of this section are satisfied.

DEAF-BLINDNESS

(2) *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

DEAFNESS

(3) *Deafness* means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

EMOTIONAL DISTURBANCE

(4) *Emotional disturbance* is defined as follows:

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(C) Inappropriate types of behavior or feelings under normal circumstances.

(D) A general pervasive mood on unhappiness or depression.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

HEARING IMPAIRMENT

(5) *Hearing impairment* means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

MENTAL RETARDATION

(6) *Mental retardation* means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

MULTIPLE DISABILITIES

(7) *Multiple disabilities* means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.) the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

ORTHOPEDIC IMPAIRMENT

(8) *Orthopedic impairment* means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

OTHER HEALTH IMPAIRMENT

(9) *Other health impairment* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that --

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and

(ii) Adversely affects a child's educational performance.

SPECIFIC LEARNING DISABILITY

(10) *Specific learning disability* is defined as follows:

(i) *General*. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(ii) *Disorders not included*. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, or mental retardation, or emotional disturbance, or of environmental, cultural, or economic disadvantage.

SPEECH OR LANGUAGE IMPAIRMENT

(11) *Speech or language impairment* means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

TRAUMATIC BRAIN INJURY

(12) *Traumatic brain injury* means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

VISUAL IMPAIRMENT INCLUDING BLINDNESS

(13) *Visual impairment including blindness* means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

ELIGIBILITY FOR SPECIAL EDUCATION

State Criteria -- Not Federal
California Code of Regulations Title 5 Section 3030

AUTISTIC-LIKE BEHAVIOR

A pupil exhibits any combination of the following autistic-like behaviors, to include but not limited to:

(1) An inability to use oral language for appropriate communication.
(2) A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.
(3) An obsession to maintain sameness
(4) Extreme preoccupation with objects or inappropriate use of objects or both.
(5) Extreme resistance to controls.
(6) Displays peculiar motoric mannerisms and mobility patterns.
(7) Self-stimulating, ritualistic behaviors.

DEAFNESS

Not defined under State Eligibility Criteria. Use Federal Eligibility Criteria.

EMOTIONAL DISTURBANCE

Because of a serious emotional disturbance, a pupil exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

(1) An inability to learn which cannot be explained by intellectual, sensory, or health factors.
(2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
(3) Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.
(4) A general pervasive mood of unhappiness or depression.
(5) A tendency to develop physical symptoms or fears associated with personal or school problems.

ESTABLISHED MEDICAL DISABILITY

A disabling medical condition or congenital syndrome that the individualized education program team determines has a high predictability of requiring special education and services.

HEARING IMPAIRMENT

A pupil has a hearing impairment, whether permanent or fluctuation, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.

HEARING AND VISUAL IMPAIRMENT

A pupil has concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems.

LANGUAGE OR SPEECH DISORDER

A pupil has a language or speech disorder as defined in Section 56333 of the Education Code, and it is determined that the pupil's disorder meets one or more of the following criteria:

(1) Articulation Disorder.

(A) The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.

(B) A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

(2) Abnormal Voice. A pupil has an abnormal voice, which is characterized by persistent, defective voice quality, pitch, or loudness.

(3) Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communications between the pupil and the listener.

(4) Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:

(A) The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas or language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or

(B) The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subsection (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a minimum of fifty utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty-utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

MENTAL RETARDATION

A pupil has significantly, below average, general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a pupil's educational performance.

MULTIPLE DISABILITIES

Not defined under State Eligibility Criteria. Use Federal Eligibility Criteria.

OTHER HEALTH IMPAIRMENTS

A pupil has limited strength, vitality or alertness, due to chronic or acute health problems, including but not limited to a heart condition, cancer, leukemia, rheumatic fever, chronic kidney disease, cystic fibrosis, severe asthma, epilepsy, lead poisoning, diabetes, tuberculosis and other communicable infectious diseases, and hematological disorders such as sickle cell anemia and hemophilia which adversely affects a pupil's educational performance. In accordance with Section 56026(e) of the Education Code, such physical disabilities shall not be temporary in nature as defined by Section 3001(v).

SEVERE ORTHOPEDIC IMPAIRMENT

A pupil has a severe orthopedic impairment, which adversely affects the pupil's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes.

SPECIFIC LEARNING DISABILITIES

A pupil has a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations, and has a severe discrepancy between intellectual ability and achievement in one or more of the academic areas specified in Section 56337(a) of the Educational Code. For the purpose of Section 3030(j):

(1) Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities including association, conceptualization and expression.

(2) Intellectual abilities include both acquired learning and learning potential and shall be determined by a systematic assessment of intellectual functioning.

(3) The level of achievement includes the pupil's level of competence in materials and subject matter explicitly taught in school and shall be measure by standardized achievement test.

(4) The decision as to whether or not a severe discrepancy exists shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341(d), which takes into account all relevant material, which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the individualized education program team as to the pupil's eligibility for special education. In determining the existence of a severe

discrepancy, the individualized education program team shall use the following procedures:

(A) When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and a standard deviation of 15, the achievement test score and the ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.

(B) When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.

(C) If standardized tests do not reveal a severe discrepancy as defined in subparagraphs (A) or (B) above, the individualized education program team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team, which shall include, but not be limited to:

1. Data obtained from standardized assessment instruments;
2. Information provided by the parent;
3. Information provided by the pupil's present teacher;
4. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples and group test scores;
5. Consideration of the pupil's age, particularly for young children; and
6. Any additional relevant information.

(5) The discrepancy shall not be primarily the result of limited school experience or poor school attendance.

TRAUMATIC BRAIN INJURY

Not defined under State Eligibility. Use the Federal Eligibility Criteria.

VISUAL IMPAIRMENT

A pupil has a visual impairment which, even with correction, adversely affects a pupil's educational performance.

APPENDIX 5

Refer to Section(s): C. Evaluations

ELIGIBILITY FOR REGIONAL CENTER SERVICES

CALIFORNIA CODE OF REGULATIONS

TITLE 17

DEVELOPMENTAL DISABILITY - A DEFINITION

ARTICLE 1. DEFINITIONS

54000. Developmental Disability:

(a) "Developmental Disability" means a disability that is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other conditions similar to mental retardation that require treatment similar to that required by mentally retarded individuals.

(b) The Developmental Disability shall:

(1) Originate before age eighteen;

(2) Be likely to continue indefinitely;

(3) Constitute a substantial handicap for the individual as defined in the article.

(c) Developmental Disability shall not include handicapping conditions that are:

(1) Solely psychiatric disorders where there is impaired intellectual or social functioning which originated as a result of the psychiatric disorder or treatment given for such a disorder. such psychiatric disorders include psychosocial deprivation and/or psychosis, severe neurosis or personality disorders even where social and intellectual functioning have become seriously impaired as an integral manifestation of the disorder.

(2) Solely learning disabilities. A learning disability is a condition which manifests as a significant discrepancy between estimated cognitive potential and actual level of educational performance and which is not a result of generalized mental retardation, educational or psycho-social deprivation, psychiatric disorder, or sensory loss.

(3) Solely physical in nature. These conditions include congenital anomalies or conditions acquired through disease, accident, or faulty development, which are not associated with a neurological impairment that results in a need for treatment similar to that required for mental retardation.

54001. Substantial Disability.

(a) "Substantial Disability" means:

(1) A condition which results in major impairment of cognitive and/or social functioning, representing sufficient impairment to require interdisciplinary planning and coordination of special or generic services to assist the individual in achieving maximum potential; and

(2) The existence of significant functional limitations, as determined by the regional center in three or more of the following areas of major life activity, as appropriate to the person's age:

(A) Communication skills;

(B) Learning;

(C) Self-care;

(D) Mobility;

(E) Self-direction;

(F) Capacity for independent living;

(G) Economic self-sufficiency.

(b) The assessment of substantial disability shall be made by a group of Regional Center professionals of differing disciplines and shall include consideration of similar qualification appraisals performed by other interdisciplinary bodies of the Department serving the potential client. The group shall include as a minimum a program coordinator, a physician, and a psychologist.

(c) The Regional Center professional group shall consult the potential client, parents, guardians/conservators, educators, advocates, and other client representatives to the extent that they are willing and available to participate in its deliberations and to the extent that the appropriate consent is obtained.

(d) Any reassessment of substantial disability for purposes of continuing eligibility shall utilize the same criteria under which the individual was originally made eligible.

54002. Cognitive:

"Cognitive" as used in this chapter means the ability of an individual to solve problems with insight, to adapt to new situations, to think abstractly and to profit from experience.

APPENDIX 6

Refer to Section(s): B. Child Find/Case Finding
C. Evaluations

DEFINITION OF SCHOOL AGE ELIGIBILITY
FROM EDUCATION CODE 56026

EC56026. "Individuals with exceptional needs" means those persons who satisfy all of the following:

(a) Identified by an individualized education program team as children with disabilities as that phrase is defined in paragraph (1) of subdivision (a) of Section 1401 of Title 20 of the United States Code.

(b) Their impairment, as described by subdivision (a), requires instruction, services, or both which cannot be provided with modification of the regular school program.

(c) Come with one of the following age categories:
(1) Younger than three years of age and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education.
(2) Between the ages of three to five years, inclusive, and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education; or between the ages of three and five years, inclusive, and identified by the district, special education local plan area, or county office pursuant to Section 56441.11.
(3) Between the ages of five and 18 years, inclusive.
(4) Between the ages of 19 and 21 years, inclusive; enrolled in or eligible for a program under this part or other special education program prior to his or her 19th birthday; and has not yet completed his or her prescribed course of study or who has not met proficiency standards prescribed pursuant to Sections 51215 and 51216.
(A) Any person who becomes 22 years of age during the months of January to June, inclusive, while participating in a program under this part may continue his or her participation in the program for the remainder of the current fiscal year, including any extended school year program for individuals with exceptional needs established pursuant to regulations adopted by the State Board of Education, pursuant to Article 1 (commencing with Section 56100) of Chapter 2.
(B) Any person otherwise eligible to participate in a program under this part shall not be allowed to begin a new fiscal year in a program if he or she becomes 22 years of age in July, August, or September of that new fiscal year. However, if a person is in a year-round school program and is completing his or her individualized education program in a term that extends into the new fiscal year, then the person may complete that term.
(C) Any person who becomes 22 years of age during the months of October, November, or December while participating in a program under this act shall be terminated from the program on December 31 of the current fiscal year, unless the person would otherwise complete his or her individualized education program at the end of the current fiscal year or unless the person has not had an individual transition plan incorporated into his or her individualized education program and implemented from the age of 20 years, in which case the person shall be terminated from the program at the end of the fiscal year.
(D) No school district, special education local plan area, or county office of education may develop an individualized education program that extends these eligibility dates, and in no event may a pupil be required or allowed to attend school under the provisions of this part beyond these eligibility dates solely on the basis that the individual has not met his or her goals or objectives.

(d) Meet eligibility criteria set forth in regulations adopted by the board, including, but not limited to, those adopted pursuant to Article 2.5 (commencing with Section 56333) of Chapter 4.

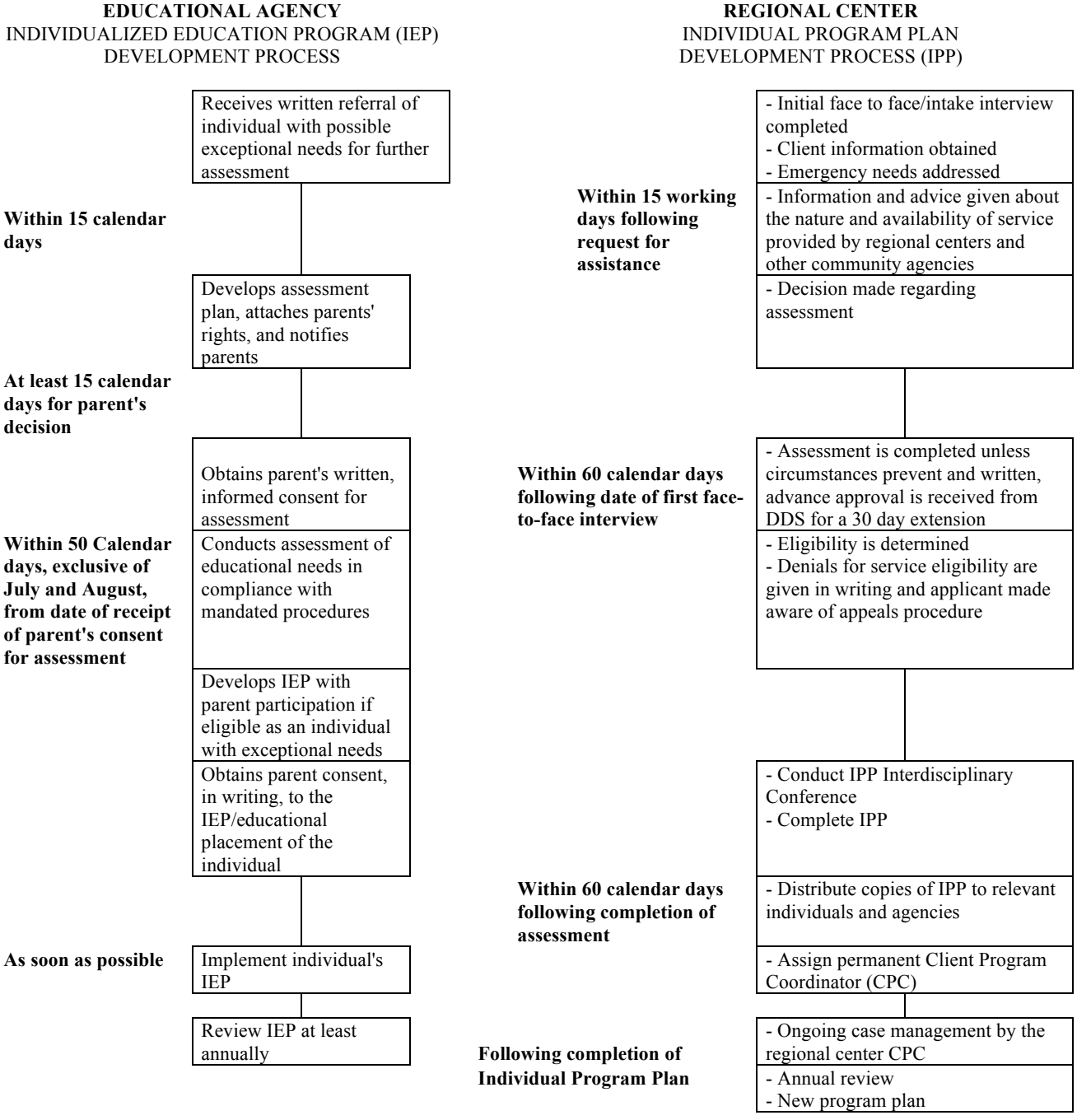
(e) Unless disabled within the meaning of subdivisions (a) to (d), inclusive, pupils whose educational needs are due primarily to unfamiliarity with the English language; temporary physical disabilities; social maladjustment; or environmental, cultural, or economic factors are not individuals with exceptional needs.

(f) This section shall remain in effect only until California terminates its participation in special education programs for individuals with exceptional needs between the ages of three and five years, inclusive, pursuant to Section 56448, and as of that date is repealed.

APPENDIX 7

Refer to Section(s): D. Individual Education Program/Individual Program Plan (IEP/IPP)

IEP/IPP DEVELOPMENTAL PROCESS CHART
TO ASSURE COMPLIANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS



EXCHANGE OF INFORMATION BETWEEN EDUCATION AGENCY AND REGIONAL CENTER WILL BE IN ACCORDANCE WITH THE INTERAGENCY AGREEMENT



San Diego Regional Center for the Developmentally Disabled

4355 Ruffin Road, Suite 200, San Diego, California 92123 • (858) 576-2996

NOTIFICATION OF PLACEMENT OF INDIVIDUAL WITH EXCEPTIONAL NEEDS IN LICENSED CHILDREN'S INSTITUTION INCLUDING FOSTER HOME

Directions: To be completed by Regional Center at the time of placement/transfer of a school-age individual with exceptional needs into a licensed children's institution including foster home or state hospital.

To: **Superintendent of Schools**	County/District	Date
Address	City	Zip
From: **San Diego Regional Center**		
Address	City	Zip

Name of Pupil (Last, First, and Initial)			Birthdate / /
Regional Ctr. Client No.	Date of Placement	School District	
Parent or Guardian (Last and First)			Telephone ( )
Address	City		Zip
Care Provider (Last and First) or facility			Telephone ( )
Address	City		Zip
Person representing pupil's interest for education and related services			Telephone ( )
Address	City		Zip

County of client's prior residence	City	Zip
Previous School Attended		Telephone ( )
Address	City	Zip
Person filing this report	Title	Telephone ( )

FOR USE BY COUNTY SUPERINTENDENT OF SCHOOLS ONLY

District of Attendance	Notified by	Date

SDRC 113 (Rev. 12/04)

Education Code Section 56156 et seq

A Service of San Diego-Imperial Counties Developmental Services, Inc.
Serving Individuals with Developmental Disabilities

GUIDELINES FOR NOTIFYING THE SPECIAL EDUCATION LOCAL PLAN AREA ADMINISTRATORS PRIOR TO PLACEMENT

Pursuant to Chapter 654, Statutes of 1996 (AB 2726), amended, Statues of 1996, close coordination is required between all state agencies involved in providing education, related services, or out-of-home placement to handicapped pupils.

One of the goals of AB 2726 is to ensure that when a person with developmental disabilities is placed out of home for residential or educational reasons, that the person will be able to receive an education program that is appropriate for meeting the person's educational needs. To accomplish this goal, regional centers shall provide written notification to the SELPA administrator ten days, or as early, as is practicable, prior to placing a school age person with developmental disabilities in a residential facility. The notification should include all the relevant information that the regional center has in the person's case record, such as:

1. The name of the last school attended by the person, the contact person at that school and available educational records including the current individualized education program.

2. A copy, summary, or copy of the most recent psychological and medical records relevant to educational planning which are maintained by the regional center.

3. When applicable, a notification of the person's history of being dangerous to self and others.

4. The name, address and telephone number of the individual with designated responsibility to represent the person in educational matters. The designated individual must be other than the care provider if the provider operates, is affiliated with, or controls a nonpublic school.

5. The name of the administrator/designee, address, telephone number and licensing status of the residential placement under consideration for the person.

6. A description of any special consideration related to transporting the person.

7. Authorized singed consents to release and receive information relevant to individualized educational program planning and individual program planning.

The SELPA administrator, upon receipt of a notice from a regional center, should communicate with the regional center within seven calendar days stating the range of program alternatives available to individuals with exceptional needs within SELPA. When the regional center makes an emergency placement to protect the physical, mental health, or safety of the person, the regional center shall furnish the SELPA administrator the required information within three calendar days after the placement.

When no appropriate special education placement exists within the SELPA, and the placement options are home instruction or in a public or nonpublic facility located within the SELPA, the placing agency should make every effort to locate another residential placement served by the SELPA, which can implement the person's individualized education program. When the regional center places a person in a residential facility, which has an on-ground, certified nonpublic, nonsectarian school, the person may continue to attend the education program only if the SELPA's individualized education program team, in which the residential facility is located, has determined:

1. There is no appropriate public education program in the community, and

2. The on-ground program is appropriate and can implement the person's individualized education program.

APPENDIX 10

Refer to Section(s): H. Consumer/Pupil Relocation

SAMPLE FORM FOR
APPOINTMENT OF EDUCATIONAL REPRESENTATIVE

DIRECTIONS: This form may be used either by the local education agency or regional center when the parent is available, but unable to attend IEP meetings, and wants to delegate the responsibility to an educational representative.

I appoint _____ to act as my representative in connection with the education of my child, _____. This representative shall have full parental authority in matters relating to the identification, assessment, instructional planning and development, educational placement, reviewing and revising the individual education program, utilization of procedural safeguards, and other matters relating to the provision of a free appropriate education of my child.

This appointment shall remain in effect until any of the following occurs:

1. I notify the principal of the school of my child's attendance that this appointment is withdrawn. (A parent may do this at any time.)
2. The representative is unwilling or unable to carry out his or her responsibilities to the best interest of my child.
3. The representative is in a position with a conflict of interest in the above matters.
4. My child no longer resides in the "licensed children's institution or foster home," owned or operated by the above representative (applicable only when child is placed in a "licensed children's institution or foster home").

_____ _____
Parent Signature Date

_____
Witness

ACCEPTANCE OF APPOINTMENT

I, _____ , hereby accept the above appointment. At such time as any of the conditions 2, 3, or 4 above, related to the tenure of this appointment exists, I will notify the principal of the school of attendance and the appointing parent.

_____ _____
Representative Signature Date

_____
Witness

Any specific conditions or exceptions to this appointment shall be made on a separate sheet and signed and dated by the parent, the representative, and witness.

EDUCATION PARENTS RIGHTS

The following "Notice of Procedural Safeguards" ("Procedural Safeguards") is from the California Department of Education (CDE). Each Local Education Agency's Procedural Safeguards may vary slightly from those developed by the CDE.

Special Education Rights of Parents and Children

Under the Individuals with Disabilities Education Act, Part B, and the California Education Code

• Notice of Procedural Safeguards •

Revised January 2009

Note: The term school district is used throughout this document to describe any public education agency responsible for providing your child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary on the last page of this notification.

What is the Notice of Procedural Safeguards?

This information provides you as parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of your educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you:

- When you ask for a copy
- The first time your child is referred for a special education assessment
- Each time you are given an assessment plan to evaluate your child
- Upon receipt of the first state or due process complaint in a school year, and
- When the decision is made to make a removal that constitutes a change of placement

(20 *USC* 1415[d]; 34 *CFR* 300.504; *EC* 56301[d] [2], *EC* 56321, and 56341.1[g] [1])

What is the Individuals with Disabilities Education Act (IDEA)?

IDEA is a federal law that requires school districts to provide a "free appropriate public education" (in English, referred to as FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (in English, known as IEP) and under public supervision to your child at no cost to you.

May I participate in decisions about my child's education?

You must be given opportunities to participate in any decision-making meeting regarding your child's special education program. You have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of your child and other matters relating to your child's FAPE. (20 *USC* 1414[d] [1]B–[d][1][D]; 34 *CFR* 300.321; *EC* 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of the IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent or guardian does

not consent to the LEA audiotape recording an IEP meeting, the meeting shall not be recorded on an audiotape recorder.

Your rights include information about the availability of FAPE, including all program options, and all available alternative programs, both public and nonpublic. (20 *USC* 1401[3], 1412[a][3]; 34 *CFR* 300.111; *EC* 56301, 56341.1[g][1], and 56506)

Where can I get more help?

When you have a concern about your child's education, it is important that you contact your child's teacher or administrator to talk about your child and any problems you see. Staff in your school district or special education local plan area (SELPA) may answer questions about your child's education, your rights, and procedural safeguards. Also, when you have a concern, this informal conversation often solves the problem and helps to maintain open communication. Additional resources are listed at the end of this document to help you understand the procedural safeguards.

What if my child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California School for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education (CDE) Web site at http://www.cde.ca.gov/sp/ss/ or ask for more information from the members of your child's IEP team.

Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records

Prior Written Notice

When is a notice needed?

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of your child with special needs or the provision of a free appropriate public education. (20 *USC* 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 *CFR* 300.503; *EC* 56329 and 56506[a])

The school district must inform you about proposed evaluations of your child in a written notice or an assessment plan within fifteen (15) days of your written request for evaluation. The notice must be understandable and in your native language or other mode of communication, unless it is clearly not feasible to do so. (34 *CFR* 300.304; *EC* 56321)

What will the notice tell me?

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district
2. An explanation of why the action was proposed or refused
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused
4. A statement that parents of a child with a disability have protection under the procedural safeguards
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part
6. A description of other options that the IEP team considered and the reasons those options were rejected; and
7. A description of any other factors relevant to the action proposed or refused. (20 *USC* 1415[b][3] and [4], 1415[c][1], 1414[b][1]; 34 *CFR* 300.503)

Parental Consent

When is my approval required for assessment?

You have the right to refer your child for special education services. You must give informed, written consent before your child's first special education assessment can proceed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon receipt of the consent and must be completed and an IEP developed within sixty (60) days of your consent.

When is my approval required for services?

You must give informed, written consent before your school district can provide your child with special education and related services.

What are the procedures when a parent does not provide consent?

If you do not provide consent for an initial assessment or fail to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures.

If you refuse to consent to the initiation of services, the school district must not provide special education and related services and shall not seek to provide services through due process procedures.

If you consent in writing to the special education and related services for your child but do not consent to all of the components of the IEP, those components of the program to which you have consented must be implemented without delay.

If the school district determines that the proposed special education program component to which you do not consent is necessary to provide a free appropriate public education to your child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain your consent. If you fail to respond, the school district may proceed with the reevaluation without your consent. (20 *USC* 1414[a][1][D] and 1414[c]; 34 *CFR* 300.300; *EC* 56506[e], 56321[c] and [d], and 56346).

When may I revoke consent?

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 *CFR* Section 300.503 before ceasing such services
2. May not use the procedures in subpart E of Part 300 34 *CFR* (including the mediation procedures under 34 *CFR* Section 300.506 or the due process procedures under 34 *CFR* Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services
4. Is not required to convene an IEP team meeting or develop an IEP under 34 *CFR* Sections 300.320 and 300.324 for the child for further provision of special education and related services

Please note, in accordance with 34 *CFR* Section 300.9 (c)(3), that if the parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

Surrogate Parent Appointment

What if a parent cannot be identified or located?

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 *USC* 1415[b][2] ; 34 *CFR* 300.519; *EC* 56050; GC 7579.5 and 7579.6)

Nondiscriminatory Assessment

How is my child assessed for special education services?

You have the right to have your child assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and the test administered in your child's native language or mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for your child. (20 *USC* 1414[b][1]–[3], 1412[a][6][B]; 34 *CFR* 300.304; *EC* 56001[j] and 56320)

Independent Educational Assessments

May my child be tested independently at the district's expense?

If you disagree with the results of the assessment conducted by the school district, you have the right to ask for and obtain an independent educational assessment for your child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to your request for an independent educational assessment and provide you information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, you still have the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures allow in-class observation of students. If the school district observes your child in his or her classroom during an assessment, or if the school district would have been allowed to observe your child, an individual conducting an independent educational assessment must also be allowed to observe your child in the classroom.

If the school district proposes a new school setting for your child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 *USC* 1415[b][1] and [d][2][A]; 34 *CFR* 300.502; *EC* 56329[b] and [c])

Access to Educational Records

May I examine my child's educational records?

You have a right to inspect and review all of your child's education records without unnecessary delay, including prior to a meeting about your child's IEP or before a due process hearing. The school district must provide you access to records and copies, if requested, within five (5) **business** days after the request has been made orally or in writing. (*EC* 49060, 56043[n], 56501[b][3], and 56504)

How Disputes Are Resolved

Due Process Hearing

When is a due process hearing available?

You have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date you knew or should have known about the alleged action that forms the basis of the due process complaint. (20 *USC* 1415[b][6]; 34 *CFR* 300.507; *EC* 56501 and 56505[l])

Mediation and Alternative Dispute Resolution

May I request mediation or an alternative way to resolve the dispute?

A request for mediation may be made either before or after a request for a due process hearing is made.

You may ask the school district to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay your right to a due process hearing.

What is a pre-hearing mediation conference?

You may seek resolution through mediation prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a nonadversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by nonattorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (*EC* 56500.3 and 56503)

Due Process Rights

What are my due process rights?

You have a right to:

1. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings (20 *USC* 1415[f][1][A], 1415[f][3][A]-[D]; 34 *CFR* 300.511; *EC* 56501[b][4])
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities (*EC* 56505 [e][1])
3. Present evidence, written arguments, and oral arguments (*EC* 56505[e][2])
4. Confront, cross-examine, and require witnesses to be present (*EC* 56505[e][3])
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions (*EC* 56505[e][4])
6. Have your child present at the hearing (*EC* 56501[c][1])
7. Have the hearing be open or closed to the public (*EC* 56501[c][2])
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing (*EC* 56505[e][7] and 56043[v])
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing (*EC* 56505[e][6])
10. Have an interpreter provided (CCR 3082[d])
11. Request an extension of the hearing timeline (*EC* 56505[f][3])
12. Have a mediation conference at any point during the due process hearing (*EC* 56501[b][2]), and
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney (*EC* 56507[a]). (20 *USC* 1415[e]; 34 *CFR* 300.506, 300.508, 300.512 and 300.515)

Filing a Written Due Process Complaint

How do I request a due process hearing?

You need to file a written request for a due process hearing. You or your representative needs to submit the following information in your request:

1. Name of the child
2. Address of the residence of the child
3. Name of the school the child is attending
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending, and
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s)

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 *USC* 1415[b][7], 1415[c][2]; 34 *CFR* 300.508; *EC* 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 *USC* 1415[f][1][B]; 34 *CFR* 300.510)

What does a resolution session include?

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 *USC* 1415[f][1][B]; 34 *CFR* 300.510)

Does my child's placement change during the proceedings?

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless you and the school district agree on another arrangement. If you are applying for initial admission of your child to a public school, your child will be placed in a public school program with your consent until all proceedings are completed. (20 *USC* 1415[j]; 34 *CFR* 300.518; *EC* 56505[d])

May the decision be appealed?

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 *USC* 1415[i][2] and [3][A], 1415[l]; 34 *CFR* 300.516; *EC* 56505[h] and [k], *EC* 56043[w])

Who pays for my attorneys' fees?

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you as parent of a child with a disability if you are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 *USC* 1415[i][3][B]–[G]; 34 *CFR* 300.517; *EC* 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that you unreasonably delayed the final resolution of the controversy
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience
3. The time spent and legal services provided were excessive, or
4. Your attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 *USC* 1415[i][3][B]-[G]; 34 *CFR* 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 *USC* 1415[i][3][B]–[G]; 34 *CFR* 300.517)

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings
Attention: Special Education Division
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833-4231
(916) 263-0880
FAX (916) 263-0890

School Discipline and Placement Procedures for Students with Disabilities

School Discipline and Alternative Interim Educational Settings

May my child be suspended or expelled?

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

- An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days, and
- Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct

What occurs after a removal of more than ten (10) days?

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district's decision to take this type of disciplinary action.

As a parent you will be invited to participate as a member of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if your child has a behavior intervention plan, review and modify the plan as necessary.

What happens if the IEP team determines that the misconduct is not caused by the disability?

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 *USC* 1415[k][1] and [7]; 34 *CFR* 300.530)

If you disagree with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 *USC* 1415[k][2]; 34 *CFR* 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 *CFR* 300.530; *EC* 48915.5[b])

Children Attending Private School

May students who are parentally placed in private schools participate in publicly funded special education programs?

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 *USC* 1415[a][10][A]; 34 *CFR* 300.137 and 300.138; *EC* 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school only if the court or due process hearing officer finds that the school district had not made FAPE available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56175)

When may reimbursement be reduced or denied?

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an assessment upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district, including stating your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- At the most recent IEP team meeting you attended before removing your child from the public school, or
- In writing to the school district at least ten (10) business days (including holidays) before removing your child from the public school. (20 *USC* 1412[a][10][C]; 34 *CFR* 300.148; *EC* 56176)

When may reimbursement not be reduced or denied?

A court or hearing officer must not reduce or deny reimbursement to you if you failed to provide written notice to the school district for any of the following reasons:

- The school prevented you from providing notice
- You had not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district
- Providing notice would likely have resulted in physical harm to your child
- Illiteracy and inability to write in English prevented you from providing notice, or

❖ Providing notice would likely have resulted in serious emotional harm to your child (20 *USC* 1412[a] [10] [C]; 34 *CFR* 300.148; *EC* 56177)

State Complaint Procedures

When may I file a state compliance complaint?

You may file a state compliance complaint when you believe that a school district has violated federal or state special education laws or regulations. Your written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, you must forward a copy of the complaint to the school district at the same time you file a state compliance complaint with the CDE. (34 *CFR* 300.151–153; 5 CCR 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Suite 2401
Sacramento, CA 95814

For complaints involving issues **not** covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at (800) 926-0648; by fax at 916-327-3704; or by visiting the CDE Web site at http://www.cde.ca.gov/sp/se.

Glossary of Abbreviations Used in This Notification

ADR	Alternative Dispute Resolution
CFR:	*Code of Federal Regulations*
EC	California *Education Code*
FAPE	Free Appropriate Public Education
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
OAH:	Office of Administrative Hearings
SELPA:	Special Education Local Plan Area
USC:	*United States Code*

APPENDIX 12

Refer to Section(s): I. Due Process/Procedural Safeguards

SAN DIEGO REGIONAL CENTER

RESIDENT RIGHTS

(Title 17 CCR)

Each person with a developmental disability has the same rights, protections and responsibilities as all other persons under the laws and the Constitution of the State of California, and under the laws and the Constitution of the United States. Unless otherwise restricted by law, these rights may be exercised at will by any person with a developmental disability. These rights include, but are not limited to, the following:

1. **ACCESS RIGHTS**

(a) A right to treatment and habilitation services. Treatment and habilitation services shall foster the developmental potential of the person. Such services shall protect the personal liberty of the individual and shall be provided under conditions which are the least restrictive necessary to achieve the purposes of treatment.

(b) A right to dignity, privacy, and humane care.

(c) A right to participate in appropriate program of publicly supported education, regardless of the degree of handicap.

(d) A right to religious freedom and practice, including the right to attend services or to refuse attendance, to participate in worship or not to participate in worship.

(e) A right to prompt and appropriate medical care and treatment.

(f) A right to social interaction and participation in community activities.

(g) A right to physical exercise and recreational opportunities.

(h) A right to be free from harm, including unnecessary physical restraint or isolation, excessive medication, abuse or neglect. Medication shall not be used as punishment, for convenience of staff, as a substitute for program, or in quantities that interfere with the treatment program.

(i) A right to be free from hazardous procedures.

(j) A right to advocacy services, as provided by law, to protect and assert the civil, legal, and service rights to which any person with a developmental disability is entitled.

(k) A right to be free from discrimination by exclusion from participation in, or denial of the benefits of, any program or activity which receives public funds solely by reason of being a person with a developmental disability.

(l) A right to access to the courts for purposes including, but not limited to the following:

1. To protect or assert any right to which any person with a developmental disability is entitled;
2. To question a treatment decision affecting such rights, once the administrative remedies provided by law, if any, have been exhausted.
3. To inquire into the terms and conditions of placement in any community care or health facility, or state hospital, by way of a writ of habeas corpus, and
4. To contest guardianship or conservatorship, its terms, and/or the individual or entity appointed as guardian or conservator.

2. PERSONAL RIGHTS

Each person with a developmental disability who has been admitted or committed to a state hospital, community care facility, or health facility has rights which include, but are not limited to, the following:

(a) To keep and be allowed to spend one's own money for personal and incidental needs.

(b) To keep and wear one's own clothing.

(c) To keep and use one's own personal possessions, including toilet articles.

(d) To have access to individual storage space for one's private use.

(e) To see visitors each day.

(f) To have reasonable access to telephones, both to make and receive confidential calls, and to have calls made for one upon request.

(g) To mail and receive unopened correspondence and to have ready access to letter-writing materials, including sufficient postage in United States postal stamps.

(h) To refuse electroconvulsive therapy ("ECT")

(i) To refuse psychosurgery. Psychosurgery means those operations referred to as lobotomy, psychiatric

surgery, and behavioral surgery and all other forms of brain surgery if the surgery is performed for any of the following purposes:

1. Modification or control of thoughts, feelings, actions, or behavior rather than treatment of a known and diagnosed physical disease of the brain.
2. Modification of normal brain function or normal brain tissue in order to control thoughts, feelings, actions, or behavior.
3. Treatment of abnormal brain function or abnormal brain tissue in order to modify thoughts, feelings, actions, or behavior when the abnormality is not an established cause for those thoughts, feelings, actions, or behavior.

3. DENIAL OF RIGHTS

The Licensee or the licensee's designee may, for "GOOD CAUSE", deny a resident any of the rights listed under personal Rights (a) through (g) inclusive. No other right listed may be denied unless authorized by the court system.

"GOOD CAUSE" exists only when the licensee makes an explicit finding that:

(a) The exercise of the specific right sought to be denied would be injurious to the individual otherwise entitled to exercise it, or

(b) There is evidence that the specific right sought to be denied, if exercised by the individual entitled to the right, would seriously infringe on the rights of others; or

(c) The institution or facility would suffer serious damage to the physical plant if the specific right is not denied;

AND

(d) There is no less restrictive means of protecting the interest specified in (a), (b), or (c) above.

The reason used to justify the denial of any right for good cause must be related to the specific right denied. A right shall not be withheld or denied as a punitive measure, nor shall any right be considered a privilege to be earned. Treatment modalities or approaches shall not constitute good cause for denial of any right.

At the time any denial of a right for good cause is instituted, the affected resident must be informed of the right to:

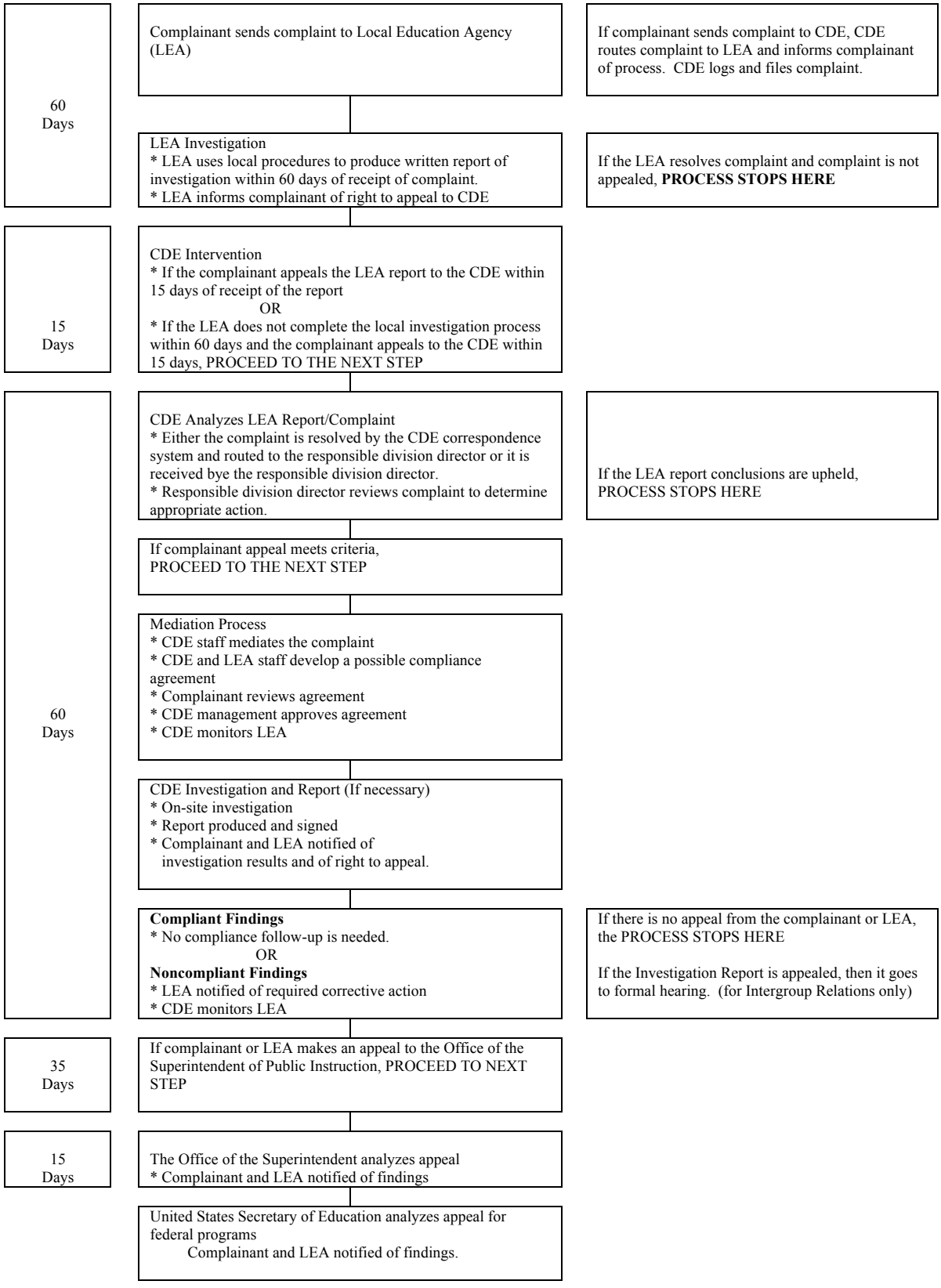
(a) Appeal the basis for the denial via the complaint procedure or the Fair Hearing Process provided in Welfare and Institutions Code Section 4700, et seq.

(b) Refuse to submit to the denial of right for good cause and vacate the facility (if resident is an individual who is lawfully entitled to depart the facility at will).

APPENDIX 13a

Refer to Section(s): I. Due Process/Procedural Safeguards

CDE COMPLAINT PROCESS TIMELINE



APPENDIX 13b

Refer to Section(s): I. Due Process/Procedural Safeguards

DUE PROCESS HEARING TIMELINES

(Unless otherwise specified, "days" refers to calendar days.)

DATE	ACTION
Two (2) Years	The request for a due process hearing must be filled within two years from the date parent/guardian knew or should have known about the alleged action that forms the basis of the due process complaint.
Fifteen (15) Days	The prehearing mediation conference shall be scheduled within **fifteen (15) days** of receipt by the Superintendent of the request for mediation and shall be completed within **thirty (30) days** after receipt of the request for mediation unless both parties agree to extend the time.
Fifteen (15) Days	Resolution sessions shall be convened within **fifteen (15) days** of receiving notice of the parents' due process hearing request.
Thirty (30) days	If the school district has not resolved the due process hearing issue within **thirty (30) days**, the due process hearing may occur.
Ninety (90) days	Either party may appeal the hearing decision by filing a civil action in state or federal court within **90 days** of the final decision.
Ten (10) days	Attorneys' fees may also be denied if you reject a reasonable settlement offer made by the district/public agency **ten (10) days before** the hearing begins and the hearing decision is not more favorable than the offer of settlement.
Twenty (20) school days	If you disagree with the IEP team's decision that the child'smisconduct was not a manifestation of the child's disability, a parent/guardian may request an expedited due process hearing, which must occur within **twenty (20) school days** of the date on which you requested the hearing.

APPENDIX 14

Refer to Section(s): I. Due Process/Procedural Safeguards

SAN DIEGO REGIONAL CENTER APPEAL PROCEDURE

The Fair Hearing Process for Consumers Age 3 Years and Older

DDS

Department of Developmental Services

October 2006

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What is the Fair Hearing Process?

The fair hearing process described in this pamphlet is a process for resolving disagreements between the regional center or state developmental center and consumers or applicants who are **age three or older**. For disagreements involving consumers or applicants who are **under three years of age**, refer to **Parents' Rights in Early Start**, which is available from the regional center or state developmental center.

Under the fair hearing process, disagreements may be about services, eligibility or any decision or action of the regional center or state developmental center with which you disagree. The fair hearing process includes a voluntary informal meeting, mediation, and a fair hearing.

The voluntary informal meeting is a meeting held by the regional center or state developmental center director or his/her designee with you and your authorized representative, if you have one. The purpose of the voluntary informal meeting is to attempt to resolve the issues of the appeal. You, or your authorized representative, may decline the informal meeting.

If you or your authorized representative decline a voluntary informal meeting or are dissatisfied with the decision of the regional center or state developmental center following an informal meeting, and you have not already requested mediation, you may request mediation or proceed directly to a fair hearing.

If mediation is requested, the regional center or state developmental center may accept or decline the request. If accepted, the mediation is conducted in an informal manner by a mediator provided by the Office of Administrative Hearings. Either you, your authorized representative, or the regional center or state developmental center may withdraw at any time from the mediation and proceed to a fair hearing.

If you, your authorized representative, or the regional center or state developmental center decline mediation, or if mediation fails to resolve the issue or issues to the satisfaction of you or your authorized representative, the matter shall proceed to fair hearing.

The fair hearing is more formal and is conducted by an Administrative Law Judge employed by the Office of Administrative Hearings.

A final decision must be rendered **within 90 days** of receipt of the Fair Hearing Request form by the regional center or state developmental center. This 90-day time limit may be extended if you request mediation or if you request a continuance or postponement of your hearing.

The Notice of Proposed Action received from the regional center or state developmental center, if applicable, indicates whether or not you are a participant in the Waiver program. If you have not received a Notice of Proposed Action, you may contact the regional center or state developmental center to determine if you are, or are not, a participant in the Waiver program. **Services are not affected by your participation, or non-participation, in the Waiver program. If you are a Waiver participant and are notified by the regional center or state developmental center that you are no longer eligible for waiver participation, your existing services will not be impacted by this change.**

Is There a Way to Settle Without a Fair Hearing?

Disagreements often can be settled without a fair hearing. Contact a regional center or state developmental center representative, a clients' rights advocate, the area board or other advocacy organization for additional information and assistance.

What are the Time Lines for Starting the Fair Hearing Process?

Any applicant, recipient of services, or authorized representative may file a request for a fair hearing. The request must be **in writing** and filed with the regional center or state developmental center **within 30 days** after notification of a decision or action with which you or your authorized representative disagree. The request must be on a Fair Hearing Request form provided by the regional center or state developmental center.

You may verbally ask a regional center or state developmental center employee for a fair hearing. The employee will give you a Fair Hearing Request form and help you fill out the form, if needed. Current services will be continued during the appeal process if your request for a fair hearing is postmarked or received by the regional center or state developmental center **within 10 days** after you receive written notice of a decision or action with which you disagree. The continuation of services during the fair hearing process is also known as "aid paid pending."

What Happens When I File My Request for Fair Hearing?

When the regional center or state developmental center receives your request for a fair hearing, they will send you and your authorized representative a copy of the fair hearing brochure advising you of your fair hearing, mediation, and informal meeting rights, if one was not previously sent to you by the regional center or state developmental center. You will also be advised of the proposed date, time and place for the voluntary informal meeting, if requested by you or your authorized representative.

If mediation is requested, the regional center or state developmental center has **five working days** from the date of receipt of the written request for mediation accept or decline mediation. If the regional center or state developmental center declines mediation the notice of that decision will be sent to you or your authorized representative immediately.

Also **within five days** of receipt of your request for a fair hearing, the regional center or state developmental center will fax a copy of your request to the Office of Administrative Hearings. Upon receipt of your request for a fair hearing, the Office of Administrative Hearings will also send you information regarding your fair hearing rights. You will also receive notice of the time, place, and date of the fair hearing, the availability of advocacy assistance, and the rights and responsibilities of the parties involved in the fair hearing.

If mediation is accepted, the Office of Administrative Hearings will also send you information regarding mediation rights. You will also receive notice of the time, place, and date of the mediation, the availability of advocacy assistance, and the rights and responsibilities of the parties involved in the mediation.

What are My Rights at Each Phase of the Fair Hearing Process?

Every applicant, recipient of services, or authorized representative has the following rights at each phase of the fair hearing process (informal meeting, mediation, fair hearing) :

- You may have a person or agency appointed by the local area board as your representative to assist you in the fair hearing process;
- You may be present at the informal meeting, mediation, and at the fair hearing with the representative of your choice;
- You may give written and oral evidence;
- You may confront and cross-examine witnesses;
- You may appear with an attorney or any other representatives you choose;
- You may review records the regional center or state developmental center obtained while providing services; and
- You may request that an interpreter be provided, if necessary, at no cost to you.

How Can I Get Help With This Process?

You can get help from a friend, family member, advocate, attorney or anyone else you choose. The regional center or state developmental center is not responsible for the costs if you hire an attorney or someone else to assist you. When your fair hearing request is received, the regional center or state developmental center must also provide you information on available advocacy assistance, including referral to the clients' rights advocate, the area board and other advocacy organizations.

How is the Voluntary Informal Meeting Scheduled?

When the regional center or state developmental center receives your Fair Hearing Request form, the regional center or state developmental center will immediately notify you and your authorized representative, in writing, of your fair hearing rights, if they have not already done so with the Notice of Proposed Action. In addition, you or your authorized representative will be advised of a proposed date, time, and place for a voluntary informal meeting, if requested by you

or your authorized representative. You or your authorized representative may review records prior to an informal meeting. The voluntary informal meeting will be held **within 10 days** of the date the Fair Hearing Request form is received by the regional center or state developmental center.

What Happens in a Voluntary Informal Meeting?

The regional center or state developmental center director or his/her designee will conduct the informal meeting. The informal meeting will be held at a time and place reasonably convenient to you and your authorized representative. It will be in English, but the regional center or state developmental center will provide an interpreter if needed and if requested in advance. You or your representative may present the issues, facts and reasons for your appeal. You may confront and cross-examine any witnesses.

How and When Will I be Notified of the Regional Center's or State Developmental Center's Informal Meeting Decision?

Within five working days of the informal meeting, the regional center or state developmental center will provide a written decision to you and your authorized representative. The decision will:

- Identify the issues presented;
- Rule on each issue identified;
- State the facts supporting each ruling;
- Identify the laws, regulations, and policies upon which each ruling is based; and
- Explain the procedure for appealing the regional center or state developmental center decision.

If you or your authorized representative are satisfied with the regional center's or state developmental center's decision following an informal meeting and you no longer wish to proceed to hearing, complete a Notification of Resolution form provided by the regional center or state developmental center. The completed Notification of Resolution form must be submitted to the regional center or state developmental center director. The decision of the regional center or state developmental center will go into effect **10 days after the receipt by the regional center or state developmental center of the Notification of Resolution of the request for a fair hearing**.

What If I Do Not Agree with the Regional Center's or State Developmental Center's Informal Meeting Decision?

If you or your authorized representative are dissatisfied with the decision of the regional center or state developmental center following the voluntary informal meeting, the matter will proceed to mediation, if mediation has been requested and accepted and the fair hearing request has not been withdrawn. If mediation has not been requested or accepted and the fair hearing request has not been withdrawn, the matter will proceed to fair hearing.

How is Mediation Scheduled?

Upon receipt of a written request for mediation, the regional center or state developmental center shall be given **five working days** to accept or decline mediation. You, your authorized representative, and the Office of Administrative Hearings shall be notified immediately of the regional center's or state developmental center's decision.

Within five calendar days after receipt of the notice of the regional center's or state developmental center's decision to accept mediation, the Office of Administrative Hearings will notify you, your authorized representative, and the regional center or state developmental center of the following:

- The time, place, and date of the mediation;
- Your rights and the regional center's or state developmental center's rights;
- Availability of advocacy assistance;
- The name, address, and telephone number of the person or office to mediate the dispute.

The mediation shall be held **within 30 days** of the date the Fair Hearing Request form is received by the regional center or state developmental center.

What If I Need to Have the Mediation Rescheduled?

You may request that the mediation be postponed. Your request may be granted at the mediator's discretion. If your request to postpone the mediation is granted, the mediation conference will be rescheduled and the time for issuing a fair hearing decision may be extended.

What is Mediation Like?

Mediation is a voluntary meeting of the parties to a dispute with a neutral person (the mediator) who has training and experience helping people settle conflicts. It is a common method for resolving disputes amicably and is used frequently in a number of fields. The mediator facilitates an informal, non-adversarial meeting where the parties have the opportunity and authority to agree on a resolution. The mediator helps the parties consider the facts, issues and reasons for the appeal and for the regional center's or state developmental center's decision, and assists the parties with the goal of reaching a solution agreeable to both parties.

During the mediation, the mediator may meet separately, and confidentially, with any person or group of persons involved in the mediation. This is sometimes called "meeting in caucus." Because the mediator does not act as a judge, disputed issues are resolved through mediation only when the parties reach an agreement that is acceptable to both sides. Since mediation is voluntary, you, your authorized representative, or the regional center or state developmental center may decide at any time to proceed to hearing without mediation. The mediator will be provided by the Office of Administrative Hearings. It will be in English, but the Office of Administrative Hearings will provide an interpreter, if necessary, and if requested in advance of the mediation.

If an agreement is reached through mediation and you no longer wish to proceed to hearing, you must complete a Notification of Resolution form provided by the regional center, the mediator, or state developmental center. The completed Notification of Resolution form must be submitted to the regional center or state developmental center director. The final resolution agreed to during mediation will go into effect **10 days after receipt by the regional center or state developmental center of the Notification of Resolution of the request for a fair hearing**.

What Happens if the Mediation Fails to Resolve the Issue(s)?

If the mediation fails to resolve an issue or issues to your satisfaction, or to the satisfaction of your authorized representative, the unresolved issue or issues will proceed to fair hearing. The mediator will immediately notify the Office of Administrative Hearings of the outcome of the mediation.

How is the Fair Hearing Scheduled?

When your request for fair hearing is received, the Office of Administrative Hearings will immediately notify you, your authorized representative and the regional center or state developmental center director in writing, of the following:

- The time, place and date of the fair hearing;
- Your rights, including those identified on page 3 of this pamphlet, and the rights of the regional center or state developmental center;
- Availability of advocacy assistance; and
- The name, address and telephone number of the person or office to conduct the fair hearing.

The fair hearing will be held **within 50 days** after the date the Fair Hearing Request form is received by the regional center or state developmental center. You, your authorized representative, or the regional center or state developmental center may request more time. A final administrative decision must be issued **within 90 days** of the receipt of the request for fair hearing by the regional center or state developmental center.

What If I Need to Have the Fair Hearing Rescheduled?

You may request that the hearing be postponed for good cause. The Administrative Law Judge will decide whether your request should be granted. If your request to postpone the fair hearing is granted, the hearing will be rescheduled and the time allowed for issuing a decision may be extended. The regional center or state developmental center may also request that the fair hearing be postponed. A postponement granted at the regional center's or state developmental center's request may not extend the time for the Administrative Law Judge to issue a decision.

The fair hearing will be held at a time and place reasonably convenient to you and your authorized representative. You, or your authorized representative, and the regional center or state developmental center must agree on the location of the fair hearing. The fair hearing will be in English. An interpreter will be provided by the Office of Administrative Hearings, if necessary, and if requested in advance.

What is a Fair Hearing Like?

The fair hearing may be similar to a court hearing, with witnesses, exhibits and rules of evidence. A fair hearing does not need to be conducted according to the technical rules of evidence and those related to witnesses. An Administrative Law Judge will preside. The judge is not employed by the regional center or state developmental center, but by the Office of Administrative Hearings.

At the fair hearing, you may represent yourself. You may also be represented by an attorney, advocate, family member, friend or anyone else you choose. If you hire an attorney or someone else, you will be responsible for those costs. Management staff or a designee normally represents the regional center or state developmental center.

At least five days prior to the fair hearing, you and the regional center or state developmental center must exchange a list of witnesses, the subject of the testimony of each witness, and copies of all documentary evidence which may be presented. If the information is not provided in advance, the Administrative Law Judge may not allow it to be used at the hearing. If you do not understand information you receive, you may request assistance from any advocate.

Each side can offer relevant evidence to prove its case. Both sides can bring witnesses who know about the issues involved and documents such as service records or medical reports. You should try to have witnesses come voluntarily, but you have the right to subpoena relevant records or people for the fair hearing. If you subpoena a witness, there may be certain costs and/or fees that will be your responsibility. **Contact the Office of Administrative Hearings well before the fair hearing to get subpoenas.** All testimony will be under oath or affirmation. **Before the fair hearing closes, your side must submit all the evidence you want the Administrative Law Judge to consider.** After all testimony has been heard, each side may make a closing argument that addresses the facts brought out by evidence.

How and When Will I be Notified of the Fair Hearing Decision?

The decision of the Administrative Law Judge will include:

- A summary of the facts;
- A statement of the evidence that was relied upon;
- A decision on each issue;
- Identification of the laws, regulations and policies supporting the decision;
- Notification that this is the final administrative hearing decision; and
- Notification that either you or the regional center or state developmental center may appeal to a court of competent jurisdiction **within 90 days.**

If the issues raised at the hearing **do not** relate to the Waiver program, the Administrative Law Judge will send the written decision to you, your authorized representative, and the regional center or state developmental center **within ten days** after the last day of the fair hearing, but not later than **80 days** following the date the Fair Hearing Request form was received by the regional center or state developmental center.

If the issues raised in the hearing **do** relate to the Waiver Program, you will receive a final decision **within 90 days** following the date the Fair Hearing Request form is postmarked or received by the regional center or state developmental center, whichever is earlier.

If the decision is unfavorable to you and you have been receiving the services which were the subject of the appeal, the decision will not be implemented until **ten days** after you and your authorized representative receive the decision by certified mail. If you or your authorized representative cannot understand English, the written decision will be provided in English and the language you or your authorized representative understand.

What Laws and Regulations Apply to Fair Hearing Procedures?

Title 17 California Code of Regulations, Public Health Division 2, Chapter 1, Subchapter 9 and the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code, Division 4.5, Chapter 7, Sections 4700-4730)

For Additional Information
Please Contact Your Local Regional Center or
State Developmental Center

DEFINITIONS

The following definitions are provided to clarify the use of certain terms used in each agency, some of which are included in this document.

REGIONAL CENTER

Authorized Representative

The conservator of an adult, the guardian, conservator, or parent or person having legal custody of a minor claimant, or person or agency authorized in writing by the claimant or by the legal guardian, conservator, or parent or person having legal custody of a minor claimant to act for or represent the claimant under this chapter. (W&I 4701.6)

Assessment

Individual assessment and periodic reassessment is a process designed to determine current developmental status. Assessment may be conducted in the context of determining eligibility for Regional Center. If assessment is needed, prior to July 1, 2004, the assessment shall be performed within the 120 days following initial intake. Assessment shall be performed as soon as possible and in no event more than 60 days following initial intake where any delay would expose the client to unnecessary risk to his or her health and safety or to significant further delay in mental or physical development. Assessment may include collection and review of available historical diagnostic data, provision or procurement of necessary tests and evaluations, and summarization of developmental levels and service needs and is conditional upon receipt of the release of information specified in subdivision (b). On and after July 1, 2004, the assessment shall be performed within 60 days following intake and if unusual circumstances prevent the completion of assessment within 60 days following intake, this assessment period may be extended by one 30-day period with the advance written approval of the department.

Assessment is also done for the purpose of determining what interventions and services may be useful in enabling the person to move toward increasingly independent functioning or to maintain optimal functioning. Assessment identifies the individual's present developmental level; the individual's strengths, abilities, and needs; the conditions that impede development; and, where possible, the cause of disability. It focuses on physical, sensory motor, social, cognitive, communicative, affective and adaptive behavior facets in human growth and development. Assessments and reassessments shall be conducted by appropriately constituted interdisciplinary disciplinary team (IDT) and service representatives capable of identifying the individual's needs reflecting appropriate objectives and designing programming to meet them. (Standards for Regional Center Case Management, July 1986.)

Contingency Plan

Occasionally, large scale relocation of consumers in community placement may be necessary due to closure of a residential facility. The contingency plan is to identify appropriate alternate placements for consumers to be relocated and for regional centers to coordinate planning with agencies involved which include - but are not limited to - school districts, day program providers, residential facilities, state hospitals, other regional centers and the Department of Developmental Services. The contingency plan attempts to relocate in local areas to maximize continuity of services provided to consumers whenever feasible.

Developmental Disability

1. A disability that is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other conditions similar to mental retardation that requires treatment similar to that required by mentally retarded individuals.

2. The Developmental Disability shall:

   a. Originate before age 18.
   b. Be likely to continue indefinitely.
   c. Constitute a substantial disability for the individual as defined in CCR Title 17, Sections 54000 and 54001.

3. Developmental Disability shall not include handicapping conditions that are:

   a. Solely psychiatric disorders where there is impaired intellectual or social functioning which originated as a result of the psychiatric disorder or treatment given for such a disorder. Such psychiatric disorders include psychosocial deprivation and/or psychosis, severe neurosis or personality disorders even where social and intellectual functioning have become seriously impaired as an integral manifestation of the disorder.
   b. Solely learning disabilities. A learning disability is a condition which manifests as a significant discrepancy between estimated cognitive potential and actual level of educational performance and which is not a result of generalized mental retardation, educational or psycho-social deprivation, psychiatric disorder, or sensory loss.
   c. Solely physical in nature. These conditions include congenital anomalies or conditions acquired through disease, accident, or faulty development which are not associated with a neurological impairment that results in a need for treatment similar to that required for mental retardation.

Generic Agency

"Generic Agency" means any agency which has a legal responsibility to serve all members of the general public and which is receiving public funds for providing such services. (Welfare and Institutions Code Section 4644).

High Risk Infant

"A child less than 36 months of age whose genetic, medical, or environmental history is predictive of a substantially greater risk for developmental disability than that for the general populations."

Individual Program Plan (IPP)

The individual program plan (IPP) is a written statement of goals and objectives and the prescriptive service plans for achieving them. The IPP is formulated through a face-to-face discussion of the interdisciplinary team (IDT). Based upon the consumer's skill level, strengths, abilities and needs, the IPP shall identify:

1. short and long term goals and objectives;
2. the plans for meeting specified goals and objectives;
3. prescriptive services based on the consumer's identified needs;
4. identification of specific services providers with time frames for accomplishment of plans;
5. a schedule of regular periodic reviews and reassessments to ascertain that planned services are being provided.

The IPP may be reviewed and revised as necessary in response to the consumer's achievements and/or changing needs, but shall be reviewed at least annually by the IDT.

The services which may be considered may included, but are not limited to the following:

1. residential care services
2. day training programs
3. activity workshops
4. transportation
5. respite care for family members
6. prevention services
7. specific skills training, behavior, mobility, etc.
8. independent living

Services shall not be provided through the regional center if they are available through a generic agency.

Welfare and Institutions Code 4644, 4646, 4648; 17 CCR 56562

Interdisciplinary Team

The interdisciplinary team (IDT) shall include:

1. one or more representatives of the regional center; representatives of as many professional disciplines as may be necessary to ensure that all the consumer's needs are addressed, e.g., nutrition, medical, psychological, etc.;
2. the consumer, when he or she is willing and able to participate; or his or her representative;
3. the consumer's parents, if her or she is a minor, or if the adult consumer requests his or her parents to attend; legal guardian or conservator;
4. when appropriate, the primary service provider as a participant or in an advisory capacity.

Parent/Legal Representative

See Authorized Representative.

Regional Center

A diagnostic, counseling, and service coordination center which provides, arranges for, or purchases goods or services for persons with developmental disabilities and their families. Currently, there are twenty-one (21) such centers located in the state. These centers are established and operated by private nonprofit contracting agencies pursuant to Chapter 5 Division 4.5 of the Welfare and Institutions Code.

Regional Centers Operations Manual (RCOM)

The Regional Centers Operations Manual (RCOM) is a document, developed and maintained by the Regional Centers Section, that provides a set of operating procedures and policies necessary for the operations of a regional center in the provision of services.

Rights of Consumers with a Developmental Disability

The consumer with a developmental disability has the same rights and responsibilities as are guaranteed any other individual. Services should be provided with the least restrictive conditions necessary to achieve the purpose of treatment. (W&I 4502)

San Diego-Imperial Counties Developmental Services, Inc. (SDICDS, Inc.)

Private, nonprofit corporation contracting with the State Department of Developmental Services to serve individuals with developmental disabilities.

San Diego Regional Center (SDRC)

Regional Center which serves San Diego - Imperial Counties

Schedule of Maximum Allowance (SMA) 24 - Hour Community Care Residential Facilities

SMA (scheduled maximum allowance) is a schedule of fixed maximum payment rates for persons requiring both basic care, including room, board, and personal care, and levels of supervised care above basic care.

Substantially Disabled

A consumer is considered to have a substantial handicap when there is a major impairment of cognitive and/or social functioning. (CCR 17, Section 54001) See Appendix 3.

Transition

"Transition" is the orderly and planned process of movement from secondary services (high school) to postsecondary services (adult opportunities) specific to the individual that includes education and the initial years of employment. During this period, decisions are made regarding career options, living arrangements, social life, and economic goals. The transition from school to work and adult life requires sound preparation in the secondary school, adequate support at the point of school leaving, and secure opportunities and services, if needed, in adult situations.

Vendorization/Vendor

Vendorization is the process which provides the mechanism for regional centers and the State Department of Developmental Services to certify that potential providers of service to regional center consumers meet the minimum standards established by the department. It is also an integral part of the department's/regional center's service reporting and claiming system which is the basis of budget development and resource information.

In order to become a vendor, a person, program or facility must request approval to provide services, under contract, to regional center consumers and to receive a rate of reimbursement for the provision of such services. Applications and support documentation are submitted to the regional center in which the services are or will be located. Technical assistance, if needed, is provided by the vendoring regional center. If a rate determination is necessary, a rate will be established by the Department of Developmental Services in accordance with the policies and procedures contained in the Rates and Procedures Manual (RPM).

Becoming a vendored service provider means that the vendor is eligible to provide the vendored service(s) for regional center consumers at the rate of reimbursement established by the Department of Developmental Services. Once vendored, the provider is included on the statewide vendor panel listing and any regional center may authorize purchase of service form the vendored provider. After the rate has been set, a written authorization for funds between the regional center and the vendor must be initiated. However, if the vendor initiates services for a consumer prior to receiving an approved vendor authorization, the regional center cannot provide payment for the service unless prior approval was received by the regional center from the Department of Developmental Services. This approval must be in writing from the Rates and Vendorization Section. (Department 1985)

Programs and facilities will only be vendored if there is an identified need for the service in that area as determined by the vendoring regional center and/or the referring regional center. Vendorization does NOT guarantee nor imply availability of individual placement referrals or placements.

Vendorization is nontransferable. When a change of ownership and/or operator(s) occurs, the new owner/operator must meet the vendorization requirements (including all licensing/registration/certification requirements) specified in Exhibit III of the RPM manual for the particular service provided. Once vendorization requirements are met, final review and approval is required by the vendoring regional center.

Welfare and Institutions Code (W&I)

California Code Sections authorizing operation of Regional Centers.

SPECIAL EDUCATION

Appropriate Education (CCR. 5, Section 3001.[b])

"Appropriate education," as in 'free, appropriate, public education,' is an educational program and related service(s) as determined on an individual basis which meets the unique needs of each individual with exceptional needs. Such an educational program and related service(s) shall be based on goals and objectives as specified in an individualized education program (IEP) and determined through the process of assessment and IEP planning in compliance with state and federal laws and regulations. Such an educational program shall provide the equal opportunity for each individual with exceptional needs to achieve his or her full potential, commensurate with the opportunity provided to other individuals.

Assessment/Evaluation

Assessment for educational purposes means an individual evaluation of a pupil's educational needs using procedures which meet all requirements of Title 34, Code of Federal Regulations, Sections 300.500, 300.530-534, Public Law 94-142, Sections 612, 614, and 615, California Education Code, and California Code of Regulations, Title 5.

California Code of Regulations, Title 5 Regulations (CCR, 5)

Regulations adopted by the State Board of Education which implement California laws relating to special education. (Formerly California Administrative Code - CAC)

Certified Nonpublic, Nonsectarian School or Agency (NPS/NPA)

A certified private school or agency is one which meets the California State Board adopted standards relating to the required special education services and facilities as well as fire, health, sanitation, and building safety (ECS 56366, (c); CCR 5, Sections 3062, 3064, 3065). A certified school offers a full curriculum, while an agency offers only a related service.

Designated Instruction and Services (DIS) (ECS 56363)

(a) "Designated instruction and services" means "related services" as that term is defined in paragraph (26) of Section 1401 of Title 20 of the United States Code and Section 300.24 of Title 34 of the Code of Federal Regulations. The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children.
(b) These services may include, but are not limited to, the following:
(1) Language and speech development and remediation. The language and speech development and remediation services may be provided by a speech-language pathology assistant as defined in subdivision (f) of Section 2530.2 of the Business and Professions Code.
(2) Audiological services.
(3) Orientation and mobility services.
(4) Instruction in the home or hospital.
(5) Adapted physical education.

(6) Physical and occupational therapy.
(7) Vision services.
(8) Specialized driver training instruction.
(9) Counseling and guidance services, including rehabilitation counseling.
(10) Psychological services other than assessment and development of the individualized education program.
(11) Parent counseling and training.
(12) Health and nursing services, including school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program.
(13) Social worker services.
(14) Specially designed vocational education and career development.
(15) Recreation services.
(16) Specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services.
(17) Interpreting services.
(c) The terms "designated instruction and services" and "related services" do not include a medical device that is surgically implanted, or the replacement of that device.

Education Code Sections (ECS)

California education law.

Eligibility Criteria ECS 56026 (d)

Mandated the State Board of Education to adopt regulations to provide specific criteria for the identification of individuals with exceptional needs, including those already stated in ECS 56333. CCR, 5, Section 3030 and 3031, provide these criteria. (Ref. ECS 56026, 56333, 56337-39, and 56441.11.)

Individualized Education Program (IEP) (ECS 56345)

(a) The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required by subsection (d) of Section 1414 of Title 20 of the United States Code, and that includes the following:
(1) A statement of the individual's present levels of academic achievement and functional performance, including the following:
(A) The manner in which the disability of the individual affects his or her involvement and progress in the general education curriculum.
(B) For preschool children, as appropriate, the manner in which the disability affects his or her participation in appropriate activities.
(C) For individuals with exceptional needs who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.
(2) A statement of measurable annual goals, including academic and functional goals, designed to do the following:
(A) Meet the individual's needs that result from the individual's disability to enable the pupil to be involved in and make progress in the general curriculum.
(B) Meet each of the pupil's other educational needs that result from the individual's disability.
(3) A description of the manner in which the progress of the pupil toward meeting the annual goals described in paragraph (2) will be measured and when periodic reports on the progress the pupil is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards, will be provided.
(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided to the

pupil to do the following:
(A) To advance appropriately toward attaining the annual goals.
(B) To be involved in and make progress in the general education curriculum in accordance with paragraph (1) and to participate in extracurricular and other nonacademic activities.
(C) To be educated and participate with other individuals with exceptional needs and nondisabled pupils in the activities described in this subdivision.
(5) An explanation of the extent, if any, to which the pupil will not participate with nondisabled pupils in the regular class and in\ the activities described in subparagraph (C) of paragraph (4).
(6) (A) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments consistent with subparagraph (A) of paragraph (16) of subsection (a) of Section 1412 of Title 20 of the United States Code.
(B) If the individualized education program team determines that the pupil shall take an alternate assessment on a particular state or districtwide assessment of pupil achievement, a statement of the following:
(i) The reason why the pupil cannot participate in the regular assessment.
(ii) The reason why the particular alternate assessment selected is appropriate for the pupil.
(7) The projected date for the beginning of the services and modifications described in paragraph (4), and the anticipated frequency, location, and duration of those services and modifications.
(8) Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, and updated annually thereafter, the following shall be included:
(A) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.
(B) The transition services, as defined in Section 56345.1, including courses of study, needed to assist the pupil in reaching those goals.
(b) If appropriate, the individualized education program shall also include, but not be limited to, all of the following:
(1) For pupils in grades 7 to 12, inclusive, any alternative means and modes necessary for the pupil to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation.
(2) For individuals whose native language is other than English, linguistically appropriate goals, objectives, programs, and services.
(3) Pursuant to Section 300.309 of Title 34 of the Code of Federal Regulations, extended school year services shall be included in the individualized education program and provided to the pupil if the pupil's individualized education program team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the pupil.
(4) Provision for the transition into the regular class program if the pupil is to be transferred from a special class or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day, including the following:
(A) A description of activities provided to integrate the pupil into the regular education program. The description shall indicate the nature of each activity, and the time spent on the activity each day or week.
(B) A description of the activities provided to support the transition of pupils from the special education program into the regular education program.
(5) For pupils with low-incidence disabilities, specialized services, materials, and equipment, consistent with guidelines established pursuant to Section 56136.
(c) It is the intent of the Legislature in requiring individualized education programs, that the local educational agency is responsible for providing the services delineated in the individualized education program. However, the Legislature recognizes that some pupils may not meet or exceed the growth projected in the annual goals and objectives of the pupil's individualized education program. Pursuant to paragraph (2) of subsection (a) of Section 300.350 of Title 34 of the Code of Federal Regulations, public education agencies shall make a good faith effort to assist each individual with exceptional needs to achieve the goals and objectives or benchmarks listed in the individualized education program of the pupil.
(d) Consistent with Section 56000.5 and clause (iv) of subparagraph (B) of paragraph (3) of subsection

(d) of Section 1414 of Title 20 of the United States Code, it is the intent of the Legislature that, in making a determination of the services that constitute an appropriate education to meet the unique needs of a deaf or hard-of-hearing pupil in the least restrictive environment, the individualized education program team shall consider the related services and program options that provide the pupil with an equal opportunity for communication access. The individualized education program team shall specifically discuss the communication needs of the pupil, consistent with "Deaf Students Education Services Policy Guidance" (57 Fed. Reg. 49274 (October 1992)), including all of the following:
(1) The pupil's primary language mode and language, which may include the use of spoken language with or without visual cues, or the use of sign language, or a combination of both.
(2) The availability of a sufficient number of age, cognitive, and language peers of similar abilities, which may be met by consolidating services into a local plan areawide program or providing placement pursuant to Section 56361.
(3) Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the pupil's primary language mode and language consistent with existing law regarding teacher training requirements.
(4) Services necessary to ensure communication accessible academic instructions, school services, and extracurricular activities consistent with the federal Vocational Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).
(e) State moneys appropriated to districts or local agencies may not be used for any additional responsibilities and services associated with paragraphs (1) and (2) of subdivision (d), including the training of special education teachers and other specialists, even if those additional responsibilities or services are required pursuant to a judicial or state agency determination. Those responsibilities and services shall only be funded by a local educational agency as follows:
(1) The costs of those activities shall be funded from existing programs and funding sources.
(2) Those activities shall be supported by the resources otherwise made available to those programs.
(3) Those activities shall be consistent with Sections 56240 to 56243, inclusive.
(f) It is the intent of the Legislature that the communication skills of teachers who work with hard-of-hearing and deaf children be improved. This section does not remove the local educational agency's discretionary authority in regard to in-service activities.
(g) Beginning not later than one year before the pupil reaches the age 18, a statement that the pupil has been informed of the pupil's rights under this part, if any, that will transfer to the pupil upon reaching the age of 18 pursuant to Section 56041.5.
(h) The individualized education program team is not required to include information under one component of a pupil's individualized education program that is already contained under another component of the individualized education program.
(i) This section does not require that additional information, beyond that expressly required by Section 1414 of Title 20 of the United States Code and this part, be included in the individualized education program of a pupil.

Individualized Education Program Team (ECS 56341)

(a) Each meeting to develop, review, or revise the individualized education program of an individual with exceptional needs shall be conducted by an individualized education program team.
(b) The individualized education program team shall include all of the following:
(1) One or both of the pupil's parents, a representative selected by a parent, or both, in accordance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).
(2) Not less than one regular education teacher of the pupil, if the pupil is, or may be, participating in the regular education environment. If more than one regular education teacher is providing instructional services to the individual with exceptional needs, one regular education teacher may be designated by the local educational agency to represent the others.
The regular education teacher of an individual with exceptional needs shall, to the extent appropriate, participate in the development, review, and revision of the pupil's individualized education program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the pupil, and the determination of supplementary aids and services, program

modifications, and supports for school personnel that will be provided for the pupil, consistent with subclause (IV) of clause (i) of subparagraph (A) of paragraph (1) of subsection (d) of Section 1414 of Title 20 of the United States Code.
(3) Not less than one special education teacher of the pupil, or if appropriate, not less than one special education provider of the pupil.
(4) A representative of the local educational agency who meets all of the following:
(A) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs.
(B) Is knowledgeable about the general curriculum.
(C) Is knowledgeable about the availability of resources of the local educational agency.
(5) An individual who can interpret the instructional implications of the assessment results. The individual may be a member of the team described in paragraphs (2) to (6), inclusive.
(6) At the discretion of the parent, guardian, or the local educational agency, other individuals who have knowledge or special expertise regarding the pupil, including related services personnel, as appropriate. The determination of whether the individual has knowledge or special expertise regarding the pupil shall be made by the party who invites the individual to be a member of the individualized education program team.
(7) Whenever appropriate, the individual with exceptional needs.
(c) In accordance with Sections 300.540 and 300.542 of Title 34 of the Code of Federal Regulations, for a pupil suspected of having a specific learning disability, at least one member of the individualized education program team shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. In accordance with Section 300.542 of Title 34 of the Code of Federal Regulations, at least one team member other than the pupil's regular teacher shall observe the pupil's academic performance in the regular classroom setting. In the case of a child who is less than schoolage or out of school, a team member shall observe the child in an environment appropriate for a child of that age.
(d) (1) In the case of transition services, the local educational agency shall invite an individual with exceptional needs to attend his or her individualized education program meeting if a purpose of the meeting will be the consideration of the needed transition services for the individual.
(2) If the individual with exceptional needs does not attend the individualized education program meeting, the local educational agency shall take steps to ensure that the individual's preferences and interests are considered.
(3) The local educational agency also shall invite to the individualized education program team meetings a representative that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the local educational agency shall take other steps to obtain participation of the other agency in the planning of any transition services.
(e) A local educational agency may designate another local educational agency member of the individualized education program team to serve also as the representative required pursuant to paragraph (4) of subdivision(b) if the requirements of subparagraphs
(A), (B), and (C) of paragraph (4) of subdivision (b) are met.
(f) A member of the individualized education program team shall not be required to attend an individualized education program meeting, in whole or in part, if the parent of the individual with exceptional needs and the local educational agency agree that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
(g) A member of the individualized education program team may be excused from attending an individualized education program meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if both of the following occur:
(1) The parent and the local educational agency consent to the excusal after conferring with the member.
(2) The member submits in writing to the parent and the individualized education program team, input into the development of the individualized education program prior to the meeting.
(h) A parent's agreement under subdivision
(f) and consent under subdivision

(g) shall be in writing.
(i) In the case of a child who was previously served under Chapter 4.4 (commencing with Section 56425), Early Education for Individuals with Exceptional Needs, or the California Early Intervention Services Act under Title 14 (commencing with Section 95000) of the Government Code, an invitation to the initial individualized education program team meeting shall, at the request of the parent, be sent to the infants and toddlers with disabilities coordinator or other representatives of the early education or early intervention system to assist with the smooth transition of services.

Individualized Family Service Plan (IFSP) (ECS 95020)

(a) Each eligible infant or toddler shall have an individualized family service plan. The individualized family service plan shall be used in place of an individualized program plan required pursuant to Sections 4646 and 4646.5 of the Welfare and Institutions Code, the individual education plan required pursuant to Section 56340 of the Education Code, or any other applicable service plan.
(b) For an infant or toddler who has been evaluated for the first time, a meeting to determine eligibility and to develop the initial individualized family service plan shall be conducted within 45 calendar days of receipt of the written referral. Written parent consent to evaluate and assess shall be obtained within the 45-day timeline. A regional center, local education agency, or their designees shall initiate and conduct this meeting.
(c) The individualized family service plan shall be in writing and shall address all of the following:
(1) A statement of the infant or toddler's present levels of physical development including vision, hearing, and health status, cognitive development, communication development, social and emotional development, and adaptive developments.
(2) With the concurrence of the family, a statement of the family's concerns, priorities, and resources related to meeting the special developmental needs of the eligible infant or toddler.
(3) A statement of the major outcomes expected to be achieved for the infant or toddler and family where services for the family are related to meeting the special developmental needs of the eligible infant or toddler.
(4) The criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions are necessary.
(5) A statement of the specific early intervention services necessary to meet the unique needs of the infant or toddler as identified in paragraph (3), including, but not limited to, the frequency, intensity, location, duration, and method of delivering the services, and ways of providing services in natural environments.
(6) A statement of the agency responsible for providing the identified services.
(7) The name of the service coordinator who shall be responsible for facilitating implementation of the plan and coordinating with other agencies and persons.
(8) The steps to be taken to ensure transition of the infant or toddler upon reaching three years of age to other appropriate services. These may include, as appropriate, special education or other services offered in natural environments.
(9) The projected dates for the initiation of services in paragraph (5) and the anticipated duration of those services.
(d) Each service identified on the individualized family service plan shall be designated as one of three types:
(1) An early intervention service, as defined in Part H (20 U.S.C. Section 1472 (2)), and applicable regulations, that is provided or purchased through the regional center, local education agency, or other participating agency. The State Department of Health Services, State Department of Social Services, State Department of Mental Health, and State Department of Alcohol and Drug Programs shall provide services in accordance with state and federal law and applicable regulations, and up to the level of funding as appropriated by the Legislature. Early intervention services identified on an individualized family service plan that exceed the funding, statutory, and regulatory requirements of these departments shall be provided or purchased by regional centers or local education agencies under subdivisions (b) and (c) of Section 95014. The State Department of Health Services, State Department of Social Services, State Department of Mental Health, and State Department of Alcohol and Drug Programs shall not be

required to provide early intervention services over their existing funding, statutory, and regulatory requirements.

(2) Any other service, other than those specified in paragraph (1), which the eligible infant or toddler or his or her family may receive from other state programs, subject to the eligibility standards of those programs.

(3) A referral to a nonrequired service that may be provided to an eligible infant or toddler or his or her family. Nonrequired services are those services that are not defined as early intervention services or do not relate to meeting the special developmental needs of an eligible infant or toddler related to the disability, but which may be helpful to the family. The granting or denial of nonrequired services by any public or private agency is not subject to appeal under this title.

(e) An annual review, and other periodic reviews of the individualized family service plan for an infant's or toddler and the infant or toddler's family shall be conducted to determine the degree of progress that is being made in achieving the outcomes specified in the plan and whether modification or revision of the outcomes or services is necessary. The frequency, participants, purpose, and required processes for annual and periodic reviews shall be consistent with the statutes and regulations under Part H and this title, and shall be specified in regulations adopted pursuant to Section 95028.

Individuals with Exceptional Needs (ECS 56026)

"Individuals with exceptional needs" means those persons who satisfy all of the following:

(a) Identified by an individualized education program team as children with disabilities as that phrase is defined in paragraph (1) of subdivision (a) of Section 1401 of Title 20 of the United States Code.

(b) Their impairment, as described by subdivision (a), requires instruction, services, or both which cannot be provided with modification of the regular school program.

(c) Come with one of the following age categories:

(1) Younger than three years of age and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education.

(2) Between the ages of three to five years, inclusive, and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, as defined by the State Board of Education; or between the ages of three and five years, inclusive, and identified by the district, special education local plan area, or county office pursuant to Section 56441.11.

(3) Between the ages of five and 18 years, inclusive.

(4) Between the ages of 19 and 21 years, inclusive; enrolled in or eligible for a program under this part or other special education program prior to his or her 19th birthday; and has not yet completed his or her prescribed course of study or who has not met proficiency standards prescribed pursuant to Sections 51215 and 51216.

(A) Any person who becomes 22 years of age during the months of January to June, inclusive, while participating in a program under this part may continue his or her participation in the program for the remainder of the current fiscal year, including any extended school year program for individuals with exceptional needs established pursuant to regulations adopted by the State Board of Education, pursuant to Article 1 (commencing with Section 56100) of Chapter 2.

(B) Any person otherwise eligible to participate in a program under this part shall not be allowed to begin a new fiscal year in a program if he or she becomes 22 years of age in July, August, or September of that new fiscal year. However, if a person is in a year-round school program and is completing his or her individualized education program in a term that extends into the new fiscal year, then the person may complete that term.

(C) Any person who becomes 22 years of age during the months of October, November, or December while participating in a program under this act shall be terminated from the program on December 31 of the current fiscal year, unless the person would otherwise complete his or her individualized education program at the end of the current fiscal year or unless the person has not had an individual transition plan incorporated into his or her individualized education program and implemented from the age of 20 years, in which case the person shall be terminated from the program at the end of the fiscal year.

(D) No school district, special education local plan area, or county office of education may develop an individualized education program that extends these eligibility dates, and in no event may a pupil be required or allowed to attend school under the provisions of this part beyond these eligibility dates solely on the basis that the individual has not met his or her goals or objectives.
(d) Meet eligibility criteria set forth in regulations adopted by the board, including, but not limited to, those adopted pursuant to Article 2.5 (commencing with Section 56333) of Chapter 4.
(e) Unless disabled within the meaning of subdivisions (a) to (d), inclusive, pupils whose educational needs are due primarily to unfamiliarity with the English language; temporary physical disabilities; social maladjustment; or environmental, cultural, or economic factors are not individuals with exceptional needs.
(f) This section shall remain in effect only until California terminates its participation in special education programs for individuals with exceptional needs between the ages of three and five years, inclusive, pursuant to Section 56448, and as of that date is repealed.

Intensive Special Education and Services (CCR. 5, Section 3001 (n))

"Intensive special education and services" means instruction and services, without which the individual would be unable to develop the skills necessary to achieve educational goals appropriate to his or her developmental and cognitive level or potential. Such instruction and services may be provided in any of the program options as stated in Education Code Section 56361.

Least Restrictive Environment (LRE) or Maximum Interaction (ECS 56001 (g))

Individuals with exceptional needs are offered special assistance programs that promote maximum interaction with the general school population in a manner that is appropriate to the needs of both.

Local Education Agency (LEA)

Local education agency means a public board of education or other public authority legally constituted within a state for either administrative control or direction of or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state or such combination of school districts or counties as are recognized in a state as an administrative control and direction of a public elementary or secondary school, including intermediate education units. The term also includes Responsible Local Agency (RLA) having responsibility for a Special Education Local Plan Area (SELPA).

Low Incidence Disability (ECS 56026.5)

"Low incidence disability" means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof.

Parent (ECS 56028)

"Parent" includes any person having legal custody of a child. "Parent," in addition, includes any adult pupil for whom no guardian or conservator has been appointed and the person having custody of a minor if neither the parent nor legal guardian can be notified of the educational actions under consideration. "Parent" also includes a parent surrogate. "Parent" does not include the state or any political subdivision of government.

Referral for Assessment (ECS 56029)

Any written request for assessment to identify an individual with exceptional needs made by a parent, teacher, or other service provider.

Related Service (Title 34, Code of Federal Regulations. Section 300.13)

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child with exceptional needs to benefit form special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools and parent counseling training.

Severely Disabled (SH) (ECS 56030.5)

"Severely disabled" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe mental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6 (commencing with Section 56800) of this part, as it read on January 1, 1980.

Site Administrator

Administrator of the school site where the student is in attendance.

Special Education (ECS 56031)

"Special education" means specially designed instruction, at no cost to the parent, to meet the unique need of individuals with exceptional needs, whose educational needs cannot be met with modification of the regular instruction program, and related services, at no cost to the parent, that may be needed to assist these individuals to benefit from specially designed instruction.
Special education is an integral part of the total public education system and provides education in a manner that promotes maximum interaction between children or youth with disabilities and children or youth who are not disabled, in a manner that is appropriate to the needs of both.
Special education provides a full continuum of program options to meet the educational and service needs of individuals with exceptional needs in the least restrictive environment.
Individuals with exceptional needs shall be grouped for instructional purposes according to their instructional needs.

Special Education Local Plan Area (SELPA)

A single district or group of school districts joining with the county office of education organized within a specific geographic area to coordinate the administration and delivery of special education services and perform functions according to their local plan for that service area.

Special Education Program Options

1. Special Classes and Centers (SCC)

    a. Special Day Class (SDC): A classroom which enrolls for the majority of the school day, pupils with similar and more intensive educational needs which cannot currently be met in a lesser restrictive environment. No maximum class size is specified by law but funding has been based on an average of 10 students.

b. Special Center (SC): A program which provides intensive educational and physical care for individuals with exceptional needs who are unable to benefit form a special class or other special education program alternatives, i.e., programs formerly identified as Development Center for Handicapped (DCH).

Special classes and centers and other removal of individuals with exceptional needs from the regular education environment shall occur only when the nature of severity of the handicap is such that regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

2. Resource Specialist Program (RSP): a program designed to help children who spend a majority of the day in regular classes. The resource specialist's role is determined by the local program plan and includes responsibilities as teacher, consultant, and coordinator. Maximum caseload is 28 students.

3. Designated Instruction and Services (DIS): Refer to the definition in this Glossary.

4. Certified Nonpublic, Nonsectarian School or Agency (NPS/NPA): Refer to the definition in this Glossary.

5. State Special Schools: Residential schools operated by the State Department of Education to serve blind, deaf, and neurologically handicapped pupils whose needs are so specialized that they cannot be met by the local school district or SELPA. Referral through the local district IEP team.

Transition

Refers to movement from one educational program option or level to another, as well as, to movement from high school to adult program opportunities.

Transition Planning Statement (ECS 56345.1)

A statement of needed transition services, pursuant to paragraphs (19) and (20) of subsection (a) of Section 1401 of Title 20 of the United States Code, shall be included in the pupil's individualized education program beginning not later than age 16 years and annually thereafter, or when determined appropriate for pupil, beginning at age 14 years or younger. In addition, the program shall include, when appropriate, a statement of the interagency responsibilities or linkages, or both, before the pupil leaves the school setting.

Board Policy

Use Of School Facilities 1330(a)
Community Relations

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities

2. Preserve order in school facilities and on school grounds and protect school facilities, designating a person to supervise this task, if necessary

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

3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which district schools are closed. (Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

(cf. 1325 - Advertising and Promotion)

Community Relations

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

(cf. 1330.1 - Joint Use Agreements)

Fees

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

(cf. 9320 - Meetings and Notices)

The Board shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041.

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

In determining direct costs to be charged for community use of each, or each type of, school facility or grounds, the Superintendent or designee shall calculate, in accordance with 5 CCR 14038, the community's proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

However, capital direct costs shall not be charged to organizations retained by the district or school to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs. (5 CCR 14037)

(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)

Community Relations

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services of district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Local Community Use of Playgrounds/Playfields

The Board acknowledges the fact that the playgrounds and playfields ("Playgrounds and Playfields") portions of its school facilities also provide a community resource to its students, parents, neighbors, and other individuals for the purpose of general recreation, exercise, etc. when they are not in use by the district or other authorized Civic Center Act groups/organizations. Accordingly, when such Playgrounds and Playfields are not in use by the district or other authorized user, the district will make the Playgrounds and Playfields open to individual community members for use to the extent possible under this policy as well as other applicable district safety and security policies. Such local individual community use does not include any use by a group or organization which is otherwise subject all other provisions of this Use of Facilities Community Relations Policy (BP 1330) and all other applicable district policies and regulations.

Community Relations

Legal Reference:
EDUCATION CODE
10900-10914.5 Community recreation programs
32282 School safety plan
37220 School holidays
38130-38138 Civic Center Act, use of school property for public purposes
BUSINESS AND PROFESSIONS CODE
25608 Alcoholic beverage on school premises
GOVERNMENT CODE
54950-54963 The Ralph M. Brown Act
MILITARY AND VETERANS CODE
1800 Definitions
CODE OF REGULATIONS, TITLE 5
14037-14042 Proportionate direct costs for use of school facilities and grounds
UNITED STATES CODE, TITLE 20
7905 Equal access to public school facilities
COURT DECISIONS
Good News Club v. Milford Central School, (2001) 533 U.S. 98
Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384
Cole v. Richardson, (1972) 405 U.S. 676
Connell v. Higgenbotham, (1971) 403 U.S. 207
ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167
Ellis v. Board of Education, (1945) 27 Cal.2d 322
ATTORNEY GENERAL OPINIONS
82 Ops.Cal.Atty.Gen. 90 (1999)
79 Ops.Cal.Atty.Gen. 248 (1996)

Management Resources:
CSBA PUBLICATIONS
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010
Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Policy adopted: September 28, 2015
revised:

CARDIFF SCHOOL DISTRICT
Cardiff-By-The-Sea, California

Administrative Regulation

Use Of School Facilities 1330(a)
Community Relations

Application for Use of Facilities

Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

Persons or organizations applying for the use of school facilities or grounds shall submit a facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use school premises or facilities to commit unlawful acts.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131)

1. Public, literary, scientific, recreational, educational, or public agency meetings

2. The discussion of matters of general or public interest

3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization

4. Child care programs to provide supervision and activities for children of preschool and elementary school age

(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)

5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies

6. Supervised recreational activities, including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination

7. A community youth center

(cf. 1020 - Youth Services)

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

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

9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

10. Local Community Use of Playgrounds/Playfields

To the extent possible consistent with applicable law and other district safety and security policies, the district will open the playground and playfields portions of its school facilities ("Playgrounds and Playfields") to individual community members, including, students, parents, neighbors, and other individuals for the purpose of general recreation, exercise, etc. when such Playgrounds and Playfields are not in use by the district or other authorized Civic Center Act groups/organizations. Such Playgrounds and Playfields shall not be open or available for local community use when in use by the district or other authorized users. The district will control access to such Playgrounds and Playfields with appropriate perimeter fencing and access gates as needed consistent with the district's other applicable policies related to student safety and security. All such individual users shall be subject to use of the Playgrounds and Playfields at their own risk and shall at all times only use such facilities in a safe and reasonable manner. The district will post appropriate notices regarding the same on the applicable access points. The district also reserves the right to close such Playgrounds and Playfields at any time if it determines that any use and/or user might endanger the safety of district students, staff, or visitors, or might otherwise result in damage to district property (i.e. rainy days, etc.). The local individual community use authorized by this regulation is not intended to and does not include any use by a group or organization which is otherwise subject all other provisions of the district's Use of Facilities Community Relations Policy (BP 1330) and Administrative Regulation (AR 1330).

11. Other purposes deemed appropriate by the Governing Board

Restrictions

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law

2. Any use which is inconsistent with the use of the school facilities for school purposes or which interferes with the regular conduct of school or school work

3. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including tobacco

(cf. 3513.3 - Tobacco-Free Schools)

However, the Superintendent or designee may approve the use of district facilities for special events that may involve the acquisition, possession, use, or consumption of alcoholic beverages when the event is covered by a special events permit pursuant to Division 9 of the Business and Professions Code and will occur at a time when students are generally not on the school grounds. (Business and Professions Code 25608)

Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

The district may exclude certain school facilities from nonschool use for safety or security reasons.

Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

As permitted, the Superintendent or designee may require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

Regulation approved: September 28, 2015
revised:

CARDIFF SCHOOL DISTRICT
Cardiff-By-The-Sea, California

POLICY GUIDE SHEET
February 2017
Page 1 of 3

AR 1340 - Access to District Records
(AR revised)
Regulation updated to reflect **NEW LAW** (AB 2843, 2016) which prohibits disclosure of employees' personal cell phone numbers and birth dates, and **NEW LAW** (AB 2853, 2016) which authorizes the district, in response to a public records request, to post public records on its web site and refer the requesting member of the public to the location of the records on the web site. Regulation also revised to clarify access to documents containing names, salaries, and pension benefits of district employees and to records pertaining to claims and litigation against the district.

BP/AR 3311 - Bids
(BP/AR revised)
Policy and regulation updated to move some material into new BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures, AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment. Regulation also revises section on "Award of Contract" to expand the exceptions to awarding contracts based on lowest responsible bidder to include lease-leaseback contracts, which are based on "best value" as defined.

BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures
(BP/AR added)
New policy and regulation include material formerly in BP/AR 3311 - Bids pertaining to requirements of the Uniform Public Construction Cost Accounting Act (UPCCAA). Policy also adds prohibition against splitting a project or purchase into smaller work orders in order to evade requirements for competitive bidding, and legal authority to suspend the UPCCAA bidding process for the replacement or repair of a school facility in cases of emergency. Regulation also clarifies the requirement to disseminate the bid notice to the district's list of contractors.

AR 3311.2 - Lease-Leaseback Contracts
(AR added)
New regulation includes material formerly in BP/AR 3311 - Bids pertaining to requirements for awarding lease-leaseback contracts. Material significantly revised to reflect **NEW LAW** (AB 2316, 2016) which no longer permits the selection of a lease-leaseback contractor without advertising, and instead requires districts to use a comprehensive "best value" selection process.

AR 3311.3 - Design-Build Contracts
(AR added)
New regulation includes material formerly in BP/AR 3311 - Bids pertaining to requirements for awarding design-build contracts. Minor editorial changes made to clarify the process and more directly reflect law.

AR 3311.4 - Procurement of Technological Equipment
(AR added)
New regulation includes material formerly in BP/AR 3311 - Bids pertaining to requirements for the "competitive negotiation" process authorized for procurement of computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus.

AR 3543 - Transportation Safety and Emergencies
(AR revised)
Regulation updated to reflect **NEW LAW** (SB 1072, 2016) which (1) expands the required components of the transportation safety plan to include procedures to ensure that a student is not left unattended on the bus and procedures for designating an adult chaperone to accompany students on a student activity bus, and (2) requires installation of a child safety alert system on school buses by the beginning of the 2018-19 school year. Regulation also reflects **NEW LAW** (AB 1785, 2016) which prohibits a bus driver from using any electronic wireless communications device while driving, except when the device is voice-operated and used in hands-free mode or with a function that requires only a single swipe or tap of the driver's finger.

BP/AR 4030 - Nondiscrimination in Employment
(BP/AR revised)
Policy and regulation updated to reflect **NEW STATE REGULATIONS** (Register 2015, No. 50), as renumbered, which specify certain requirements to be included in district policy or regulation and extend protections against discrimination to unpaid interns and volunteers. Policy also adds requirement to post the California Department of Fair Employment and Housing publication on workplace discrimination and harassment, and reflects **NEW LAW** (SB 1063, 2016) which prohibits the payment of different wage rates based on race or ethnicity and prohibits the use of prior salary history by itself to justify any disparity in compensation. Regulation reflects provisions of new state regulations regarding training of supervisors and dissemination of the district's nondiscrimination policy to all employees.

BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment
(BP/AR revised)
Policy and regulation updated to reflect **NEW STATE REGULATIONS** (Register 2015, No. 50), as renumbered, which extend protections against sexual harassment to unpaid interns and volunteers, require districts to instruct supervisors to report complaints, and revise requirements pertaining to the training of supervisory employees.

BP 5030 - Student Wellness
(BP revised)
Policy updated to reflect **NEW FEDERAL REGULATIONS** (81 Fed. Reg. 50151) which address the content of the wellness policy, assurance of stakeholder participation in the development and updates of the policy, and periodic assessment and disclosure of compliance. Policy also reflects **NEW STATE LAW** (SB 1169, 2016) which no longer requires posting of district policy on nutrition and physical activity within cafeterias/eating areas, but does require annually informing the public of the content and implementation of the policy.

BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions
(BP/AR revised)
Policy and regulation updated to delete requirements related to the administration of medication in cases of epileptic seizures, as Education Code 49414.7 repeals by its own terms on January 1, 2017, and to clarify that districts may continue to administer such medication under the general authority in state law. Policy and regulation also reflect **NEW LAW** (AB 1748, 2016) which authorizes districts to stock and administer medication in cases of opioid overdose. Regulation also revises definition of epinephrine auto-injector pursuant to **NEW LAW** (AB 1386, 2016).

BP/AR 6164.6 - Identification and Education Under Section 504
(BP/AR revised)
Policy updated to add requirement to address the needs of students with disabilities in the district's local control and accountability plan. Regulation updated to reflect **NEW FEDERAL REGULATIONS** (81 Fed. Reg. 53203) which primarily revise definitions used in the Americans with Disabilities Act.

BB 9240 - Board Training
(BB revised)
Bylaw retitled and updated to address the purposes and importance of board training, recommended topics of training for new and first-term board members, and the district's process for selecting board training activities. The bylaw also reinforces the prohibition against a majority of the board members discussing district business of a specific nature while attending a conference or similar public gathering.

BB 9323 - Meeting Conduct
(BB revised)
Bylaw updated to reflect **NEW LAW** (AB 1787, 2016) which requires the board to provide a member of the public who uses a translator at least twice the allotted time to address the board during board meetings, unless simultaneous translation equipment is used. Bylaw also clarifies that the board may refer a member of the public to an appropriate complaint procedure, but cannot prohibit criticism of district employees, programs, or policies during a board meeting.

ACCESS TO DISTRICT RECORDS

Definitions

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

(cf. 3580 - District Records)
(cf. 9012 - Board Member Electronic Communications)

Writing means any handwriting, typewriting, printing, photostating, photographing, **photocopying,** transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of his/her membership, agency, office, or employment. **(Government Code 6252)**

Public Records

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)

(cf. 3100 - Budget)
(cf. 3460 - Financial Reports and Accountability)

2. Statistical compilations

3. Reports and memoranda

4. Notices and bulletins

5. Minutes of public meetings (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas (Government Code 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

ACCESS TO DISTRICT RECORDS (continued)

7. Official communications between the district and other government agencies

8. School-based program plans (Education Code 52850)

(cf. 0420 - School Plans/Site Councils)

9. Information and data relevant to the evaluation and modification of district plans

(cf. 0440 - District Technology Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

11. **Records pertaining to claims and litigation against the district which have been adjudicated or settled** ~~Claims filed against the district and records pertaining to pending litigation~~ (Government Code **6254**, 6254.25~~; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988)~~)

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

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

(cf. 9270 - Conflict of Interest)

13. Documents containing names, salaries, and pension benefits of district employees

~~13~~**14**. Employment contracts and settlement agreements (Government Code 53262)

(cf. 2121 - Superintendent's Contract)
(cf. 4117.5/4217.5/4317.5 - Termination Agreements)
(cf. 4141/4241 - Collective Bargaining Agreement)

ACCESS TO DISTRICT RECORDS (continued)

~~14~~**15**. Instructional materials including, but not limited to, textbooks (**Education Code 49091.10** ~~64 Ops.Cal.Atty.Gen. 186 (1981)~~)

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

~~Governing Board members shall have the ability to access public records permitted by law in the administration of their duties or open to inspection by members of the public.~~ **Access to public records of the district shall be granted to Governing Board members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available.** (Government Code 6252.5**, 6252.7**)

T~~he Superintendent or designee shall ensure that any public record containing personal information is redacted to ensure that such information~~**When disclosing to a member of the public any record that contains personal information**, including, but not limited to, an employee's home address**, home telephone number,** ~~or~~ social security number, **personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record** ~~is not disclosed to the public~~. **(Government Code 6254.29, 6254.3)**

Confidential Public Records

Records to which the members of the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, interagency or intradistrict memoranda that are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

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

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25~~; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988)~~)

ACCESS TO DISTRICT RECORDS (continued)

3. Personnel records, medical records, ~~student records,~~ or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

(cf. 4112.5/4212.5/4312.5) - Criminal Record Check)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
~~*(cf. 5125 - Student Records)*~~
~~*(cf. 5125.1 - Release of Directory Information)*~~

The home addresses, home telephone numbers, personal cell phone numbers, or birthdate of employees may only be disclosed as follows: (Government Code 6254.3)

a. To an agent or a family member of the employee

b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties

c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, **except that the home address and any telephone number for an** ~~unless the~~ employee **who** performs law enforcement-related functions**, or the birth date of any employee,** ~~or requests in writing that the information~~ **shall** not be disclosed

Upon written request of any employee, the district shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the district shall remove this information from any mailing list of the district except a list used exclusively to contact the employee.

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

d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

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

4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 5125.3 - Challenging Student Records)

ACCESS TO DISTRICT RECORDS (continued)

~~4.~~**5.** Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)

(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)

~~5.~~**6.** Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)

~~6.~~**7.** Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)

~~7.~~**8.** Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources**, except when disclosure is to a person acting within the scope of his/her duties in the administration of the library, to a person authorized in writing by the individual to whom the records pertain, or by court order** (Government Code 6254, 6267)

(cf. 6163.1 - Library Media Centers)

~~8.~~**9.** Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

(cf. 9124 - Attorney)

~~9.~~**10.** Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)

(cf. 0450 - Comprehensive Safety Plan)

~~10.~~**11.** Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code 6253.5)

(cf. 9223 - Filling Vacancies)

~~11.~~**12.** Minutes of Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

ACCESS TO DISTRICT RECORDS (continued)

~~12.~~**13.** Computer software developed by the district (Government Code 6254.9)

~~13.~~**14.** Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 6254.19)

~~14.~~**15.** Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

(cf. 5141.6 - School Health Services)

~~15.~~**16.** Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

16. **Any other r**~~R~~ecords for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

Inspection of Records and Requests for Copies

Any person may request a copy or inspection of any district record that is open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request

2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request

ACCESS TO DISTRICT RECORDS (continued)

3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request

4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records shall be open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 6253)

If any person requests that a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

ACCESS TO DISTRICT RECORDS (continued)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.

2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

   If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist

3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

Board Policy

Business and Noninstructional Operations BP 3311(a)

BIDS

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3000 - Concepts and Roles)
(cf. 3230 - Federal Grant Funds)
(cf. 3300 - Expenditures and Purchases)
(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)
(cf. 3311.2 - Lease-Leaseback Contracts)
(cf. 3311.3 - Design-Build Contracts)
(cf. 3311.4 - Procurement of Technological Equipment)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements ~~regarding contracting after~~ **for** competitive bidding. (Public Contract Code 20116~~, 22033~~)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders ~~and shall address the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101~~ **on the basis of a completed questionnaire and financial statements**.

(cf. 9270 - Conflict of Interest)

When calling for bids, the Superintendent or designee shall ensure that the bid specification**s** clearly describe**s** in appropriate detail the quality, delivery, and service required~~,~~ and include**s** all information which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Except as authorized by law ~~and specified in the administrative regulation~~, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

BIDS (continued)

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase ~~equipment or supplies~~ **any personal property** to the extent authorized by law. (Public Contract Code 20118)

~~For use in contracting for public works projects, the Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the required cost accounting procedures and the informal bidding procedures when allowed by law. The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.~~ [MOVED TO BP 3111.1 - UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES]

Legal Reference: (see next page)

BIDS (continued)

Legal Reference:

EDUCATION CODE
17070.10-17079.30 Leroy F. Greene School Facilities Act
17250.10-17250.55 Design-build contracts
17406 Lease-leaseback contracts
17595 Purchase of supplies through Department of General Services
17602 Purchase of surplus property from federal agencies
38083 Purchase of perishable foodstuffs and seasonable commodities
38110-38120 Apparatus and supplies
39802 Transportation services
BUSINESS AND PROFESSIONS CODE
7056 General engineering contractor
7057 General building contractor
CODE OF CIVIL PROCEDURE
446 Verification of pleadings
GOVERNMENT CODE
4217.10-4217.18 Energy conservation contracts
4330-4334 Preference for California-made materials
6252 Definition of public record
53060 Special services and advice
54201-54205 Purchase of supplies and equipment by local agencies
PUBLIC CONTRACT CODE
1102 Emergencies
1103 Definition, responsible bidder
2000-2002 Responsive bidders
3000-3010 Roofing projects
3400 Bids, specifications by brand or trade name not permitted
3410 United States produce and processed foods
4113 Prime contractor; subcontractor
6610 Bid visits
12200 Definitions, recycled goods, materials and supplies
20101-20103.7 Public construction projects, requirements for bidding
20103.8 Award of contracts
~~*20107 Bidder's security*~~
20110-20118.4 ~~*Contracting by school districts*~~ ***Local Agency Public Construction Act; school districts***
20189 Bidder's security, earthquake relief
~~*22002 Definition of public project*~~
~~*22030*~~***22000****-22045 Alternative procedures for public projects (UPCCAA)*
~~*22050 Alternative emergency procedures*~~
22152 Recycled product procurement
COURT DECISIONS
~~*McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)*~~
~~*Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261*~~
Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739
Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425
Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241
Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861
ATTORNEY GENERAL OPINIONS
89 Ops.Cal.Atty.Gen. 1 (2006)

BIDS (continued)

Management Resources:

~~*CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS*~~
~~*Cost Accounting Policies and Procedures Manual*~~
~~*Frequently Asked Questions*~~
WEB SITES
CSBA: http:// www.csba.org
California Association of School Business Officials: http://www.casbo.org
California Department of Education: http://www.cde.ca.gov
California Department of General Services: https://www.dgs.ca.gov
~~*California Uniform Construction Cost Accounting Commission:*~~
~~*http://www.sco.ca.gov/ard_cuccac.html*~~

Administrative Regulation

Business and Noninstructional Operations AR 3311(a)

BIDS

Advertised/Competitive Bids

The district shall advertise for ~~competitive bids~~ **any of the following: (Public Contract Code 20111)**

1. ~~when any~~ **A** public project contract **that** involves an expenditure of $15,000 or more**, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility**

~~*Public project* means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)~~

(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)
(cf. 3311.2 - Lease-Leaseback Contracts)
(cf. 3311.3 - Design-Build Contracts)

2. ~~The district shall also advertise for competitive bids when a~~ **A** contract **that** exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: ~~(Public Contract Code 20111)~~

~~1.~~**a.** The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district

(cf. 3230 - Federal Grant Funds)
(cf. 3311.4 - Procurement of Technological Equipment)

~~2.~~**b.** Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters

~~3.~~**c.** Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. *Maintenance* includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

BIDS (continued)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. ~~The district may accept a bid that has been submitted electronically or on paper.~~ (Public Contract Code 20112)

(cf. 1113 - District and School Web Sites)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify **in writing** the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover. **The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)**

   The bid ~~and~~ shall be accompanied by ~~one of the following~~ **a** form~~s~~ of bidder's security**, including either cash, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district.~~: **The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded.** (Public Contract Code ~~20107,~~ 20111**, 20112**)

   ~~a. Cash~~

   ~~b. A cashier's check made payable to the district~~

   ~~c. A certified check made payable to the district~~

BIDS (continued)

~~d. A bidder's bond executed by an admitted surety insurer and made payable to the district~~

~~The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)~~

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)

5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)

6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #6a below shall be used. (Public Contract Code 20103.8)

   a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.

   b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.

   c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

   The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

BIDS (continued)

7. **In determining the lowest bid, t**~~T~~he district shall consider only responsive bids **that conform to bid specifications and are submitted by** ~~from~~ **responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.** ~~in determining the lowest bid~~.

   a. When a bid is ~~disqualified as~~ **determined to be** nonresponsive ~~based on district investigation or other information not obtained from the submitted bid~~, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the ~~information~~ **determination.**

   b. When the lowest bidder is determined to be nonresponsible, the Superintendent or designee shall notify the bidder of his/her right to present evidence of his/her responsibility at a hearing before the Board.

~~8. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4~~.

~~9.~~**8.** After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

~~10. When a bid is disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.~~

Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized

~~proposal form~~ **prequalification questionnaire and financial record** which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

BIDS (continued)

When any public project involves an expenditure of $1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (~~Education Code 17406, 17407;~~ Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in **Public Contract Code 4113 or** ~~the~~ Business and Professions Code ~~4113,~~ 7056~~,~~ or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

   If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The district shall award each contract to the lowest responsible bidder**,** except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)

2. When the contract is for any transportation service which involves an expenditure of more than $10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of **a** student~~s~~ who ~~are~~ **is** to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

BIDS (continued)

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406

(cf. 3311.2 - Lease-Leaseback Contracts)

~~4.~~**5.** When procuring a design-build contract for a public works project in excess of $1,000,000 in accordance with ~~the section "Design-Build Contracts" below~~ **Education Code 17250.20**, in which case the Board may award the contract to either

BIDS (continued)

the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

(cf. 3311.3 - Design-Build Contracts)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

BIDS (continued)

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

~~**Alternative Bid Procedures for Technological Supplies and Equipment**~~ [SECTION MOVED TO NEW AR 3311.4]

~~**Design-Build Contracts**~~ [SECTION MOVED TO NEW AR 3311.3]

Limitation on Use of Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code **3002,** 3400)

1. Does not directly or indirectly limit bidding to any one specific concern

2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

   In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or **request for proposal (**RFP**)**, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use

2. To match others in use on a particular public improvement that has been completed or is in the course of completion

3. To obtain a necessary item that is only available from one source

4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

(cf. 9323.2 - Actions by the Board)

BIDS (continued)

Bids Not Required

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

(cf. 3300 - Expenditures and Purchases)
(cf. 3512 - Equipment)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district **and meet the cost effectiveness requirements specified in Government Code 4217.12**. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on cost **and savings** comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

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

BIDS (continued)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

(cf. 3517 - Facilities Inspection)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

Board Policy

Business and Noninstructional Operations BP 3311.1(a)

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

In awarding contracts for public works projects involving district facilities, the Governing Board desires to obtain the best value to the district and ensure the qualifications of contractors to complete the project in a satisfactory manner. ~~For use in contracting for public works projects, t~~**T**he Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including ~~the required cost accounting procedures and~~ the informal bidding procedures when allowed by law.

(cf. 3311 - Bids)
(cf. 7110 - Facilities Master Plan)

The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 22033)

Projects awarded through the UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

Emergency Actions

~~In cases of emergency w~~**W**hen **formal bids are required by law but an emergency necessitates immediate** repair or replacements ~~are necessary~~, the Board may**, upon a four-fifths vote of the Board,** proceed ~~at once~~ to replace or repair a facility without adopting plans, specifications, strain sheets, or working details~~,~~ or giving notice for bids to let contracts~~, in accordance with the contracting procedures in Public Contract Code 22050~~. The work may be done by day labor under the direction of the Board and/or contractor. **The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts**. (Public Contract Code **1102,** 22035, **22050**)

(cf. 9323.2 - Actions by the Board)

Legal Reference: (see next page)

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES
(continued)

Legal Reference:

PUBLIC CONTRACT CODE
1102 Definition of emergency
20110-20118.4 Local Agency Public Construction Act; school districts
22000-22020 California Uniform Construction Cost Accounting Commission
22030-22045 Alternative procedures for public projects (UPCCAA), especially:
22032 Applicability of procedures based on amount of project
22034 Informal bidding procedure
22035 Emergency need for repairs or replacement
22037-22038 Formal bidding procedures for projects exceeding $175,000
22050 Alternative emergency procedures

Management Resources:

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS
Cost Accounting Policies and Procedures Manual
Frequently Asked Questions
WEB SITES
CSBA: http:// www.csba.org
California Association of School Business Officials: http://www.casbo.org
California Uniform Construction Cost Accounting Commission:
http://www.sco.ca.gov/ard_cuccac.html

Administrative Regulation

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:

1. Public projects of $45,000 or less may be performed by district employees by force account, negotiated contract, or purchase order. (Public Contract Code 22032)

2. Contracts for public projects of $175,000 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)

   a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.

   b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by mail, fax, or email to ~~one or both of the following: (1) to~~ all contractors on the district's list for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due. **In addition, the Superintendent or designee may mail, fax, or email a notice inviting informal bids** ~~(2)~~ ~~T~~to all construction trade journals identified pursuant to Public Contract Code 22036.

   c. The district shall review the informal bids and award the contract, except that:

      (1) If all bids received through the informal process are in excess of $175,000, the contract may be awarded to the lowest responsible bidder, provided that the **Governing** Board adopts a resolution with a four-fifths vote to award the contract at $187,500 or less and the Board determines the district's cost estimate ~~was~~ **is** reasonable.

      (2) If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract.

3. Public projects of more than $175,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES
(continued)

a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:

(1) Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.

(2) By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to the notice required above, the district may give such other notice as it deems proper.

b. The district shall award the contract as follows:

(1) The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the district may accept the one it chooses.

(2) At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.

(3) If no bids are received through the formal bid procedure, the project may be performed by district employees by force account or negotiated contract.

(cf. 3311 - Bids)

Administrative Regulation

Business and Noninstructional Operations AR 3311.2(a)

LEASE-LEASEBACK CONTRACTS

~~Upon a determination that it is in the best interest of the district and without advertising for bids, the Board~~ **The district** may lease currently owned district property to any person, firm, or corporation for a minimum of $1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). **(Education Code 17406)**

(cf. 3280 - Sale or Lease of District-Owned Real Property)
(cf. 3312 - Contracts)

Any lease-leaseback contract shall be awarded through a competitive "best value" procurement process whereby a person, firm, or corporation is selected on the basis of objective criteria for evaluating the qualifications of proposers, with the resulting selection representing the best combination of price and qualifications. To make this determination, the district shall use the following procedures: (Education Code 17400, 17406)

1. Request for Sealed Proposals: The Superintendent or designee shall prepare a request for sealed proposals which shall include:

a. An estimate of the project's price

b. A clear, precise description of any preconstruction services that may be required and the facilities to be constructed

c. The key elements of the contract to be awarded

d. A description of the format that proposals shall follow and the elements they shall contain

e. The standards the district will use in evaluating proposals

f. The date on which proposals are due

g. The timetable the district will follow in reviewing and evaluating proposals

2. Notice: At least 10 days before the date for receipt of the proposals, the Superintendent or designee shall give notice of the request for sealed proposals using both of the following methods:

a. Providing notice at least once a week for two weeks in a local newspaper of general circulation pursuant to Public Contract Code 20112

LEASE-LEASEBACK CONTRACTS (continued)

b. Providing notice in a trade paper of general circulation published in the county where the project is located

The Superintendent or designee also may post the notice on the district's web site or through an electronic portal.

3. Prequalification: A proposer shall be prequalified in accordance with Public Contract Code 20111.6(b)-(m) in order to submit a proposal. Any electrical, mechanical, and plumbing subcontractors shall be subject to the same prequalification requirements.

(cf. 3311 - Bids)

4. Evaluation Criteria: The request for sealed proposals shall identify all criteria that the district will consider in evaluating the proposals and qualifications of the proposers, including relevant experience, safety record, price proposal, and other factors specified by the district. The price proposal shall include, at the district's discretion, either a lump-sum price for the contract to be awarded or the proposer's proposed fee to perform the services requested, including the proposer's proposed fee to perform preconstruction services or any other work related to the facilities to be constructed, as requested by the district.

The request for sealed proposals shall specify whether each criterion will be evaluated on a pass-fail basis or will be scored as part of the "best value" score, and whether proposers must achieve any minimum qualification score for award of the contract. For each scored criterion, the district shall identify the methodology and rating or weighting system that will be used by the district in evaluating the criterion, including the weight assigned to the criterion and any minimum acceptable score.

5. Evaluation of Proposals: All proposals received shall be reviewed to determine whether they meet the format requirements and the standards specified in the request for sealed proposals. The district shall evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the request for sealed proposals, and shall assign a best value score to each proposal. Once the evaluation is complete, all responsive proposals shall be ranked from the highest best value to the lowest best value to the district.

6. Award of Contract: The award of the contract shall be made by the Governing Board to the responsive proposer whose proposal is determined, in writing by the Board, to be the best value to the district.

LEASE-LEASEBACK CONTRACTS (continued)

If the selected proposer refuses or fails to execute the tendered contract, the Board may award the contract to the proposer with the second highest best value score, if deemed in the best interest of the district. If that proposer then refuses or fails to execute the tendered contract, the Board may award the contract to the proposer with the third highest best value score.

Upon issuance of a contract award, the district shall publicly announce its award, identifying the entity to which the award is made, along with a statement regarding the basis of the award. The statement regarding the contract award and the contract file shall provide sufficient information to satisfy an external audit.

7. Rejection of Proposals: At its discretion, the Board may reject all proposals and request new proposals.

Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code ~~17406,~~ 17407.5)

Any lease-leaseback agreement shall be reviewed by the district's legal counsel to ensure that all required terms, including a lease term that provides for the district's occupancy of the building or improved property during the lease and an appropriate financing component, are included in the agreement.

(cf. 9124 - Attorney)

Legal Reference:

EDUCATION CODE
17400 Definitions
17406 Lease-leaseback contract
17407.5 Use of a skilled and trained workforce
PUBLIC CONTRACT CODE
20111.6 Prequalification procedures
20112 Notices
COURT DECISIONS
McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)
Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261

Management Resources:

WEB SITES
CSBA: http:// www.csba.org
California Association of School Business Officials: http://www.casbo.org

Administrative Regulation

Business and Noninstructional Operations AR 3311.3(a)

DESIGN-BUILD CONTRACTS

~~When it is in the best interest of the district, t~~**T**he Governing Board may approve a contract with a single entity for both design and construction of any school facility in excess of $1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

(cf. 3311 - Bids)
(cf. 3312 - Contracts)
(cf. 7110 - Facilities Master Plan)
(cf. 7140 - Architectural and Engineering Services)

Design-build documents shall not include provisions for long-term project operations, but ~~The documents~~ may include operations during a training or transition period~~, but shall not include long-term operations for a project~~. **(Education Code 17250.25)**

The procurement process for design-build projects shall be as follows: (Education Code 17250.25**, 17250.35**)

1. The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:

   a. ~~t~~**T**he size, type, and desired design character of the project~~;~~

   b. ~~p~~**P**erformance specifications **that** cover~~ing~~ the quality of materials, equipment, **and** workmanship

   c. Preliminary plans or building layouts

   d. ~~a~~**A**ny other information deemed necessary to describe adequately the district's needs~~.~~

   ~~The documents may include operations during a training or transition period, but shall not include long-term operations for a project.~~ The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. The district shall prepare and issue a request for qualifications in order to prequalify**,** or develop a short list of**,** the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:

DESIGN-BUILD CONTRACTS (continued)

a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity

b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction ~~experience~~ **expertise**, acceptable safety record, and all other non-price-related factors

c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25

The district also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract. ~~(Education Code 17250.25)~~

3. The district shall prepare a request for proposals (**RFP**) that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The ~~request for proposals~~ **RFP** shall include the information identified in items #2a and 2b above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method **for a project**, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.

4. For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.

DESIGN-BUILD CONTRACTS (continued)

5. For those projects utilizing best value as a selection method, the following procedures shall be used:

   a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years.

   b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.

   c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public.

   d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

Legal Reference:
EDUCATION CODE
17250.10-17250.55 Design-build contracts

Management Resources:
WEB SITES
CSBA: http:// www.csba.org
California Association of School Business Officials: http://www.casbo.org
California Department of Education, Facilities: http://www.cde.ca.gov/ls/fa

Administrative Regulation

PROCUREMENT OF TECHNOLOGICAL EQUIPMENT

Rather than seek competitive bids, the district may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for ~~construction or for the procurement of~~ any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

(cf. 0440 - District Technology Plan)
(cf. 3230 - Federal Grant Funds)
(cf. 3311 - Bids)
(cf. 3312 - Contracts)

~~The competitive negotiation process shall include, but not be limited to, the following requirements:~~**Whenever the competitive negotiation process is determined to be appropriate for such procurements, the district shall use the following procedures:** (Public Contract Code 20118.2)

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.

2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.

3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources**,** and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.

4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.

5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.

PROCUREMENT OF TECHNOLOGICAL EQUIPMENT

6. The **Governing** Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district**,** ~~with~~ **considering** price and all other factors ~~considered~~.

7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.

8. The Board, at its discretion, may reject all proposals and request new RFPs.

~~9.~~ Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer. (Public Contract Code 20118.2)

Legal Reference:

PUBLIC CONTRACT CODE

20118.2 Contracting by school districts; technological equipment

Administrative Regulation

Business and Noninstructional Operations AR 3543(a)

TRANSPORTATION SAFETY AND EMERGENCIES

Prior to driving a student activity bus, the bus driver shall inspect the bus to ensure that it is in safe operating condition and equipped as required by law and that all equipment is in good working order.

(cf. 3540 - Transportation)
(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 3542 - School Bus Drivers)

~~In the event of a school bus accident, the driver shall immediately notify the California Highway Patrol, the Superintendent or designee, and, if the bus is operated under contract, the driver's employer. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)~~ [MOVED DOWN]

~~The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.~~ [MOVED DOWN]

~~*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*~~

Passenger Restraint Systems

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall use the passenger restraint system. (5 CCR 14105)

Bus drivers shall be instructed regarding procedures to enforce the proper use of the passenger restraint system. Students who fail to follow instructions of the bus driver may be subject to discipline, including suspension of riding privileges, in accordance with Board policy and administrative regulations.

(cf. 5131.1 - Bus Conduct)
(cf. 5144 - Discipline)

Fire Extinguishers

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. In addition, a wheelchair school bus shall have another fire extinguisher placed at the wheelchair loading door or emergency exit. All fire extinguishers shall be regularly inspected and serviced in accordance with regulations adopted by the State Fire Marshal. (Education Code 39838; 13 CCR 1242; 19 CCR 574-575.3)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Electronic Communications Devices

A bus driver ~~shall not drive~~ **is prohibited from driving** a student activity bus while using a wireless telephone ~~except under the following conditions: (Vehicle Code 23123, 23125)~~ **or other electronic wireless communications device except for work-related or emergency purposes, including, but not limited to, contacting a law enforcement agency, health care provider, fire department, or other emergency service agency or entity. In any such permitted situation, the driver shall only use a wireless telephone or device that is specifically designed and configured to allow voice-operated and hands-free operation or a function that requires only a single swipe or tap of the driver's finger provided the device is mounted on the windshield, dashboard, or center console of the bus. (Vehicle Code 23123.5, 23125)**

~~1. When he/she uses a wireless telephone that is specifically designed and configured to allow hands-free listening and talking, provided it is used in that manner while driving~~

~~2. For emergency purposes, including, but not limited to, a call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity~~

~~3. For work-related purposes~~

~~*(cf. 3513.1 - Cellular Phone Reimbursement)*~~

~~A bus driver shall not drive while using an electronic wireless communications device to write, send, or read a text-based communication, including, but not limited to, text messages, instant messages, and email, unless the device is specifically designed and configured to allow voice-operated and hands-free operation and is used in that manner. This prohibition does not include reading, selecting, or entering a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call. (Vehicle Code 23123.5)~~

Safe Bus Operations

Student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that individuals be transported immediately to ensure their safety. (Education Code 39834)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Bus drivers for school activity trips may discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

Unauthorized Entry

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization. (Education Code 39842; 13 CCR 1256.5)

(cf. 3515.2 - Disruptions)

Transportation Safety Plan for Boarding and Exiting Buses

The Superintendent or designee shall develop a transportation safety plan containing procedures for school personnel to follow to ensure the safe transport of students. The plan shall ~~include~~ **address** all of the following: (Education Code 39831.3)

1. ~~Procedures for b~~**B**oarding and exiting a school bus at a school or other trip destination

2. **Procedures to ensure that a student is not left unattended on a school bus, student activity bus, or youth bus**

   Such procedures shall include, on or before the beginning of the 2018-19 school year, the installation of a child safety alert system at the interior rear of each bus that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting. A student activity bus may be exempt from this requirement under the conditions specified in Vehicle Code 28160.

3. **Procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus**

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol **(CHP)**. (Education Code 39831.3)

Parental Notifications

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not previously been transported in a **district** school bus or student activity bus. This information shall be provided upon registration and shall contain general bus safety guidelines(Education Code 39831.5)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

(cf. 5145.6 - Parental Notifications)

Student Instruction

Students who are transported in a student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: (Education Code 39831.5; 5 CCR 14102)

> Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to, the location of emergency exits and the location and use of emergency equipment. This instruction also may include responsibilities of passengers seated next to an emergency exit.

Bus Accidents

In the event of a bus accident, the driver shall immediately notify the CHP~~,~~ **and** the Superintendent or designee~~, and, if the bus is operated under contract, the driver's employer~~. The driver shall not leave the immediate vicinity of the bus to seek aid unless necessary. (13 CCR 1219)

The Superintendent or designee shall maintain a report of each accident that occurred on public or private property involving a student activity bus with students aboard. The report shall contain pertinent details of the accident and shall be retained for 12 months from the date of the accident. If the accident was not investigated by the CHP, the Superintendent or designee shall forward a copy of the report to the local CHP within five work days of the date of the accident. (13 CCR 1234)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

Legal Reference:

EDUCATION CODE
39830-3984~~23~~ Transportation, school buses
39860 Contract for transportation; requirement that student not be left unattended
51202 Instruction in personal and public health and safety
PENAL CODE
241.3 Assault against school bus driver
243.3 Battery against school bus driver
VEHICLE CODE
415 Definition of motor vehicle
545-546 Definition of school bus and student activity bus
22112 Loading and unloading passengers
~~23123 Use of wireless telephone prohibited while driving motor vehicle~~
23123.5 ~~Text communications prohibited while driving motor vehicle~~ ***Use of wireless telephone or communications device while driving; exceptions***
23125 Use of wireless telephone prohibited while driving school bus
27316-27316.5 Passenger restraint systems
28160 Child safety alert system
34500 California Highway Patrol responsibility to regulate safe operation of school buses
34501.5 California Highway Patrol responsibility to adopt rules re: safe operation of school buses
34501.6 School buses; reduced visibility
34508 California Highway Patrol responsibility to adopt rules re: equipment and ***bus*** *operations ~~of school buses~~*
CODE OF REGULATIONS, TITLE 5
14100-14105 School buses and student activity buses
CODE OF REGULATIONS, TITLE 13
1200-1293 Motor carrier safety
2480 Airborne toxic control measure; limitation on bus idling
CODE OF REGULATIONS, TITLE 19
574-575.3 Inspection and maintenance of fire extinguishers
CODE OF FEDERAL REGULATIONS, TITLE 49
571.1-571.500 Motor vehicle standards, including school buses

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Passenger Restraints Frequently Asked Questions
WEB SITES
California Association of School Business Officials: http://www.casbo.org
American School Bus Council: http://www.americanschoolbuscouncil.org
California Association of School Transportation Officials: http://www.castoways.org
California Department of Education, Office of School Transportation: http://www.cde.ca.gov/ls/tn
California Highway Patrol: http://www.chp.ca.gov
~~National Coalition for School Bus Safety: http://www.ncsbs.org~~
National Transportation Safety Board: http://www.ntsb.gov
U.S. Department of Transportation, National Highway Traffic Safety Administration: http://www.nhtsa.dot.gov

Board Policy

All Personnel BP 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board is determined to provide district employees**, interns, volunteers,** and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. **This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.**

(cf. 1240 - Volunteer Assistance)
(cf. 4111/4211/4311 - Recruitment and Selection)

~~The Board prohibits~~ **No** district employee~~s from discriminating~~ **shall be discriminated** against or ~~harassing~~ **harassed by** any **coworker, supervisor, manager, or** other ~~district employee or job applicant~~ **person with whom the employee comes in contact in the course of employment,** on the basis of the~~ person's~~ **employee's** actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation~~,~~ or **his/her** association with a person or group with one or more of these actual or perceived characteristics**.**

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

~~The Board also prohibits discrimination against any employee or job applicant~~ **Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:**

1. **Discrimination** in hiring, compensation, terms, conditions, and other privileges of employment

2. ~~and the t~~**T**aking of ~~any~~ **an** adverse employment action, ~~including, but not limited to,~~ **such as** termination or the denial of employment, promotion, job assignment, or training~~, against an employee or job applicant based on any of the categories listed above.~~

(cf. 4151/4251/4351 - Employee Compensation)
(cf. 4154/4254/4354 - Health and Welfare Benefits)

3. ~~Harassment consists of u~~Unwelcome **conduct, whether** verbal, physical, or visual**,** ~~conduct that is based on any of the prohibited categories of discrimination listed above and~~ that is so severe or pervasive ~~that it~~ **as to** adversely affects an ~~individual's~~ **employee's** employment opportunities, **or that** has the purpose or effect of unreasonably interfering with the individual's work performance~~,~~ or create~~s~~**ing** an intimidating, hostile, or offensive work environment

NONDISCRIMINATION IN EMPLOYMENT (continued)

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

a. ~~Prohibited s~~**S**ex discrimination ~~includes discrimination~~ based on an employee's ~~or job applicant's~~ pregnancy, childbirth, breastfeeding, or any related medical condition **or on an employee's gender, gender expression, or gender identity, including transgender status**

(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

b. ~~Prohibited discrimination on the basis of religious creed includes~~ **Religious creed** discrimination based on an employee's ~~or job applicant's~~ religious belief or observance, including his/her religious dress or grooming practices**,** ~~. In accordance with Government Code 12940, prohibited discrimination on the basis of religious creed also includes~~ **or based on** the district's failure or refusal to use reasonable means to accommodate an employee's ~~or job applicant's~~ religious belief, observance, or practice which conflicts with an employment requirement. ~~However, the district shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.~~

c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition

(cf. 4032 - Reasonable Accommodation)

The Board also prohibits retaliation against any district employee ~~or job applicant~~ who opposes any discriminatory employment practice by the district or its employee**s**, agent**s**, or

NONDISCRIMINATION IN EMPLOYMENT (continued)

representative**s** or who complains, testifies, assists, or in any way participates in the district's complaint ~~procedures~~ **process** pursuant to this policy. No employee ~~or job applicant~~ who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who ~~does~~ report**s** such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment**,** ~~and~~ discrimination**, or other related conduct**, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

In addition, the Superintendent or designee shall post in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
CIVIL CODE
51.7 Freedom from violence or intimidation
GOVERNMENT CODE
11135 Unlawful discrimination
11138 Rules and regulations
12900-12996 Fair Employment and Housing Act
PENAL CODE
422.56 Definitions, hate crimes
CODE OF REGULATIONS, TITLE 2
11006-11086 Discrimination in employment
11013 Recordkeeping
11019 Terms, conditions and privileges of employment
11023 Harassment and discrimination prevention and correction
11024 Sexual harassment training and education
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 29
621-634 Age Discrimination in Employment Act
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age discrimination in federally assisted programs
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 Compliance information
104.7 Designation of responsible employee for Section 504
104.8 Notice
106.8 Designation of responsible employee and adoption of grievance procedures
106.9 Dissemination of policy
110.1-110.39 Nondiscrimination on the basis of age
COURT DECISIONS
Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863
Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference continued: (see next page)

Legal Reference: (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS
California Law Prohibits Workplace Discrimination and Harassment, December 2014
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Notice of Non-Discrimination, August 2010
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Questions and Answers: Religious Discrimination in the Workplace, 2008
New Compliance Manual Section 15: Race and Color Discrimination, April 2006
Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
WEB SITES
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr
U.S. Equal Employment Opportunity Commission: http://www.eeoc.gov

Administrative Regulation

All Personnel AR 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Cardiff School Principal, Ada Harris School Principal, Superintendent
(title or position)
1888 Montgomery Avenue, Cardiff CA, 92007
(address)
(760) 632-5892, (760) 632-5894, (760) 632-5890
(telephone number)

(email)

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation ~~against district employees, volunteers, interns, and job applicants~~ **in district employment**, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, ~~to employees, volunteers, interns, job applicants, and the general public~~ by: (5 CCR 4960; 34 CFR 100.6, 106.9)

   a. Including them in each announcement, bulletin, or application form that is used in employee recruitment

   b. Posting them in all district schools and offices, including staff lounges and other prominent locations

   c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

NONDISCRIMINATION IN EMPLOYMENT

2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)

a. Printing and providing a copy of the policy to all employees with an acknowledgment form for each employee to sign and return

b. Sending the policy via email with an acknowledgment return form

c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies

d. Discussing district policy with employees upon hire and/or during a new hire orientation session

e. Any other way that ensures employees receive and understand the policy

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

~~2~~3. Provide to employees a handbook that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior

~~3~~4. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources manager, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023)

(cf. 1240 - Volunteer Assistance)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

~~4~~5. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

NONDISCRIMINATION IN EMPLOYMENT

6. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce

Complaint Procedure

Any complaint ~~by an employee or job applicant~~ alleging **unlawful** discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant ~~who is an employee shall~~ **may** inform his/her **direct** supervisor~~. However, if the supervisor is the person against whom the employee is complaining, the employee shall inform~~**, another supervisor,** the coordinator**,** ~~or~~ the Superintendent~~.~~ **or, if available, a complaint hotline or an ombudsman.** ~~A job applicant shall inform the coordinator or the Superintendent or designee.~~

   The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

   A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

   The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4032 - Reasonable Accommodation)

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the **alleged discriminatory or harassing** behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

   The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the ~~allegations~~ **investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the investigation** will be kept confidential to the extent possible, but

NONDISCRIMINATION IN EMPLOYMENT (continued)

that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out his/her investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents ~~do not occur~~ **are prevented**. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the ~~complainant~~ **parties** and explain the reasons for the extension.

   The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, ~~correct the effect on~~ **provide appropriate options for remedial actions and resolutions for** the complainant, and ensure that retaliation or further discrimination or harassment ~~does not occur~~ **is prevented**.

   The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint

NONDISCRIMINATION IN EMPLOYMENT (continued)

against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960

2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)

3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

Board Policy

All Personnel BP 4119.11(a)
4219.11
SEXUAL HARASSMENT 4319.11

The Governing Board prohibits sexual harassment of district employees ~~and job applicants~~. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and **accompanying** administrative regulation. **This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.**

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

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 staff

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

3. Ensuring prompt, thorough, and fair 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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (~~5 CCR 4964~~ **2 CCR 11023**)

Any district employee ~~or job applicant~~ who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee~~, a job applicant or a student,~~ shall immediately report the incident to his/her supervisor, the principal, district administrator, or Superintendent.

A supervisor, principal, or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

SEXUAL HARASSMENT (continued)

Complaints of sexual harassment shall be filed in accordance with AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment ~~against a district employee, job applicant, or student is~~ in violation of this policy ~~and~~ is subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: (see next page)

SEXUAL HARASSMENT (continued)

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
12950.1 Sexual harassment training
LABOR CODE
1101 Political activities of employees
1102.1 Discrimination: sexual orientation
CODE OF REGULATIONS, TITLE 2
~~*7287.8 Retaliation*~~
~~*7288.0 Sexual harassment training and education*~~
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 receiving state financial assistance
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
CODE OF FEDERAL REGULATIONS, TITLE 34
106.9 Dissemination of policy
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:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
Protecting Students from Harassment and Hate Crime, January, 1999
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

This 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.

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; ~~5 CCR 4916~~ **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 ~~such~~ **the** conduct ~~by the individual~~ is used as the basis for an employment decision affecting ~~him/her~~ **the individual**.

~~4.~~**3.** Submission to or rejection of the conduct ~~by the other individual~~ is used as the basis for any decision affecting ~~him/her~~ **the individual** regarding benefits, services, honors, programs, or activities available at or through the district.

~~3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is sufficiently severe, persistent, pervasive, or objectively offensive as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.~~ ***Prohibited sexual harassment*** **also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.**

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

SEXUAL HARASSMENT (continued)

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

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. ~~Such~~ **The** training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)

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

A *supervisory employee* is any employee ~~with~~ **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 ~~to~~ 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)

SEXUAL HARASSMENT (continued)

The district's sexual harassment training and education program for supervisory employees shall ~~include the provision of~~ **be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following:** (Government Code 12950.1; 2 CCR ~~11023~~**11024**)

1. Information and practical guidance regarding federal and state laws on the prohibition**,** ~~against and the~~ prevention**,** and correction of sexual harassment, ~~and~~ the remedies available to ~~the victims of~~ sexual harassment **victims** in ~~employment~~ **civil actions, and potential district and/or individual exposure or liability**

2. ~~Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation~~**The types of conduct that constitute sexual harassment and 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**

~~3. A component on the prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance~~

3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment

4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint

5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed

~~4.~~**6.** A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received

SEXUAL HARASSMENT (continued)

~~3.~~**7.** ~~A component on t~~**T**he **definition and** prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

~~5. All other contents of mandated training specified in 2 CCR 11023~~

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 ~~11023~~ **11024**)

Notifications

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

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

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

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

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

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

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)

SEXUAL HARASSMENT (continued)

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

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

Board Policy

Students BP 5030(a)

STUDENT WELLNESS

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

(cf. 1020 - Youth Services)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
(cf. 6164.2 - Guidance/Counseling Services)

School ~~Health~~ Wellness Council~~/Committee~~

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b**; 7 CFR 210.30**)

To fulfill this requirement, the Superintendent or designee may appoint a school **wellness** ~~health~~ council or other district committee~~, whose membership shall include representatives of these groups~~ **and a wellness council coordinator**. **The council may include representatives of the groups listed above, as well as** ~~He/she also may invite participation of other groups or individuals, such as~~ health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)
(cf. 9140 - Board Representatives)

STUDENT WELLNESS (continued)

The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The ~~school health~~ **wellness** council~~/committee~~ shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council~~/committee~~ may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

Goals for Nutrition, Physical Activity, and Other Wellness Activities

The Board shall adopt **specific** goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. **In developing such goals, the Board shall review and consider evidence-based strategies and techniques**. (42 USC 1758b**; 7 CFR 210.30**)

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

The district's nutrition education and physical education programs shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

(cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer Learning Programs)

~~To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means.~~

~~*(cf. 1325 - Advertising and Promotion)*~~

STUDENT WELLNESS (continued)

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 5142.2 - Safe Routes to School Program)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

(cf. 1330.1 - Joint Use Agreements)

Professional development ~~shall~~ **may** be regularly offered to **the nutrition program director, managers, and staff, as well as** health education **teachers,** ~~and~~ physical education teachers, coaches, activity supervisors, ~~food services staff,~~ and other staff as appropriate to enhance their ~~health~~ knowledge and skills **related to student health and wellness**.

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

~~The Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.~~

~~*(cf. 1100 - Communication with the Public)*~~
~~*(cf. 1112 - Media Relations)*~~
~~*(cf. 1113 - District and School Web Sites)*~~
~~*(cf. 1114 - District-Sponsored Social Media)*~~
~~*(cf. 6020 - Parent Involvement)*~~

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

STUDENT WELLNESS (continued)

(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

Nutrition~~al~~ Guidelines for All Foods Available at School

For all foods **and beverages** available on each campus during the school day, the district shall adopt nutrition~~al~~ guidelines which are consistent with 42 USC **1758, 1766,** 1773**,** and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3552 - Summer Meal Program)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5148 - Child Care and Development)
(cf. 5148.3 - Preschool/Early Childhood Education)

The Superintendent or designee shall provide access to free, potable water ~~during meal times~~ in the food service area **during meal times** in accordance with Education Code 38086 and 42

USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and **by** serving water in an appealing manner.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's **reimbursable** food services program, should support the health curriculum and promote optimal health. Nutrition~~al~~ standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutrition~~al~~ standards.

(cf. 3312 - Contracts)
(cf. 3554 - Other Food Sales)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

STUDENT WELLNESS (continued)

He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7 CFR 210.30)

(cf. 1325 - Advertising and Promotion)

Program Implementation and Evaluation

The Superintendent ~~shall~~ designate**s the individual(s) identified below as the individual(s) responsible for ensuring** ~~one or more district or school employees, as appropriate, to ensure~~ that each school site complies with ~~this~~ **the district's wellness** policy. (42 USC 1758b**; 7 CFR 210.30)**
Julie Parker, Principal Cardiff School
(Title or Position)

(760) 632-5890
(Phone Number)

(Email Address)

(cf. 0500 - Accountability)
(cf. 3555 - Nutrition Program Compliance)

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every ~~two~~ **three** years. **(42 USC 1758b; 7 CFR 210.30)**

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the ~~school health~~ **wellness** council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

STUDENT WELLNESS (continued)

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements

2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records

3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program

4. Extent to which foods **and beverages** sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutrition~~al~~ standards

5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards

~~5.~~**6.** Results of the state's physical fitness test at applicable grade levels

~~6.~~**7.** Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity

~~7.~~**8.** A description of district efforts to provide additional opportunities for physical activity outside of the physical education program

~~8.~~**9.** A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

~~The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.~~[MOVED UP]

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

STUDENT WELLNESS (continued)

~~The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the content and implementation of this policy and assessment results. (42 USC 1758b)~~[MOVED TO "NOTIFICATIONS" SECTION]

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

~~In addition, t~~The assessment results **of both the district and state evaluations** shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

~~**Posting Requirements**~~

~~Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)~~

Notifications

The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee ~~may disseminate health information and/or the district's student wellness policy to parents/guardians through~~ **shall distribute this information through the most effective methods of communication, including** district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health **and wellness** and academic performance.

(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 6020 - Parent Involvement)

STUDENT WELLNESS (continued)

Each school ~~shall also~~ **may** post a summary of nutrition and physical activity laws and regulations prepared by the ~~California Department of Education~~ **CDE**.

Records

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.30)

Legal Reference: (see next page)

STUDENT WELLNESS (continued)

Legal Reference:

EDUCATION CODE
33350-33354 CDE responsibilities re: physical education
38086 Free fresh drinking water
49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-4956~~1~~2 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act
51210 Course of study, grades 1-6
51210.1-51210.2 Physical education, grades 1-6
51210.4 Nutrition education
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-5179~~6.5~~8 School instructional gardens
51880-51921 Comprehensive health education
CODE OF REGULATIONS, TITLE 5
15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
UNITED STATES CODE, TITLE 42
*1751-1769**j** National School Lunch Program, especially:*
1758b Local wellness policy
1771-179~~1~~3 Child Nutrition Act, especially:
1773 School Breakfast Program
1779 Rules and regulations, Child Nutrition Act
CODE OF FEDERAL REGULATIONS, TITLE 7
*210.1-210.3~~1~~3 National School Lunch Program**, especially:***
210.30 Wellness policy
220.1-220.22 National School Breakfast Program
COURT DECISIONS
Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS
Integrating Physical Activity into the School Day, Governance Brief, April 2016
*Increasing Access to Drinking Water in Schools, Policy Brief, ~~March~~**April** 2013*
Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012
Physical Activity and Physical Education in California Schools, Research Brief, April 2010
Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Management Resources continued: (see next page)

STUDENT WELLNESS (continued)

Management Resources: (continued)

CSBA PUBLICATIONS (continued)
Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009
Physical Education and California Schools, Policy Brief, rev. October 2007
School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003
CALIFORNIA PROJECT LEAN PUBLICATIONS
Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
CENTER FOR COLLABORATIVE SOLUTIONS
*Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, ~~March 2010~~ **January 2015***
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, ~~2005~~ **rev. 2012***
FEDERAL REGISTER
*Rules and Regulations, ~~January 26, 2012, Vol. 77, Number 17, pages 4088-4167~~ **July 29, 2016, Vol. 81, Number 146, pages 50151-50170***
NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS
*Fit, Healthy and Ready to Learn, ~~2000~~ **rev. 2012***
U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
*Dietary Guidelines for Americans, ~~2005~~ **2016***
~~Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000~~
WEB SITES
CSBA: http://www.csba.org
Action for Healthy Kids: http://www.actionforhealthykids.org
Alliance for a Healthier Generation: http://www.healthiergeneration.org
California Department of Education, Nutrition Services Division: http://www.cde.ca.gov/ls/nu
California Department of Public Health: http://www.cdph.ca.gov
California Healthy Kids Resource Center: http://www.californiahealthykids.org
California Project LEAN (Leaders Encouraging Activity and Nutrition): http://www.californiaprojectlean.org
California School Nutrition Association: http://www.calsna.org
Center for Collaborative Solutions: http://www.ccscenter.org
Centers for Disease Control and Prevention: http://www.cdc.gov
Dairy Council of California: http://www.dairycouncilofca.org
National Alliance for Nutrition and Activity: http://www.cspinet.org/nutritionpolicy/nana.html
National Association of State Boards of Education: http://www.nasbe.org
School Nutrition Association: http://www.schoolnutrition.org
Society for Nutrition Education: http://www.sne.org
U.S. Department of Agriculture, Food Nutrition Service, wellness policy: http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html
U.S. Department of Agriculture, Healthy Meals Resource System: http://healthymeals.fns.usda.gov

Board Policy

Students BP 5141.21(a)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

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

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan**,** as applicable.

(cf. 5141.24 - Specialized Health Care Services)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 - Visitors/Outsiders)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 6116 - Classroom Interruptions)

The Superintendent or designee shall make available epinephrine auto-injectors at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

~~In addition, t~~**T**he Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Administration of Medication by School Personnel

~~Any medication prescribed by an authorized health care provider, including, but not limited to, emergency antiseizure medication for a student who suffers epileptic seizures, auto-injectable epinephrine, insulin, or glucagon, may be administered by tha school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423; 5 CCR 600)~~

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, ~~and~~ administrative regulation**, and, ~~as applicable,~~ the written statement provided by the student's parent/guardian and authorized health care provider.** ~~and~~ **Such personnel** shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

~~When medically unlicensed school personnel are authorized by law to administer any medication to students, such as emergency antiseizure medication, auto-injectable epinephrine, insulin, or glucagon, t~~**T**he Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, **49414.3,** 49414.5, ~~49414.7,~~ 49423, 49423.1)

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

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

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Legal Reference:

EDUCATION CODE
48980 Notification at beginning of term
49407 Liability for treatment
49408 Emergency information
49414 Emergency epinephrine auto-injectors
49414.3 Emergency medical assistance; administration of medication for opioid overdose
49414.5 Providing school personnel with voluntary emergency training
~~*49414.7 Emergency medical assistance; administration of epilepsy medication*~~
49422-49427 Employment of medical personnel, especially:
49423 Administration of prescribed medication for student
49423.1 Inhaled asthma medication
49480 Continuing medication regimen; notice
BUSINESS AND PROFESSIONS CODE
2700-2837 Nursing, especially:
2726 Authority not conferred
2727 Exceptions in general
3501 Definitions
4119.2 Acquisition of epinephrine auto-injectors
4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist
CODE OF REGULATIONS, TITLE 5
600-611 Administering medication to students
~~*620-627 Administration of emergency antiseizure medication by trained volunteer nonmedical school personnel*~~
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504
COURT DECISIONS
American Nurses Association v. Torlakson, (2013) 57 Cal.~~App.~~4th 570

Management Resources:

~~*CSBA PUBLICATIONS*~~
~~*Pandemic Influenza, Fact Sheet, September 2007*~~
AMERICAN DIABETES ASSOCIATION PUBLICATIONS
Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006
*Training Standards for the Administration of Epinephrine Auto-Injectors, ~~December 2004~~**rev. 2015***
Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
Program Advisory on Medication Administration, 2005
NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS
Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003
WEB SITES
CSBA: http://www.csba.org
American Diabetes Association: http://www.diabetes.org
California Department of Education, Health Services and School Nursing: http://www.cde.ca.gov/ls/he/hn
National Diabetes Education Program: http://www.ndep.nih.gov
U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma

Administrative Regulation

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

~~*Emergency medical assistance for a student suffering an epileptic seizure* means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures. (Education Code 49414.7; 5 CCR 621)~~

Epinephrine auto-injector means a disposable ~~drug~~ delivery ~~system with a spring-activated needle that is designed for emergency administration of epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis~~ **device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction**. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

(cf. 5141.23 - Asthma Management)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

(cf. 5145.6 - Parental Notifications)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.

2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

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

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Providing parent/guardian and authorized health care provider written statements each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, ~~49414.7,~~ 49423, 49423.1; 5 CCR 600, 626)

2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed. (Education Code 49480)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

~~3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency antiseizure medication administered to him/her within the past four hours on a school day. (Education Code 49414.7)~~

~~4.~~**3.** Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

Parent/Guardian Statement

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student

2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication

3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration

4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment

5. Contain an acknowledgment that the parent/guardian understands that he/she may terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

1. Consent to the self-administration

2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation

2. That the individual is permitted to be on the school site

3. Any limitations on the individual's authority

Health Care Provider Statement

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer ~~auto-injectable epinephrine or~~ prescribed ~~diabetes or asthma~~ medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code ~~49414.7,~~ 49423, 49423.1; 5 CCR 602~~, 626~~)

2. The name of the medication (Education Code ~~49414.7,~~ 49423, 49423.1; 5 CCR 602~~, 626~~)

3. The method, amount, and time schedules by which the medication is to be taken (Education Code ~~49414.7,~~ 49423, 49423.1; 5 CCR 602~~, 626~~)

4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code **49414.5,** 49423, 49423.1; 5 CCR 602)

5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)

~~5.~~**6.** For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

~~6.~~**7.** Possible side effects of the medication

~~7.~~**8.** Name, address, telephone number, and signature of the student's authorized health care provider

~~When authorizing a district employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following: (Education Code 49414.7; 5 CCR 626)~~

~~1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary~~

~~2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services~~

~~3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class and the length of time he/she should be under direct observation~~

~~4. A statement that, following a seizure, a school administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan~~

District Responsibilities

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement

2. Accept delivery of medications from parents/guardians and count and record them upon receipt

3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered

4. Maintain for each student a medication log which may:

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student

6. Ensure that student confidentiality is appropriately maintained

(cf. 5125 - Student Records)

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

(cf. 5148.2 - Before/After School Programs)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take his/her medication

9. Keep all medication to be administered by the district in a locked drawer or cabinet

10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects

11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance

14. ~~Provide immediate medical assistance if needed, r~~**R**eport to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

~~**Additional Requirements for Management of Epileptic Seizures**~~ [SECTION DELETED]

Emergency Epinephrine Auto-Injectors

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

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

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414~~,~~ and shall be based on the standards developed by the Superintendent of Public Instruction **(SPI)**. Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

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

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414)

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

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

(cf. 3290 - Gifts, Grants and Bequests)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

(cf. 3580 - District Records)

Board Policy

Instruction BP 6164.6(a)

IDENTIFICATION AND EDUCATION UNDER SECTION 504

The Governing Board believes that all children, including children with disabilities, should have ~~an~~ **the** opportunity to learn in a safe and nurturing environment. The ~~district~~ **Superintendent or designee** shall work to identify children with disabilities who reside within ~~its~~ **the** jurisdiction **of the district** in order to ensure that they receive educational and related services required by law.

The Superintendent or designee shall provide ~~identified~~ **qualified** students with disabilities with a free appropriate public education **(FAPE)**, as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of ~~nondisabled~~ students **without disabilities** are met. (34 CFR 104.33)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6145.5 - Student Organizations and Equal Access)

The district's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Superintendent or designee shall assess the district's progress in attaining the goals established for students with disabilities and shall report these results to the Board. (Education Code 52052, 52060)

(cf. 0460 - Local Control and Accountability Plan)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Legal Reference: (see next page)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Legal Reference:

EDUCATION CODE
49423.5 Specialized physical health care services
52052 Numerically significant student subgroups
52060-52077 Local control and accountability plan
56043 Special education, timelines
56321 Assessment; development of IEP; parental notifications, consent
CODE OF REGULATIONS, TITLE 5
3051.12 Health and Nursing Services
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
705 Definitions; Vocational Rehabilitation Act
794 Rehabilitation Act of 1973, Section 504
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
CODE OF REGULATIONS, TITLE 28
35.101-35.190 Nondiscrimination on the basis of disability in state and local government services
CODE OF FEDERAL REGULATIONS, TITLE 34
104.1-104.61 Nondiscrimination on the basis of handicap, especially:
104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973
104.3 Definitions
104.32 Location and notification
104.33 Free appropriate public education
104.34 Educational setting
104.35 Evaluation and placement
104.36 Procedural safeguards
104.37 Nonacademic services
104.7 Responsible employee; grievance procedures
COURT DECISIONS
Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

Management Resources:

CSBA PUBLICATIONS
*Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, ~~November~~ **December** 2007*
CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016
Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015
Dear Colleague Letter~~:~~, January 2013
Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools~~:~~, January 2012
Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007

Management Resources continued: (see next page)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Management Resources: (continued)

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://www2.ed.gov/about/offices/list/ocr

Administrative Regulation

Instruction AR 6164.6(a)

IDENTIFICATION AND EDUCATION UNDER SECTION 504

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

Ada Harris School Principal
(position title)
1508 Windsor Road, Cardiff CA 92007
(address)
(760) 632-5894
(telephone number)

Definitions

For the purpose of implementing Section 504 ~~of the Rehabilitation Act of 1973~~, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of ~~nondisabled~~ students **without disabilities** are met, ~~without~~ **at no** cost to the student or his/her parent/guardian except when a fee is ~~imposed on nondisabled students~~ **specifically authorized by law for all students.** (34 CFR 104.33)

(cf. 3260 - Fees and Charges)

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (**28 CFR 35.108** ~~34 CFR 104.3~~)

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more ~~of the following~~ body systems**, such as**~~:~~ neurological~~;~~**,** musculoskeletal, special sense organs~~;~~**,** respiratory~~,~~ **(**including speech organs**)**~~;~~**,** cardiovascular~~;~~**,** reproductive, digestive, genito-urinary~~;~~**,** **immune**, hemic**,** ~~and~~ lymphatic~~;~~**,** skin~~;~~**,** and endocrine. (**28 CFR 35.108** ~~34 CFR 104.3~~)

Mental impairment means any mental or psychological disorder, such as ~~mental retardation~~ **intellectual disability**, organic brain syndrome, emotional or mental illness, and specific learning disability~~ies~~. (**28 CFR 35.108** ~~34 CFR 104.3~~)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

Substantially limits major life activities means limiting a person's ability to perform functions, **as compared to most people in the general population,** such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, **writing,** communicating**,** and working. *Major life activities* also includes major bodily functions such as functions of the immune system, **special sense organs and skin,** normal cell growth, ~~and~~ digestive, bowel, bladder, neurological, brain, respiratory, circulatory, **cardiovascular,** endocrine, **hemic, lymphatic, musculoskeletal,** and reproductive functions**, as well as the operation of an individual organ within a body system. The determination of whether an impairment** ~~*S*~~*substantially limits* **a student's major life activities** shall be ~~determined~~ **made** without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. *Mitigating measures* **are measures that an individual may use to eliminate or reduce the effects of an impairment,** includ~~e~~**ing**, but ~~are~~ not limited to, medications, **medical supplies or equipment,** prosthetic devices, assistive devices, **reasonable modifications or auxiliary aids or services,** learned behavioral~~,~~ or adaptive neurological modifications, **psychotherapy, behavioral therapy, or physical therapy.** ~~which an individual may use to eliminate or reduce the effects of an impairment.~~ (42 USC 12102; **28 CFR 35.108** ~~34 CFR 104.3~~)

Referral, Identification, and Evaluation

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.

(cf. 6164.5 - Student Success Teams)

2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

   If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

3. If ~~it is determined that~~ the student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement. (34 CFR 104.35)

   Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

   The district's evaluation procedures shall ensure that the tests and other evaluation materials: (34 CFR 104.35)

   a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers

   b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient

   c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

Section 504 Services Plan and Placement

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multidisciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

   The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

   In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

   The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a ~~disabled~~ person **with a disability** under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame. **The district shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.**

6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

   If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5125 - Student Records)

Review and Reevaluation

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of ~~nondisabled~~ students **without disabilities are met**. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

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

Procedural Safeguards

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, **or if the parent/guardian did not request an administrative review,** he/she may request a Section 504 due process hearing.

A Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

a. The specific nature of the decision with which he/she disagrees

b. The specific relief he/she seeks

c. Any other information he/she believes is pertinent to resolving the disagreement

2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.

3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.

4. The parties to the hearing shall be afforded the right to:

a. Be accompanied and advised by **legal** counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504

b. Present written and oral evidence

c. Question and cross-examine witnesses

d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

(cf. 5145.6 - Parental Notifications)

Board Bylaw

Board Bylaws BB 9240(a)

BOARD ~~DEVELOPMENT~~ TRAINING

~~Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training~~ **The Governing Board believes that the Board's ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. Board members shall be provided sufficient opportunities for professional development** that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.

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

The Board and/or the Superintendent or designee shall provide an orientation to newly elected or appointed Board members which includes comprehensive information regarding Board roles, policies, and procedures and the district's vision and goals, operations, and current challenges. Throughout their first term, Board members shall continue to participate in additional educational opportunities designed to assist them in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, labor relations, community relations, program evaluation, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

(cf. 9230 - Orientation)

All Board members are encouraged to continuously participate in advanced training offered by the California School Boards Association in order to reinforce boardsmanship skills and build knowledge related to key education issues. Such activities may include online courses, webinars, webcasts, and in-person attendance at workshops and conferences. In addition, workshops and consultations may be held within the district on issues that involve the entire governance team.

Funds for ~~B~~**b**oard ~~development~~ **training** shall be budgeted annually for **the Board and** each Board member. **In selecting appropriate activities, the Board and/or individual Board members shall consider activities that are aligned with the district's vision and goals and the needs of the Board or individual member to obtain specific knowledge and skills. The Board shall annually develop a board training calendar in order to schedule and track board training activities and to schedule opportunities for Board members to report on the activities in which they participated.**

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 3100 - Budget)
(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

BOARD ~~DEVELOPMENT~~ TRAINING (continued)

~~All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences.~~ **Board members may attend a conference or similar public gathering with other Board members and/or with the Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team-building exercises. In such cases, a majority of the Board members shall not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the district's jurisdiction, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.**

(cf. 9320 - Meetings and Notices)

Board members shall report ~~to the Board~~, orally or in writing, ~~as soon as possible~~ on the ~~inservice~~ **board training** activities they attend**, for the purpose of sharing the acquired knowledge or skills with the full Board and enlarging the benefit of the activity to the Board and district.**

Legal Reference: (see next page)

BOARD ~~DEVELOPMENT~~ TRAINING (continued)

Legal Reference:

~~*EDUCATION CODE*~~
~~*33360 Department of Education and statewide association of school district boards; annual workshop*~~
GOVERNMENT CODE
54950-54963 The Ralph M. Brown Act, especially:
54952.2 Meeting

Management Resources:

CSBA PUBLICATIONS
Professional Governance Standards for School Boards
WEB SITES
CSBA: http://www.csba.org
California County Boards of Education: http://www.theccbe.org
National School Boards Association: http://www.nsba.org

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 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)

~~If a Board consists of seven members and not more than two vacancies occur on the Board,~~

MEETING CONDUCT (continued)

Provided the Board typically has seven members and there are no more than two vacancies on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. In addition, ~~if a vacancy exists on the Board,~~ whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

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.

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 or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her 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.

MEETING CONDUCT (continued)

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.

Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the **Board** president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. 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.

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) ~~In addition, the Board may not prohibit public criticism of district employees.~~

c. ~~In addition, t~~**T**he Board shall not prohibit public criticism of district employees. **However, w**~~W~~henever 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.** ~~that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges, in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The Board president shall also encourage the complainant to file a complaint using the appropriate district complaint procedure.~~

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

MEETING CONDUCT (continued)

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**.

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 ~~shall~~ **may** designate locations from which members of the public may ~~broadcast, photograph, or tape record open meetings~~ **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: (see next page)

MEETING CONDUCT (continued)

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 ~~tape~~ 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)

Management Resources:

CSBA PUBLICATIONS
Call to Order: A Blueprint for Great Board Meetings, 2015
*The Brown Act: School Boards and Open Meeting Laws, rev. ~~2005~~**2014***
~~Board Presidents' Handbook, rev. 2002~~
~~Maximizing School Board Governance: Boardsmanship~~
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: ~~http://www.caag.state.ca.us~~**https://oag.ca.gov***

Comprehensive School Safety Plan

Cardiff School District

Jill Vinson, Superintendent
jillvinson@cardiffschools.com
760-632-5890

This document is available for public inspection during regular business hours at 1888 Montgomery Ave., Cardiff, CA 92007

NOTE: Tactical information is excluded from the public inspection document. A "Public Inspection Log" will be used to record the name, address, phone number and method used for verifying the identity of all individuals requesting to inspect this plan. This document is not available for inspection on the internet.

Cardiff School District

Comprehensive School Safety Plan - Signature Page
2016-17

The undersigned members of the Cardiff School District School Site Council certify that the requirements of California Education Code 32280-32282 have been met in the development of the following Comprehensive School Safety Plan.

Julie Parker, Principal	January 31, 2017
Keith Carter, Teacher Representative	January 31, 2017
Noelle Smiley, Parent	January 31, 2017
Tracy Conrey, Classified Representative	January 31, 2017

DISTRICT VISION STATEMENT

Our envisioned future articulates our organizational aspirations in the hearts and minds of our students, parents, staff, and community. We actively promote this vision to engage our stakeholders and maintain our focus on what is essential. We envision:

Lifelong Learners | Contributing Citizens | Educational Excellence

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A. Child Abuse Reporting Procedures

In accordance with **AB 1432**, passed in September, 2014, the Cardiff School District:

1. Annually trains, using the **online training module** provided by the State Department of Social Services, or other training, employees and persons working on their behalf who are mandated reporters, as defined in **Penal Code 11165.7**, on the mandated reporting requirements.
2. Developed a process for all persons required to receive training under the bill to provide proof of completing this training within the first 6 weeks of each school year or within 6 weeks of that person's employment.

The district Board Policy and Administrative Regulation and the form used for reporting cases of suspected child abuse or neglect are as follows:

Students BP 5141.4(a)

CHILD ABUSE PREVENTION AND REPORTING

Child Abuse Prevention

The Governing Board recognizes the district's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

The Superintendent or designee shall seek to incorporate community resources into the district's child abuse prevention programs. To the extent feasible, the Superintendent or designee shall use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

(cf. 1020 - Youth Services)

Child Abuse Reporting

The Board recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

(cf. 0450 - Comprehensive Safety Plan)

Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)

Legal Reference:

EDUCATION CODE
32280-32288 Comprehensive school safety plans
33308.1 Guidelines on procedure for filing child abuse complaints
44690-44691 Staff development in the detection of child abuse and neglect
44807 Duty concerning conduct of students
48906 Notification when student released to peace officer
48987 Dissemination of reporting guidelines to parents
49001 Prohibition of corporal punishment
51220.5 Parenting skills education
PENAL CODE
152.3 Duty to report murder, rape, or lewd or lascivious act
273a Willful cruelty or unjustifiable punishment of child; endangering life or health
288 Definition of lewd or lascivious act requiring reporting
11164-11174.4 Child Abuse and Neglect Reporting Act
WELFARE AND INSTITUTIONS CODE
15630-15637 Dependent adult abuse reporting
CODE OF REGULATIONS, TITLE 5
4650 Filing complaints with CDE, special education students

Management Resources:

CDE LEGAL ADVISORIES
0514.93 Guidelines for parents to report suspected child abuse
WEB SITES
California Attorney General's Office, Crime and Violence Prevention Center: http://safestate.org
California Department of Education, Safe Schools: http://www.cde.ca.gov/ls/ss
California Department of Social Services, Children and Family Services Division: http://www.childsworld.ca.gov
U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and Neglect Information: http://nccanch.acf.hhs.gov

Policy **CARDIFF SCHOOL DISTRICT**
adopted: January 16, 2008 Cardiff-By-The-Sea, California

SUSPECTED CHILD ABUSE REPORT

To Be Completed by **Mandated Child Abuse Reporters**
Pursuant to Penal Code Section 11166

PLEASE PRINT OR TYPE

CASE NAME: _____

CASE NUMBER: _____

A. REPORTING PARTY

NAME OF MANDATED REPORTER	TITLE	MANDATED REPORTER CATEGORY
REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS Street City Zip		DID MANDATED REPORTER WITNESS THE INCIDENT? ☐ YES ☐ NO
REPORTER'S TELEPHONE (DAYTIME) ( )	SIGNATURE	TODAY'S DATE

B. REPORT NOTIFICATION

☐ LAW ENFORCEMENT ☐ COUNTY PROBATION ☐ COUNTY WELFARE / CPS (Child Protective Services)

AGENCY

ADDRESS Street City Zip

DATE/TIME OF PHONE CALL

OFFICIAL CONTACTED - TITLE

TELEPHONE ( )

C. VICTIM
One report per victim

NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street City Zip		TELEPHONE ( )	
PRESENT LOCATION OF VICTIM	SCHOOL	CLASS	GRADE

PHYSICALLY DISABLED? ☐ YES ☐ NO	DEVELOPMENTALLY DISABLED? ☐ YES ☐ NO	OTHER DISABILITY (SPECIFY)	PRIMARY LANGUAGE SPOKEN IN HOME
IN FOSTER CARE? ☐ YES ☐ NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: ☐ DAY CARE ☐ CHILD CARE CENTER ☐ FOSTER FAMILY HOME ☐ FAMILY FRIEND ☐ GROUP HOME OR INSTITUTION ☐ RELATIVE'S HOME		TYPE OF ABUSE *(CHECK ONE OR MORE)* ☐ PHYSICAL ☐ MENTAL ☐ SEXUAL ☐ NEGLECT ☐ OTHER (SPECIFY)
RELATIONSHIP TO SUSPECT	PHOTOS TAKEN? ☐ YES ☐ NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? ☐ YES ☐ NO ☐ UNK

D. INVOLVED PARTIES

VICTIM'S SIBLINGS

NAME	BIRTHDATE	SEX	ETHNICITY	NAME	BIRTHDATE	SEX	ETHNICITY
1.				3.			
2.				4.			

VICTIM'S PARENTS/GUARDIANS

NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street City Zip	HOME PHONE ( )	BUSINESS PHONE ( )	
NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street City Zip	HOME PHONE ( )	BUSINESS PHONE ( )	

SUSPECT

SUSPECT'S NAME (LAST, FIRST, MIDDLE)	BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY
ADDRESS Street City Zip	TELEPHONE ( )		
OTHER RELEVANT INFORMATION			

E. INCIDENT INFORMATION

IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX ☐ *IF MULTIPLE VICTIMS, INDICATE NUMBER:* _____

DATE / TIME OF INCIDENT	PLACE OF INCIDENT

NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)

SS 8572 (Rev. 12/02)

DEFINITIONS AND INSTRUCTIONS ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was not determined to be unfounded.

WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation; GREEN COPY- District Attorney's Office; YELLOW COPY-Reporting Party

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act, also known as CANRA. The Internet site is: http://www.leginfo.ca.gov/calaw.html (specify Penal Code and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some information is not known. (PC Section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

- Mandated child abuse reporters include all those individuals and entities as defined in PC Section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE (DESIGNATED AGENCIES)

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), county probation department (if designated by the county to receive mandated reports) or the county welfare department. (PC Section 11165.9.)

III. REPORTING RESPONSIBILITIES

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected instance of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof ***within 36 hours*** of receiving the information concerning the incident. (PC Section 11166(a).)

- No mandated reporter who reports a suspected instance of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by the CANRA. Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by the CANRA unless it can be proven the report was false and the person knew it was false or make the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

IV. INSTRUCTIONS

- **SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business (agency) name and address, telephone number, a signature and today's date. Also check yes-no whether you (the mandated reporter) witnessed the incident. The signature area is for either the mandated report or the person taking as telephoned report.

IV. INSTRUCTIONS (Continued)

- **SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, date of the written report, date/time of the phone call and the name, title and telephone number of the official contacted.

- **SECTION C - VICTIM** (One Report per Family, siblings must have same parents/guardians): Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and where applicable enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box for: developmentally disabled?, physically disabled? and specify the victim's other disability. To determine if the victim has a disability, ask the victim's parent or care giver. Also check the appropriate yes-no box for in foster care?, indicate type of care if the victim was in out-of-home care, indicate the type of abuse. List the victim's relationship to the suspect, check the appropriate yes-no box for photos taken?, indicate whether the incident resulted in this victim's death.

- **SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians and the Suspect.

- **SECTION E - INCIDENT INFORMATION:** If multiple victims, enter the number. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheets if needed.

V. DISTRIBUTION

- **Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.

- **Designated Agency:** ***Within 36 hours*** of receipt of Form SS 8572, send **white copy** to police or sheriff, **blue copy** to county welfare or probation, and **green copy** to district attorney.

ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pac Islndr	26 White	31 White-Romanian

B. Disaster Response Procedures

Cardiff School District
Cardiff and Ada Harris School

Disaster Preparedness Plan

Cardiff School

Crisis Management Teams

School Incident Commander

Public Information Officer/
Agency Administrator

School Safety Officer

School Operations Chief

Search and Rescue Team

First Aid Team

Security/Traffic Team

Student Supervision Team

Family Reunion/Student Release

Shelter Team

Equipment and Supplies

Supplies	**Location**
First Aid/Trauma Kits	School Office PE Office Emergency Supply Room
Mini-First Aid Kits	All Teacher's Red Bags (in classrooms)
Crisis Team Kits	Emergency Supply Room
Communication	
Walkie-Talkie	Emergency Supply Room
Megaphones	Emergency Supply Room
Keys	Office
Food/Water	Emergency Supply Room

Comprehensive Safety Plan

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment emphasizing high expectations for student conduct, responsible behavior and respect for others.

Education Code 35294.6 requires each school to adopt a comprehensive school safety plan. The superintendent or designee shall oversee the development of a comprehensive districtwide safety plan that identifies major safety concerns as well as the District's goals and priorities for a safe school.

The school safety plan shall be reviewed and updated annually by March 1 each year. Each school shall forward the safety plan to the District for approval. (Education Code 35294.6). The Board of Trustees shall approve the comprehensive districtwide and/or school safety plan in order to ensure compliance with state law and Board policy.

The District Superintendent, or designee, shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 35294.2).

Intent and Definition of Crisis Management

Intent

Crisis Management is a central component of Comprehensive School Safety. The most important consideration in both crisis management and safe school efforts is the health, safety and welfare of the students and staff.

Definition

Crisis Management is the part of the district's approach to school safety which focuses more narrowly on a time-limited, problem-focused intervention to identify, confront and resolve the crisis, restore equilibrium, and support appropriate adaptive responses.

School Board Policy Statement

The Cardiff School and Ada Harris School Crisis Management Plans operate within the framework of the Cardiff School District Board policy.

- **Definitions**

- "Critical incidents" shall include situations involving threats to harm students, personnel, or facilities. Critical incidents include but are not limited to natural disasters, fire, and use of weapons, explosives, and the taking of hostages. Such incidents require an interagency response involving law enforcement and/or emergency service agencies. A crisis shall include but not be limited to situations involving the death of a student, staff member, or a member of the student's immediate family. The superintendent or principal shall have the authority to determine what is a crisis incident and to convene the Crisis Management Team.

- ❖ The school Crisis Management Plan shall be a written plan with explicit intent to protect and sustain life and property, reduce emotional trauma, assist in emotional recovery from trauma, and minimize personal injury and/or damage to the facility.

- ❖ The School Crisis Plan will include the establishment and organization of assistance from law enforcement, medical and fire agencies as needed.

- ❖ **Crisis Management Team**

An individual School Crisis Management Team shall be established at each school to meet the demands of crisis incidents.

- **The Team:** This team shall consist of an immediately accessible core group who have the knowledge and skills to act in any emergency and shall include the superintendent, principal, secretaries, maintenance staff, teachers and para-professionals. Additionally, the Sheriff's Department, Encinitas Fire Department, the Rancho Santa Fe Patrol, Mental Health Services and the County Emergency Rescue Services shall be asked to consult with the school team as needed.

- **Purposes:** The Crisis Team shall implement and adapt appropriate action from the Crisis Management Plan to address specific events of a crisis. Roles and responsibilities of each team member and consultant will be established in the school's Crisis Management Plan.

- ❖ **Crisis Management Plan**

The school Crisis Management Plan will include provisions for Pre-planning, Intervention/response, and Post-emergency activities, including the establishment of designation of the following:

1. Explicit procedures for each crisis incident.
2. Crisis headquarters and command post outside the school facility in the event evacuation is necessary.

3. Chain of command in the event a key administrator is not available.
4. Spokesperson to the media. This person is responsible for gathering and confirming all pertinent information about the incident and for any information released to the media. The spokesperson will also designate a media reception area when deemed appropriate.
5. Create a network of key communicators. It is the responsibility of these key individuals to convey approved information to others. This network may include a phone system to notify staff of emergency incidents and special meetings, which may occur before or after school hours and various counselors, designated to support groups such as students, faculty, and parents.
6. Evaluation of the crisis plan. Response to each crisis will be reviewed and evaluated at the conclusion of each crisis. The Crisis Management Team will review and evaluate the plan and its effectiveness. Modification will be done as needed.

- ❖ **Crisis Management Inservice**

The Crisis Management Plan shall be reviewed annually with the full school staff.

Cardiff School District
Crisis Management Plan

Overview and Rationale

Cardiff School District has developed procedures for dealing with existing and potential student and school crisis. The Comprehensive Crisis Management Plan includes Intervention Procedures, Crisis Response Procedures, and Critical Incident Procedures. An important component of the Plan is a set of interagency agreements with various county agencies to aid in the timely communication and help coordinate services between the agencies and the school.

Intervention can provide a systematic process for identifying, referring, and assessing situations that may represent potential threat to our students or staff. All potential situations or concerns should be brought to the attention of the Crisis Management Team.

Crisis Response procedures guide school personnel responding to traumatic events which can affect the school community. These procedures are intended to be time-limited, problem-focused interventions designed that identify and resolve the crisis, restore equilibrium, and support productive responses.

Annual Start-up Procedures

1. Confirm membership of the crisis team.

2. Send a list of team member's to community agencies in charge of special services (Fire Department, RSF Patrol, etc.)

3. Plan two Crisis Management Team meetings during the school year. One should take place before school begins and another should take place sometime during the school year.

4. Inform the staff of the Crisis Team members.

5. Review critical incident communication codes with the staff.

6. Update Staff phone notification system.

7. Schedule practice drills that include different scenarios.

8. Meet with new staff annually to inform them of the intervention, crisis response incident procedures, emphasizing the referral process for crisis intervention.

Crisis Management Plan Responsibilities

The Cardiff and Ada Harris Crisis Response Teams, under the leadership of the Superintendent are responsible for the following:

1. Establishing a protocol for dealing with crisis and critical incidents.

2. Establishing a systematic approach for identifying, referring, and intervening with students and staff needing assistance.
3. Orienting staff to procedures and training to fulfill designated roles, which include conducting drills.
4. Providing information to students, staff, and community on Crisis Management referral procedures.
5. Providing assistance during a crisis in accordance with designated roles; providing follow-up activities.
6. Conducting debriefing sessions at the end of each crisis episode to critique the effectiveness of the building's Crisis Management Plan.
7. Conducting periodic reviews and updating of the Crisis Management Plan and conducting related staff training.

Crisis Management Team

Agency Administrator/Public Information Officer

- Agency Administrator immediately proceeds to Command Center.
- Will remain in radio contact with the Incident Commander.
- This administrator will coordinate efforts and will be the key decision-making individual.
- Will communicate information with the public.
- Work with the Law Enforcement Agency as to the proper information that should be released to the public.
- All outside communication will go through this position.
- Will place a message on the automated telephone system.
- Record message as appropriate. Law Enforcement will guide this announcement.

Incident Commander/Operations Chief

- Incident Commander will set up a command post.
- Will be the on-site individual in control of the incident.
- Contact with the Agency Administrator by walkie-talkie.
- Take direction from the Agency Administrator.
- Give directions on-site until Law Enforcement arrives.
- Will coordinate Operations.
- Will work with the Fire Department and Law Enforcement Officers.
- Will make announcements during the entire incident.
- Give way to the Law Enforcement in charge (when they arrive).
- Phone-Update teachers in room every 15-20 minutes.

Student Supervision Team

- Oversee the Staging Area.
- Pick-up the megaphone and Student Supervision Bag from the Emergency Storage Room.
- Set-up Command post. Try to make this area in a central location of the Staging Area.

- ❖ Use the same system for checking students **IN** that is currently used in fire drill evacuations:
- ❖ Teacher takes roll once at the staging area.
- ❖ Have all staff put on orange vests for identification (bag at Command Post)
- ❖ Make frequent announcements about what is happening.
- ❖ All communications should go through the Incident Commander

Student Release Team

- ❖ Oversee the Release Area.
- ❖ Set-up the Release Area. Try and locate a table. This will be a pre-planned area as shown on your map.
- ❖ Access student records.
- ❖ Obtain emergency information on students and staff from Nurse's office.
- ❖ Contact parents/guardians of injured students OR spouse/parents of staff member injured if Law Enforcement approves.
- ❖ Direct the pick-up of students by parents or guardians as Law Enforcement approves.
- ❖ Parents will pick up their child at their class location and then check out at the Student Release location. Mark released students with an OK on their hand.
- ❖ Remain calm and cheerful. Students will often get upset when they see their parents.
- ❖ All communication should go through the Incident Commander.
- ❖ Call on pre-identified staff members for specific skills: triage/ crowd control/ counseling, etc.
- ❖ Dismiss teachers after all students have been picked-up by their parents or guardians.

First Aid Team

- ❖ Set-up Medical Area at the staging area.
- ❖ Set-up triage area using Medical Flag (Red Cross)
- ❖ Keep a list of the location and status of all people being transported to hospitals or other locations.
- ❖ Help identify victims and track: Name of victim, injuries sustained, and hospital victim transported to. Work with Law Enforcement Officials.
- ❖ Check in with Fire Department and emergency medical technicians at Medical Communications area.
- ❖ All communications should go through the Incident Commander.

Safety Officer

- ❖ Turn off valves ONLY if leaks are occurring
  - ❖ **Gas (priority turn-off valve)**
  - ❖ Electricity
  - ❖ Water
- ❖ Wait for instructions from the Incident Commander.
- ❖ The Safety Officer will play an important role in assisting the administration and/or Law Enforcement.
- ❖ Give instructions to the maintenance staff as needed.
- ❖ All communications should go through the Incident Commander

Security/Traffic Team

- Post at front of school and at back gate
- Direct parents to Family Reunion Site
- Check student hands for OK before releasing
- Direct emergency vehicles to First Aid area

Shelter Team

- ❖ Pick up Tarp Bag and toilets from Emergency Supply Room
- ❖ Erect two privacy shelters in safe area
- ❖ Monitor area
- ❖ Locate area to dispose of waste

Supply Team

- ❖ Report to Incident Commander for instructions
- ❖ Be prepared to distribute water and food as necessary

Crisis Management Team
Sweep School for Evacuation

(Not in Lockdown Mode)

The Sweep Teams serve a necessary purpose. They cover a campus in a predetermined pattern. After everyone is evacuated, the team is sent into action. The team can also identify potentially dangerous areas.

1. Preparation

A. Become familiar with your assigned area

B. Be aware of possible structure hazards

C. Know the location and use of:
   1.) Stored water
   2.) Fire extinguishers
   3.) First aid equipment
   4.) Flashlights
   5.) Central cut-off for natural gas and electricity.

D. Once a room has been searched, place a masking tape symbol on the door(s).

2. Emergency

A. Sweep your assigned areas
   1.) Use caution, as the buildings may be unstable.
   2.) Proceed quietly as possible to hear cries for help.
   3.) Upon entering an area, call out and wait for an answer.
   4.) Remain in continual communication with the members of the sweep team.

5.) Assist with security of school grounds in preventing unauthorized entry and exit.

Crisis Management Team
Sweep Team Assignments

TEAM 1:

TEAM 2:

TEAM 3:

After sweeps have been made, the Crisis Team will assist as directed by the Operations Manager in either the First Aid area or the Student Staging area.

Disaster Preparedness Backpack
Inventory

Disaster Preparedness Backpack contains: (one per classroom)

- Red Binder
  - Class Roster
  - Disaster Attendance Reporting Form
  - Organizational Chart
  - Bomb Threat Cards
- 1st Aid Mini Kit
- Hanging ID nametag for teacher.
- Safety Vest
  - Lime Green for Teachers
  - Orange for Crisis Team Members
- Disposable plastic gloves
- Direct pressure compress/ sterile pads
- 10 plastic sandwich bags (pint size) (possible urination receptacles)
- pens, pencils (Sharpie pens, red and black)
- Antibacterial gel/wipes
- Splint
- Ace Wraps (2)
- Blue Ice
- Sheet for privacy (Keep in Classes)
- Plastic tarp

Earthquake/Fire Kits (2) Contains:

- Protein Food
- Water

- ❖ Thermal Blanket
- ❖ Batteries for Flashlight
- ❖ Flashlight
- ❖ Bandaids
- ❖ Radio
- ❖ Batteries for Radio

Medical Kit/Restroom Kit Located in Emergency Supply Room

Law Enforcement and Fire Department Response

Encinitas Fire Department and Law Enforcement will take over all operations when they arrive.

- ❖ Law Enforcement will immediately set perimeter around campus & secure campus as a priority.

- ❖ Fire Department will coordinate with the Incident Commander and Law Enforcement for Medical/Fire/Rescue Operations.

- ❖ The On-Site Command Post will be staffed by the Agency Administrator and/or the Incident Commander, Fire Department and Law Enforcement.

- ❖ Safety Officer should coordinate with Fire Department and Law Enforcement Officials to determine the names of injured persons and name of the hospital where they are being taken.

- ❖ Documentation Leader will transport emergency forms to Medical Communications (triage) area.

INCIDENT COMMANDER AND/OR AGENCY ADMINISTRATOR MEETS WITH FIRE DEPARTMENT OR LAW ENFORCEMENT PERSONNEL

- ❖ Access the Knox Vault, which will contain Master keys in the Key lock box.
- ❖ Agency Administrator immediately meets law enforcement at the Command Post.
- ❖ Radio the Incident Commander with instructions and commands.

Crisis Response Procedures

Intent

Crisis Response Procedures are intended to guide staff in responding to more frequently occurring cries such as deaths of students or teachers and other traumatic events, which can affect the school community for days.

Procedures for General Crisis Intervention

The goal of following these procedures is to minimize the chaos, rumors, and the impact of the event on the other students.

The following pages contain guidelines for responding to different crises. The first procedure is a Lockdown procedure that may be necessary to use in the event of subsequent crisis. All other types of crisis are listed in alphabetical order.

Lockdown Procedure

In case of an emergency requiring lockdown, the staff and students will follow the following procedure.

- ❑ Call Office.
- ❑ The Incident Commander will ring the lock down bell (continuous ring) and then will announce over the loud speaker that a lockdown is in effect. The staff will be asked to refer to the RED Notebook and specific page number for procedures to follow.
- ❑ One of the office staff will be directed to call 911 and will notify the sheriff of our emergency and need for immediate sheriff assistance.
- ❑ The Following Announcement will be made by the Incident Commander:

A. **Class in Session** (no lunch in progress)

"Students and Staff"- It is necessary at this time to begin a school wide lockdown. All students are to remain in class. Students not in a classroom report immediately to your classroom. Teachers lock your classroom door after students are accounted for. No one is to leave the classroom until an administrator makes an all clear announcement. Ignore a fire alarm. If we need to evacuate the building, an announcement will be made.

B. **During Lunch/Recess Time**

The lockdown bell sounds (continuous ring) and the following announcement is made: "Students and Staff"- It is necessary at this time to begin a school wide lockdown. All students and teachers go to your classroom. Teachers, be at your classroom door and lock your door as soon as the students are accounted for. No one is to leave the classroom until an administrator makes an all clear announcement. Ignore a fire alarm. If we need to evacuate the building, an announcement will be made.

D. **Teachers** are to do the following:

1. Lock your door when students are accounted for.
2. Have students stay in safe position until an announcement is made. Members of the crisis team will come to your room and update you if they are able.

3. Keep the **e-mail** system open on your computer for updates from the office.

4. Get out your Disaster Preparedness Red Notebook and take roll.

5. Keep the students calm and relaxed.

6. Wait for further instructions from the loud speakers, e-mail, and phone or by a Crisis Team Member.

7. Do not use the phone or call the office to ask questions unless there is a medical emergency or you are missing a student.

8. Do not turn on the television or radios in the classroom.

9. Teachers will put a lime green vest on.

10. Call the office to report missing or injured students.

11. If possible, the office will call you to let you know where your missing students are located.

12. Be patient, calm and ready to be evacuated if necessary.

13. The Agency Administrator and the Incident Commander will be working with law enforcement officials.

The Incident Commander will give periodic instructions (every 10-15 minutes). Use words such as "We are in a **CONTAINED lockdown situation." (Teachers will know law enforcement is in control.) "**REMAIN** in a lockdown situation until you are released by a law enforcement official." (This will let teachers know the evacuation process has begun.) If the intercom is unable to be used, we will contact you by phone.

Communication among administrators will be by walkie-talkie to assess the situation and the next course of action to take. A letter will be sent home by the Administration regarding the incident and measures taken by the School.

Quick Guide to Managing Crisis

The following information should be used when managing crisis at school. The following pages are designed to enable each staff member an opportunity to make sound judgments when crisis situations occur. Some of the situations listed in the following pages are minor and require only a small amount of intervention from the School Staff. Other situations will need the attention of the outside agencies for services and expertise. Please remember that using common sense and keeping **calm** during any type of crisis is the key to providing the best care and leadership in any situation.

Located in the following pages you will find information on handling the following situations:

- Accidents at School
- Allergic Reaction

- Bomb Threat
- Chemical Spill
- Lost child/Childnapping
- Diabetic Insulin Shock
- Fire/Explosive
- Earthquake
- Gas leak
- Hostage Situation/ Intruder = Lockdown
- Poisoning

Minor Accident at School

1. Have students taken to the office for assistance by a responsible person.

2. If a student is unable to walk to the school office, please contact the office for assistance

3. Check with the student when he/she returns to class to make certain they are comfortable and feeling better.

The school office personnel will contact the parent regarding additional services needed.

Allergic Reaction

Possible Symptoms:

General feeling of impending doom or fright, weakness, sweating, sneezing, short of breath, nasal itching, hives, vomiting, cough, restlessness, shock, hoarseness, swollen tongue, severe localized swelling.

First Actions:

1. Access situation, remain calm, make student/employee comfortable.

2. Only move for safety reason.

3. Send for immediate help and medication kit (in case of known allergies).

4. Follow medical protocol for student, if on file.

5. Observe respiratory difficulty and, if needed,

   ****Call 911**

6. Parent or guardian will be notified by the office

7. Administer medication, by order of a doctor, if appropriate. Apply ice pack, keep person warm.

8. Record the time and site of insect sting and list any medicine, dosage and time, if appropriate.

Bomb Threat/Telephone Threat

The Superintendent or Administrator in charge must evaluate the seriousness of the bomb threats or other disruptive types of demonstrations using input from all sources; then, the director acts in such a manner that reflects the best safety interests of those in his/her charge.
Bomb and other threats may be originated in writing, in person, or over the telephone or related through a secondary source.

1. Basic Documentation-The individual taking the call should:

2. Keep the caller on the line as long as possible.

3. Notify the Administrator in charge.

4. Turn-off all radio devices. These devices can cause bombs to go off.

5. Write down all the information obtained in the exact words. Use the record sheet immediately following these instruction pages; place copies of the bomb threat sheet at the front desk and other appropriate locations.

6. Find out what time the bomb is due to go off.

7. Document in writing, as soon as possible, other types of threat contacts.

8. Specific time message is received.

9. Day and date of the week.

10. Exact wording of message.

11. Estimation of sex, age, cultural background of person making the call.

12. Make note of background noises, tone of voice.

Authorities to be involved:

1. Sheriff (911)

The Superintendent or administrator in charge shall:

1. Notify the authorities.

2. Consider the safety of the students and staff as the prime factor.

3. If advised, direct students and staff to safe areas of the campus.

The Signal:
An announcement over the public address system such as the following:
"TEACHERS, WE ARE GOING TO PRACTICE AN EVACUATION, PLEASE SCAN YOUR CLASSROOM AND EVACUATE STUDENTS AT THIS TIME."

4. Teachers should evacuate their classes to the designated Staging Area.

5. Nothing is to be touched or altered; do not open desks or cabinets.

6. Teacher shall:

    1. Scan the room
    2. Evacuate
    3. Fill out the Disaster Attendance Reporting Form

Bomb Threat Report Form

Make numerous copies and keep them under the main telephones for immediate use by persons answering the phone. **STAY CALM….**

Questions to Ask

1. When is the bomb going to explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. What is your address?
9. What is your name?

Exact Wording of the threat:

Time:_____ Date:_____ Sex of Caller: _____

Culture:_____ Age: _____ Length of Call:_____

Number at which the call was received: _____

Caller's Voice

____ Calm
____ Angry
____ Excited
____ Slow
____ Rapid
____ Soft
____ Nasal
____ Stutter
____ Lisp
____ Raspy
____ Deep
____ Ragged

____ Loud
____ Laughter
____ Crying
____ Normal
____ Distinct
____ Slurred
____ Whipsering
____ Clearing Throat
____ Deep Breathing
____ Cracking Voice
____ Disguised
____ Accent
____ Familiar

Is the voice familiar, who did it sound like?

Background Sounds

____ Street
____ PA System
____ Voices
____ Motor
____ Local
____ Phone Booth
____ Animal Noises
____ Static
____ Music
____ House Noises
____ Office Machinery
____ Long Distance

Threat Language

____ Foul
____ Taped
____ Well Spoken
____ Message read by threat maker:
____ Irrational
____ Incoherent

Remarks:

Chemical Spill

Inside the Building

- Evacuate the area immediately.
- Plant Managers check the Material Safety Data Sheet (MDSD)* to determine the urgency of the situation.
- Notify the administrator or person in charge as soon as possible.
- The administrator or person in charge will call the fire department if deemed necessary.

Outside the Building

- Sound lockdown bell – students report to their classroom

- ❖ Insure that all students are in the building and that they remain there.
- ❖ Shut off all outside air ventilators.
- ❖ Keep phone lines clear for emergency calls only.
- ❖ Release students to parents or guardians only with office permission.

Lost Child/Childnapping

1. Immediately after it has been determined that a child has been lost/taken, contact the school office.
2. The Crisis Commander will identify a team to work on the crisis. Designate personnel to deal with phone communications, etc., and other administrative staffs to assist as appropriate. If the incident occurs during the school day, classroom routine should be maintained.
3. Pull pictures of the child and obtain a full description of the child (including clothing) to assist the police.
4. Conduct immediate search of school building and grounds.
5. In case of childnapping, obtain a description of the suspect from a witness if possible.
6. When child is found, contact the Office and the administrator in charge will notify the proper people.
7. Prepare a memo to the staff outlining the situation. Give factual information, as appropriate, to allow teachers to respond to students' question knowledgeably. Prepare an appropriate memo to parents.
8. If appropriate, arrange for counseling assistance for students and staff
9. Call an emergency meeting of the staff.

Preventative activities which may help avoid childnapping situations are as follows:

1. School secretary should have at her desk a list of students who are not to be released to anyone except a particular parent or guardian.
2. Emergency cards of such students should be tagged.

2. Before releasing a child to anyone except a parent or guardian on the list, the school secretary should check with the custodial parent and/or guardian for approval; a record of the time and date of phone approval should be made and kept.
3.

Diabetic Insulin Shock

DIABETIC COMA/INSULIN SHOCK

People with diabetes can suffer several types of comas. One of the most common—insulin shock—develops relatively rapidly and is caused by an excess of injected insulin or other sugar-lowering medication that causes a depletion of blood sugar (hypoglycemia). Another type of coma results from inadequate insulin, which leads to too much blood sugar (hyperglycemia) and a buildup of toxic substances called ketoacids
(ketoacidosis) in the blood. Both of these situations are serious, but hypoglycemia is of more immediate danger and requires prompt action. If you are unable to tell what is causing a diabetic person to fall into a coma, it is better to treat for low blood sugar. But in both instances, the person should be brought immediately to a hospital emergency room.

HYPOGLYCEMIA (INSULIN SHOCK)
SYMPTOMS OF HYPOGLYCEMIA

Distress is relatively rapid, usually in a matter of minutes.
Hunger.
Sweating.
Cold, clammy feeling.
Paleness.
Trembling, anxiety.
Rapid heartbeat.
Feeling of weakness or faintness.
Irritability and change in mood or personality.
Loss of consciousness.

TREATMENT

Feed the person a source of quickly absorbed sugar. If the person is conscious, table sugar, fruit juice, honey, a non-diet soft drink, or any other available sugar source will do. If the person is unconscious, do not try to force sugar or liquid down his throat. Honey, granulated sugar, or a special capsule (such as D-glucose) containing concentrated sugars, which some diabetics carry, can be carefully placed under the tongue where it is absorbed into the body. However, this may be difficult to do.

Take the person to a hospital emergency room as quickly as possible. Severe insulin reactions can be fatal.

HYPERGLYCEMIA (DIABETIC COMA)
SYMPTOMS OF HYPERGLYCEMIA

Distress develops gradually.
Increased thirst and urination, usually for 1 to several days; increasing amounts of sugar are "spilled" into the urine.
Nausea, vomiting, and abdominal pain.
Feeling of weakness or fatigue.
Dehydration (dry mouth and skin, sunken eyes).
Breath smells fruity.

Heavy, labored breathing that is rapid and deep.
Drowsiness or loss of consciousness.

TREATMENT

Take the person to an emergency room as quickly as possible. Any acute change in alertness, consciousness, or mental status in a diabetic warrants immediate medical attention.

Fire/Explosion

In the event a fire is detected within a school building, proceed according to the following plan:

Specifics

- Sound the Fire Alarm by pulling the alarm system located in the halls or in specific rooms. The fire alarm is a series of repeating short tones.
- Students should not take any personal belongs with them on a drill
- In each class, the person nearest the door should exit and then hold the door open for the class.
- Teacher should take the Disaster Preparedness Backpack with them.
- The teacher should **close but not lock** all doors and windows.
- Put on vest.
- The teacher should be the last one to leave the room, checking to make certain that all students have left the room.
- Evacuate the building to the field.
- Walk rapidly. Do not run. Do not talk. When you reach the "safe" area (field), observe silence and listen for instructions.
- Make special provisions for handicapped students.

    1. Specific persons, plus alternates, should be assigned to assist specific handicapped individuals.
    2. Evacuation plans for the handicapped should be reviewed and practiced and periodically updated.

- Take roll. Give the Disaster Attendance Reporting Form to the incident commander. Each teacher should have a class roster.
- Render first aid if necessary.
- Wait for instructions before returning to the classroom.

Earthquake

In the event an Earthquake is occurring, proceed according to the following plan:

Teacher Command:

"Earthquake! Drop and Hold!" Students should automatically take cover at the first indication of an earthquake, i.e. loud rumbling noises, the ground shaking, etc.

In the Classrooms:

1. Stay inside.

2. Immediately drop to knees with back to windows and away from heavy objects.

3. Get under/below desk, table, chair, etc.

4. Grasp legs of the "cover object" i.e. desk, table, chair with both hands and hold tight.

5. Keep body under/below protective equipment.

6. If no shelter is available, drop to knees with back to the window. Place head in lap and clasp hands behind neck.

7. Remain silent.

8. Remain in this position until vibrations have subsided. Teacher evacuates the class at the conclusion of the vibration.

9. Evacuate to the field as done for the Fire Drill.

10. Take roll and turn in to the Incident Commander.

If Outside:

1. Stay outside.

2. Move to an open space away from buildings, power lines, light poles, etc. Seek whatever protection might be available, i.e., bench, ditch, curb, etc.

3. Drop to the ground and hold on to some "cover object" when possible.

4. If no shelter is available, drop to knees; face away from the disaster, place head in lap and clasp hands behind neck. Be observant and ready to change location if necessary.

5. Proceed to assigned area on the field.

6. Remain silent.

7. Take roll and give report of class count to the Incident Commander.

8. Wait for further instructions.

Gas Leak

Natural gas leaks, with odors in the building, may occur and bring danger of explosion. Natural gas rises and will often be outside because most gas lines are outside the building. Natural gas is mixed with Mercaptan to give it odor. The gas goes up and the odor goes down.

If leaking is in or near the building:

Evacuate the building immediately, following your local building evacuation plan. Get students a safe distance from the building.

Turn of main gas valve

Notify Fire Department	Phone #: 911
Notify Gas Company	Phone #: 1-800-411-7373
Notify Office	Dial "0"

Keep students a safe distance until the problem has been corrected.

Hostage Situation/Intruder Lockdown

Specifics

1. Contact Sheriff (911)

Hostage-taking or endangering the safety of others are criminal offenses.

1. Secure all classrooms (LOCKDOWN):

The incident Dispatcher will state, "We are in a Lockdown Situation, please take out your Red Notebooks and open to page **".

2. Notify the Office

3. Keep staff and students in present areas. No personnel circulating.

Students should not be released for any reason until told to do so by the police.

4. Incident Dispatcher:

Program the telephone with a message to alert parents as to the situation but to keep the parents from coming to the site.

5. Keep phone lines open:

   The police and other public safety personnel will need access to the phones with highest priority.

6. Provide police with maps of buildings and grounds:

   Involve those with the greatest knowledge of the facilities such as plant manager. Also provide an anecdotal information about reasons for the hostage-taking precipitation of events, etc.

7. I.D. persons familiar with the faculty:

   Persons familiar with the entire building should be available to discuss the interior rooms' arrangements, etc. These individuals should be available at the chosen school map location away from the scene.

8. Toilet Facilities

   Because you and your students are unable to us the restrooms on campus, you may make a toilet out of one of your trash cans in the class. Use the additional liners located in the bottom of the trash can as needed. You will also have a sheet in your Disaster Bag for privacy.

Hostage Situation

Crisis Team Instructions

- A hostage situation is any situation in which a person or persons are forced to stay in one location by one or more individuals. Weapons are usually in the possession of the hostage taker(s) and hostages are threatened. Certain demands are usually made of outside officials in return for the release of the hostages.

- All hostage situations are dangerous events.

- A hostage taken is usually angry about some situation and decides to resolve it by taking hostages and making demands to achieve some resolution.

Plan of Action

- Agency Administrator: This person will go immediately to the District Office.

- Incident Commander: This person will be in charge until the Sheriff's Department arrives.

- Containment: Appropriate action should be taken to isolate the hostage taker and the victims under his control. It is important that no other individuals be exposed to the hostage taker.

- Evacuation: When directed, immediately evacuate the building and ensure that the egress of students and personnel is done in a manner that they do not go near the area controlled by the hostage taker. When notified, all individuals should go to the field and follow the pre-established guideline for evacuations.

- Re-entry: Ensure that no individuals re-enter the buildings until deemed safe by the governing agency.

- Written Memo for Staff and Parents:

- Crisis Team Report:
  - Submit within twenty-four (24) hours.

- Follow-up Activities
  - Counseling will be provided for staff and students after an incident as needed. The building security plan will also be reviewed.

- Call emergency staff meeting.

Poisoning

In the event of the poisoning or suspected poisoning of a student or employee:

Immediate Action:

- Call rescue squad Telephone: **911**

- Call Poison Control Center Telephone: **1-800-876-4766**

- Administer first aid suggested by the poison control center.

Preventative Measures:

Post in the Nurse's Office information from Poison Control Center regarding emergency numbers.

Provide staff with information on possible poisonous materials in the building.

C. Suspension & Expulsion Policies

The following are the district's Board Policies and Administrative Regulations regarding suspension and expulsion:

Students AR 5144.1(a)

SUSPENSION AND EXPULSION/DUE PROCESS

Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

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

Notice of Regulations

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

(cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-6

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

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had

obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5131.6 - Alcohol and Other Drugs)

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

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Knowingly received stolen school property or private property (Education Code 48900(l))

12. Possessed an imitation firearm (Education Code 48900(m))

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

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

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

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

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

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

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

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-6," that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above. (Education Code 48900(r))

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

(cf. 1114 - District-Sponsored Social Media)
(cf. 5131.2 - Bullying)
(cf. 6163.4 - Student Use of Technology)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education under Section 504)

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

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

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

Additional Grounds for Suspension and Expulsion: Grades 4-6

Any student in grades 4-6 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

A student in grades 4-6 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

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

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

(cf. 5145.7 - Sexual Harassment)

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

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

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably

expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-6" above. (Education Code 48910)

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

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

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

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

Suspension by Superintendent, Principal or Principal's Designee

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

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

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-6" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

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

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

(cf. 5125 - Student Records)

Length of Suspension

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

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

(cf. 6184 - Continuation Education)

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

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

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

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

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

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

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

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

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

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)

   a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

   b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

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

(cf. 6173.1 - Education for Foster Youth)

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

(cf. 6173 - Education for Homeless Children)

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-6" and "Additional Grounds for Suspension and Expulsion: Grades 4-6" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

Superintendent or Principal's Authority to Recommend Expulsion

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

1. Causing serious physical injury to another person, except in self-defense

2. Possession of any knife or other dangerous object of no reasonable use to the student

3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician

4. Robbery or extortion

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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

Student's Right to Expulsion Hearing

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

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

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

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

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

Stipulated Expulsion

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

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

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

Rights of Complaining Witness

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

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

1. Receive five days' notice of his/her scheduled testimony at the hearing

2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies

3. Have a closed hearing during the time he/she testifies
AR 5144.1(k)

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

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing

2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based

3. A copy of district disciplinary rules which relate to the alleged violation

4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

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

(cf. 5119 - Students Expelled from Other Districts)

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

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

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

6. The right to inspect and obtain copies of all documents to be used at the hearing

7. The opportunity to confront and question all witnesses who testify at the hearing

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

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

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

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

Conduct of Expulsion Hearing

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

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

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

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

3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All

subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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

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

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-6" and "Additional Grounds for Suspension and Expulsion: Grades 4-6" above. (Education Code 48918(h))

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

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

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

   a. Any complaining witness shall be given five days' notice before being called to testify.

   b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.

   c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

   d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

   e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.

   f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person

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

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

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

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

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

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral

was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her

parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

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

(cf. 9321.1 - Closed Session Actions and Reports)

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

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year

from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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

1. Periodic review, as well as assessment at the time of review, for readmission

2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-6" or "Additional Grounds for Suspension and Expulsion: Grades 4-6" (Education Code 48900.8)

2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)

3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)

4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)

5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision to Suspend Expulsion Order

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)

3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-6" or "Additional Grounds for Suspension and Expulsion: Grades 4-6" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)

6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

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

Appeal

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

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

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d),

relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Placement During Expulsion

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

1. Appropriately prepared to accommodate students who exhibit discipline problems

2. Not housed at the school site attended by the student at the time of suspension

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

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-6" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-6" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

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

Readmission After Expulsion

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

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

2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.

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

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

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

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

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

Maintenance of Records

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

Regulation **CARDIFF SCHOOL DISTRICT**
approved: 09/21/15 Cardiff-By-The-Sea, California

Students BP 5144.1(a)

SUSPENSION AND EXPULSION/DUE PROCESS

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

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.2 - Bullying)

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

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

1. While on school grounds

2. While going to or coming from school

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

(cf. 5112.5 - Open/Closed Campus)

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

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

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

Appropriate Use of Suspension Authority

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

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

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

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

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

On-Campus Suspension

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

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

Authority to Expel

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

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

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

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

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

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

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in a public session.

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

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

Due Process

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

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE
212.5 Sexual harassment
233 Hate violence
1981-1981.5 Enrollment of students in community school
17292.5 Program for expelled students
32261 Interagency School Safety Demonstration Act of 1985
35145 Open board meetings
35146 Closed sessions (regarding suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48645.5 Readmission; contact with juvenile justice system
48660-48666 Community day schools
48853.5 Foster youth
48900-48927 Suspension and expulsion
48950 Speech and other communication
48980 Parental notifications
49073-49079 Privacy of student records
52060-52077 Local control and accountability plan
CIVIL CODE
47 Privileged communication
48.8 Defamation liability

CODE OF CIVIL PROCEDURE
1985-1997 Subpoenas; means of production
GOVERNMENT CODE
11455.20 Contempt
54950-54963 Ralph M. Brown Act
HEALTH AND SAFETY CODE
11014.5 Drug paraphernalia
11053-11058 Standards and schedules
LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child
PENAL CODE
31 Principal of a crime, defined
240 Assault defined
241.2 Assault fines
242 Battery defined
243.2 Battery on school property
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Hate crime defined
422.6 Interference with exercise of civil rights
422.7 Aggravating factors for punishment
422.75 Enhanced penalties for hate crimes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors, or stun guns
868.5 Supporting person; attendance during testimony of witness
WELFARE AND INSTITUTIONS CODE
729.6 Counseling
UNITED STATES CODE, TITLE 18
921 Definitions, firearm
UNITED STATES CODE, TITLE 20
1415(K) Placement in alternative educational setting
7151 Gun-free schools
UNITED STATES CODE, TITLE 42
11432-11435 Education of homeless children and youths
COURT DECISIONS
T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

PENAL CODE (continued)
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301
ATTORNEY GENERAL OPINIONS
84 Ops.Cal.Atty.Gen. 146 (2001)
80 Ops.Cal.Atty.Gen. 348 (1997)
80 Ops.Cal.Atty.Gen. 91 (1997)
80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:
CSBA PUBLICATIONS
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
WEB SITES
CSBA: http://www.csba.org
California Attorney General's Office: http://www.oag.ca.gov
California Department of Education: http://www.cde.ca.gov

U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf
U.S. Department of Education, Office of Safe and Drug-Free Schools: http://www.ed.gov/about/offices/list/osdfs

Policy **CARDIFF SCHOOL DISTRICT**
adopted: 09/21/15 Cardiff-By-The-Sea, California

D. Procedures for Notifying Teachers of Dangerous Pupils

The following Board Policy, Administrative Regulation outline the district's procedures for notifying teachers of dangerous pupils:

All Personnel AR 4158(a)
4258
EMPLOYEE SECURITY 4358

An employee may use reasonable and necessary force when necessary for self-defense, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144 - Discipline)

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault or threat also shall be forwarded immediately to the Superintendent or designee.

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

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

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform any of the student's teacher(s) that the student was suspended from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institution Code 827)

The principal shall disseminate this information to the counselor(s) who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to public school. If the student is returned to a different district, the Superintendent shall transmit the

information provided by the student's parole or probation officer to the Superintendent of the new district of attendance. (Welfare and Institutions Code 827)
Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first; it shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office as soon as practicable. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Regulation **CARDIFF SCHOOL DISTRICT**
approved: 11/15/07 Cardiff-By-The-Sea, California

All Personnel BP 4158(a)
4258
EMPLOYEE SECURITY 4358

The Governing Board desires to provide a safe, orderly working environment for all employees. As part of the district's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 5131.4 - Campus Disturbances)

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom.

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if a threat occurs on school grounds.

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques and crisis resolution.

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

Reporting of Injurious Objects

The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately

2. Immediately notify the principal, who shall take appropriate action

3. Immediately notify the local law enforcement agency and the principal

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144. - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Legal Reference:
EDUCATION CODE
32210-32212 Willful disturbance, public schools or meetings
32225-32226 Communication devices
35204 Contract with attorney in private practice or use of administrative advisor
35205 Contract for legal services
35208 Liability insurance
35213 Reimbursement for loss, destruction or damage of school property
44014 Report of assault by pupil against school employee
44807 Duty concerning conduct of students
48201 Transfer of student records
48900-48926 Suspension or expulsion Grounds for suspension or expulsion
49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
49330-49335 Injurious objects
CIVIL CODE
51.7 Freedom from violence or intimidation
CODE OF CIVIL PROCEDURE
527.8 Workplace violence safety act
GOVERNMENT CODE
995-996.4 Defense of public employees
3543.2 Scope of representation
PENAL CODE
71 Threatening public officers and employees and school officials
240 Definition of assault
241.2 Assault on school or park property against any person
241.3 Assault against school bus drivers
241.6 Assault on school employee includes board member
242 Definition of battery
243 Battery; definition of "injury" and "serious bodily injury"
243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers
243.6 Battery against school employee includes board member
245.5 Assault with deadly weapon; school employee includes board member
290 Registration of sex offenders
601 Trespass by person making credible threat
626.9 Gun-Free School Zone Act of 1995
626.10 Exceptions to bringing weapons on school grounds
646.9 Stalking
12403.7 Weapons approved for self defense
WELFARE AND INSTITUTIONS CODE
827 Juvenile court proceedings; reports; confidentiality
828.1 District police or security department, disclosure of juvenile records

Management Resources:
CDE CORRESPONDENCE
0401.01 Protecting Student Identification in Reporting Injurious Objects
WEB SITES
CDE, Safe Schools and Violence Prevention Office: http://www.cde.ca.gov/ spbranch/safety/safetyhome
CSBA: http://www.csba.org

Policy **CARDIFF SCHOOL DISTRICT**
adopted: 11/15/07 Cardiff-By-The-Sea, California

E. Discrimination & Harassment Policy

The following are the district's Board Policies and Administrative Regulations regarding non-discrimination and harassment:

Students AR 5145.3(a)

NONDISCRIMINATION/HARASSMENT

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Principal, Cardiff Elementary
1888 Montgomery Avenue

Principal, Ada Harris Elementary
1508 Windsor Road

Cardiff, CA 92007
(760) 632-5892

Cardiff, CA 92007
(760) 632-5894

Superintendent, Cardiff School District
1888 Montgomery Avenue
Cardiff, CA 92007
(760) 632-5890

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.

(cf. 5145.6 - Parental Notifications)

4. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

   If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with

Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act 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 are prohibited under state and federal law. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity

2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex

3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming

4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex

5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information

6. Use of gender-specific slurs

7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

   As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the student's arrangements are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)
(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

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

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

Regulation **CARDIFF SCHOOL DISTRICT**
approved: 09/21/15 Cardiff-By-The-Sea, California

Students BP 5145.3(a)

NONDISCRIMINATION/HARASSMENT

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

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.6 - Identification and Education Under Section 504)

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

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

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Management Resources continued: (see next page)

Management Resources: (continued)
FIRST AMENDMENT CENTER PUBLICATIONS
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, January 1999
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Safe Schools Coalition: http://www.casafeschools.org
First Amendment Center: http://www.firstamendmentcenter.org
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy **CARDIFF SCHOOL DISTRICT**
adopted: 09/21/15 Cardiff-By-The-Sea, California

F. School-wide Dress Code Prohibiting Gang Attire

The following is the Dress Code for Ada Harris School:

Dress Code:

1. Keeping safety in mind, students will avoid:
    - Unsafe footwear – daily P.E. classes make sturdy shoes imperative. Flip-flops and shoes with wheels are unacceptable.
    - Students who wear sandals must have a pair of athletic shoes to change into for P.E.
    - Wearing chains or spikes on any clothing, including hats
    - Clothing/accessories that advertise alcohol, drugs, unkind sayings, topics or gang affiliation.
2. Short shorts and mini skirts are not acceptable.
3. Pants must fit at the waist with the waistband above the hipbone. Pant cuffs may not drag on the ground or be cut or ripped at the seam.
4. A garment appropriate for school wear must cover the torso. See-through, off the shoulder, strapless, cut-off, low cut or spaghetti strap garments are inappropriate.

Students wearing unacceptable clothing will be allowed to call home for parents to bring in appropriate clothes to school.

G. Safe Ingress and Egress

The procedures for student drop-off and pick up, and the district's Visitor Policy and Administrative Regulation, are as follows:

Cardiff School
Drop-Off / Pick-Up Procedures



Please read and follow the procedures outlined below for student drop-off and pick-up. Your cooperation is essential for maximizing the safety of all students.

Drop-Off

Kindergarten students may arrive on campus beginning at 8:05 AM. Student drop-off for Kindergarten is at the cut-out lane next to the playground on the East end of Mozart Avenue. Kindergarten students should remain in the Mozart playground until the 8:15 bell rings and their teacher comes to pick them up.

First through third grade students may arrive on campus beginning at 7:55 AM. Student drop-off for First through Third is either at the West Mozart pull-out or in front of the school in the parking lot. First through Third grade students should play on the playground until the 8:15 bell rings, and then line up on the blacktop behind their classroom number.

If your child arrives after 8:15, he/she must go to the office for a Late Slip before going to the classroom.

Pick-Up

Kindergarten:	Montgomery Ave. -	Rooms 4 & 5
	Mozart Ave. -	Rooms 7, 8 & 9
1st-3rd:	Front Parking Lot -	Rooms 1, 2, 6, 10/11, & 12
	Mozart Ave. -	Rooms 13, 14, 15, 19, 23 & 24

Siblings should meet at the pick-up location for the younger sibling. Please pull forward, remain in your vehicle in a single-file line, and be patient as students get in and out of vehicles.

You are welcome to park and meet your child at his/her classroom, but please obey parking regulations. There is no parking in the pick-up zones at any time.

As always, student safety is our highest priority. Your cooperation and patience are essential for the safety of our students.

ADA HARRIS ELEMENTARY

STUDENT DROP OFF AND PICK UP PROCEDURES



Dear Parents,

Your child's safety is a top priority. Please read the following carefully. If all parents follow these guidelines, students can be safely and efficiently dropped off and picked up each day. Please communicate your pick-up plan with your child ahead of time.

Students in grades three and four are to be dropped off and picked up in the front driveway of Ada Harris Elementary. Students in grades five and six are to be dropped off and picked up in the old Ada Harris driveway that is located up the hill on Windsor Road. **Fifth and sixth grade students will access and exit the school via the ramp that connects the upper driveway with the lower campus. Staff will be on duty at both locations to supervise students. If you have children in both areas, please choose the more convenient of the two locations and plan to have your children meet you there.**

In terms of parking lot protocol, the following guidelines will apply to both the upper and lower driveways. Thank you for taking time to familiarize yourselves with the procedures, as we can all work together to ensure student safety during this busy time of day.

Drop off/Pick Up Procedures

1. **Parents will enter the school from Windsor Road and** form a single car line on the right side only. Do not **park along the left red curb area. If you need to park and enter the school between 2:30 and 3:00, we ask that you park on the street and walk up.**
2. Proceed forward in the designated loading zone to pick up your child**.**
3. Students being picked up will be required to line up on the sidewalk**, and they will be under teacher supervision.** Students will only be permitted to get into/out of cars that are inside the loading zone area. **Please, do not allow your child to enter/exit your car until you reach the loading zone.**
4. Once you have completed loading/unloading you may pull out to the left and exit school grounds.

These procedures are simple and will work if everyone follows them. Please also remember never leave your car unattended in the pick up line**. Use the parking lot or west side of Windsor Road.**

Students walking or riding bikes need to cross with the crossing guard on Windsor and Woodlake.

As always, student safety is our highest priority. Your cooperation and patience are essential for the safety of our students.

VISITORS/OUTSIDERS

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

(cf. 1240 - Volunteer Assistance)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures that facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during non-instructional time.

(cf. 6116 - Classroom Interruptions)

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (Education Code 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3515.2 - Disruptions)

Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

Legal Reference:

EDUCATION CODE
32210 Willful disturbance of public school or meeting
32211 Threatened disruption or interference with classes; misdemeanor
32212 Classroom interruptions
35160 Authority of governing boards
35292 Visits to schools (board members)
49091.10 Parental right to inspect instructional materials and observe school activities
51101 Parent Rights Act of 2002
51512 Prohibited use of electronic listening or recording device
EVIDENCE CODE
1070 Refusal to disclose news source
LABOR CODE
230.8 Discharge or discrimination for taking time off to participate in child's educational activities
PENAL CODE
290 Sex offenders
626-626.10 Schools
626.81 Misdemeanor for registered sex offender to come onto school grounds
627-627.10 Access to school premises, especially:
627.1 Definitions
627.2 Necessity of registration by outsider
627.7 Misdemeanors; punishment
COURT DECISIONS
Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652
ATTORNEY GENERAL OPINIONS
95 Ops.Cal.Atty.Gen. 509 (1996)

Policy **CARDIFF SCHOOL DISTRICT**
adopted: 09/28/15 Cardiff-By-The-Sea, California

Community Relations AR 1250

VISITORS/OUTSIDERS

The Superintendent or designee shall post at every entrance to each school and school grounds a notice setting forth visitor registration requirements, hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Penal Code 627.6)

Unless otherwise directed, the principal or designee, shall accompany visitors while they are on school grounds.

Visits of up to thirty (30) minutes one (1) time per month are allowed, unless prior arrangements are made with the principal. A longer visit will be permitted only if the principal determines it will not distract the teacher or students, interfere with the instructional program, or interfere with other students' right to privacy.

The instructional process will not be interrupted. No attempts shall be made to engage the teacher or the students in conversation during instructional time. If a conference is desired, an appointment should be set with the teacher during non-instructional time.

Registration Procedure

All visitors shall furnish the principal or designee with the following information: (Penal Code 627.3)

1. His/her name, address and occupation

2. His/her age, if less than 21

3. His/her purpose for entering school grounds

4. Proof of identity

5. Other information consistent with the provisions of law

Regulation **CARDIFF SCHOOL DISTRICT**
approved: 09/28/15 Cardiff-By-The-Sea, California

H. Safe and Orderly Environment: Rules and Procedures on School Discipline and Bullying

We believe the students and adults in the Cardiff School District deserve a safe, supportive environment in which to work and play. We further believe that respect and responsibility are vital components of an effective school. It is due to these beliefs that we, as a community of learners, commit to living and acting in THE CARDIFF WAY.

THE CARDIFF WAY

Act Responsibly

Follow adult directions • Always do your best • Use self-control • Think before you act — consider the consequences • Take responsibility for your actions • Take care of school and personal property

Show Respect

Treat others with respect • Accept differences in others • Use good manners • Be considerate of the feelings of others • Keep hands and feet to yourself; respect others' personal space • Deal peacefully with anger, insults and disagreements • Play fair and include others

Care for Others

Use kind words, tones and actions • Try to see others' point of view • Express appreciation • Help people in need • Be an active listener • Encourage others

Be Honest

Speak the truth • Be reliable — do what you say you'll do • Have the courage to do the right thing

The following are the school rules and discipline policy for each school:

ADA HARRIS SCHOOL DISCIPLINE PLAN AND DRESS CODE

School Wide Rules:

1. Follow directions the first time they are given.
2. Walk bicycles and skateboards on school grounds
3. Helmets must be worn if riding bicycles or skateboards. Students caught without helmets will have their privileges revoked.
4. Roller blades and motorized razor scooters are not permitted at school.
5. Students must wait by the flagpole with backpacks in the morning before school until the recess bell rings at 7:55am.
6. Students are to leave campus in a timely manner at dismissal.

7. *Check in and out* through the office when arriving/departing late/early.
8. Students will not litter or damage school or private property.
9. Teasing, put downs, swearing, threatening behaviors that hurt others or bullying in any form will not be tolerated.
10. During class time, before school, recess and lunch, students are only allowed in the halls with a pass or an adult.
11. No running except on the playground (walk on the ramps and stairs).
12. Keep hands, feet and objects to yourself.
13. Students will not possess or use weapons, incendiary devices, laser pointers or aerosol cans at school.
14. Cell phones must be turned off and stored in student backpacks during school hours.
15. Students will not bring to school any other electronic devices, other than calculators, unless approved by school personnel.

Playground Rules:

1. Walk to your line when the bell rings.
2. Games are open to all students.
3. Stay within playground boundaries.
4. Use equipment safely as per The Cardiff Way playground rules posted in classroom.
5. Use 2 hands on bars and do not sit on top.
6. Jumping, tag, chasing, or running on equipment is not allowed.
7. Pick up your playground balls and equipment and return them to the ball cart.
8. Follow directions the first time given. Back talk is not acceptable.

Lunch Area Rules:

1. Speak in a soft voice.
2. Do not throw food.
3. Put all trash into proper cans when leaving area (recycle).
4. Stay seated while eating lunch, and raise your hand and wait to be dismissed.

Dress Code:

1. Keeping safety in mind, students will avoid:
    - Unsafe footwear – daily P.E. classes make sturdy shoes imperative. Flip-flops and shoes with wheels are unacceptable.
    - Students who wear sandals must have a pair of athletic shoes to change into for P.E.
    - Wearing chains or spikes on any clothing, including hats
    - Clothing/accessories that advertise alcohol, drugs, unkind sayings, topics or gang affiliation.
5. Short shorts and mini skirts are not acceptable.
6. Pants must fit at the waist with the waistband above the hipbone. Pant cuffs may not drag on the ground or be cut or ripped at the seam.
7. A garment appropriate for school wear must cover the torso. See-through, off the shoulder, strapless, cut-off, low cut or spaghetti strap garments are inappropriate. Students wearing unacceptable clothing will be allowed to call home for parents to bring in appropriate clothes to school.

Positive Reinforcement Options Include:

Verbal praise and recognition - Cardiff Way tickets - The Cardiff Way Awards
Special Recognition Awards - Special Lunches - Weekly class awards - Extra play time

Consequences:

Consequences are dependent upon the nature and/or frequency of the violations. They include:

Written warning (Discipline Notice – must be signed by parent and returned the next day)
Written Apology
Time Out – Loss of Recess - Lunch Bench
Phone Call Home
Detention
Principal's office; possible suspension (in-school or home)

LUNCH BENCH AND DETENTION INFORMATION

Lunch Benches:

1. Students are to remain at the lunch bench area for entire lunch recess period.
2. Talking or disruptive behaviors are not allowed.

Detentions:

1. If students receive more than 3 lunch benches during one school year, they will begin serving detentions.
2. Detentions may be given for fighting or other severe behaviors.
3. No talking is allowed during detention.
4. Detentions are 2:45 – 3:30pm.
5. After receiving 3 detentions in one school year, a conference may be held and a behavior contract may be developed.

Cardiff School Rules

The Cardiff Way

Each student has the right to live and learn in a safe, orderly environment. We at Cardiff School believe we can ensure a better place for learning by having clear and consistent school rules. There are adults always ready to help our students to solve disagreements, to counsel, and to give love and support when needed; however, the desired outcome is for our children to think for themselves, make appropriate decisions and become responsible for their own actions.

Please review the following rules, positive consequences and negative consequences with your child. This will give all of our students the greatest opportunity for a safe and successful school year.

Live and act in THE CARDIFF WAY!

PLAYGROUND RULES

Bells
STOP playing when bell rings
PUT AWAY any equipment you used
WALK to your line
SIT quietly until teachers come

Blacktop
No running
No kicking playground balls

Equipment
No chase or tag
Swings:
-One direction only, bottom on swing only
-No twisting chain or jumping off
-Take turns (100 count)
Slides:
-Down only with bottom on slide
-One student at a time
-No sand on slides
Bars/Rings:
-One direction only
-Take turns
-No sitting or standing on top

"Zip Line":
-One way ride only
-One student at a time

Sand:
-Keep sand off sidewalks
-No throwing sand

Fields
Keep balls away from fences
No wrestling or tackling

General
All games are open to all students.
Stay on the playground unless you have permission to leave.
Use the playground or lunch area bathrooms and drinking fountains only.
Stay away from picnic and barbecue area.
Students must wear safe and appropriate footwear for running, jumping and playing on a daily basis - no open toed shoes.
Bullying is not tolerated.
Students may not bring toys to school without teacher permission. Laser pointers and imitation weapons are never allowed.

POSITIVE CONSEQUENCES:

Cardiff Way Tickets

Verbal Praise

Recognition at Awards Assemblies

NEGATIVE CONSEQUENCES:

Warning

Time Out / Loss of Recess

Discipline Notice

Send to Principal

Contact Parents

The Cardiff District Board Policy and Administrative Regulation on Student Discipline and Bullying are as follows:

Students BP 5131.2(a)

BULLYING

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

(cf. 5131 - Conduct)
(cf. 5136 - Gangs)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6020 - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

Bullying Prevention

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a

positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

(cf. 5137 - Positive School Climate)

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6163.4 - Student Use of Technology)

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

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

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

Complaints and Investigation

Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. Within two business days of receiving a report of bullying, the principal shall notify a district compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal, whether or not the alleged victim files a complaint.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

BULLYING (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. 6159.4 - Behavioral Interventions for Special Education Students)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.3 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
32283.5 Bullying; online training
35181 Governing board policy on responsibilities of students

35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of notices
52060-52077 Local control and accountability plan
PENAL CODE
422.55 Definition of hate crime
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
110.25 Notification of nondiscrimination on the basis of age
COURT DECISIONS
Wynar v. Douglas County School District, (2013) 728 F.3d 1062
J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:
CSBA PUBLICATIONS
Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Bullying at School, 2003
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013
Dear Colleague Letter: Harassment and Bullying, October 2010
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
Common Sense Media: http://www.commonsensemedia.org
National School Safety Center: http://www.schoolsafety.us
ON[the]LINE, digital citizenship resources: http://www.onthelineca.org
U.S. Department of Education: http://www.ed.gov

Cardiff School District
ICOC Applicants
January 2017

Cardiff Business Community Organization Member:
Chris Fowler

Senior Citizen's Organization Active Member:
Christine Bruington
Chuck Nichols

Bona Fide Taxpayers Association Active Member:
Kenneth Williams

Parent/Guardian of Child Enrolled in District and Who is Active in SEA:
Jenny Pieratt
Adam Sweet

Parent/Guardian of Child Enrolled in District:
Paul Chintawat
Dave Smiley

At-Large Members of the Public:
Joyce Crosthwaite
Martha Gresham
William Moser
Terry Rodewald
Rhea Stewart

Exhibit K