

**HAMILTON UNIFIED SCHOOL DISTRICT
BOARD MEETING
AGENDA
Hamilton High School Library
Wednesday, September 25, 2019**

5:30 p.m. Public session for purposes of opening the meeting only.
5:30 p.m. Closed session to discuss closed session items listed below.
6:00 p.m. Reconvene to open session no later than 6:30 p.m.

1.0 OPENING BUSINESS:

Call to order and roll call

_____ Gabriel Leal, President
_____ Genaro Reyes

_____ Hubert "Wendall" Lower, Clerk
_____ Ray Odom

_____ Rod Boone

2.0 IDENTIFY CLOSED SESSION ITEMS:

3.0 PUBLIC COMMENT ON CLOSED SESSION ITEMS: Public comment will be heard on any closed session items. The board may limit comments to no more than three minutes per speaker and 15 minutes per item.

4.0 ADJOURN TO CLOSED SESSION: To consider qualified matters.

1. Government Code Section 54957 (b), Personnel Issue. To consider the employment, evaluation, reassignment, resignation, dismissal, or discipline of a classified and certificated employees.
2. Government Code Section 54957.6, Labor Negotiations. To confer with the District's Labor Negotiator, Superintendent Jeremy Powell regarding HTA and CSEA negotiations.
3. Government Code Section 54956.9, Subdivision (a), Existing litigation. Name of case: Crews v. Hamilton Unified School District, Glenn County Superior Court, Case No. 15CV01394.
4. Government Code Section 54956.9, Subdivision (a), Pending litigation. Name of case: Goodwin v. Hamilton Unified School District, Glenn County Superior Court, Case No. 19CV02117.
5. *Conference with Real Property Negotiators.* Property: Westermann property north of Hamilton High School, approximately located at 500 Sixth Street, Hamilton City, CA 95951 (APN: 032-230-015-000). Agency Negotiator: Jeremy Powell, Superintendent; Matt Juhl-Darlington, Attorney for District. Negotiating Parties: Westermann Family and Hamilton Unified School District. Under negotiation: Price and terms of payment.

Report out action taken in closed session.

5.0 PUBLIC SESSION/FLAG SALUTE:

6.0 ADOPT THE AGENDA: (M)

7.0 COMMUNICATIONS/REPORTS:

1. Board Member Comments/Reports.
2. ASB President and Student Council President Reports
 - a. Hamilton High School, Giovanni Martinez
 - b. Hamilton Elementary School, Ella Mendez
3. District Reports (written)
 - a. Food Service Report by Sean Montgomery (p. 1)
 - b. Operations Report by Alan Joksch (p. 3)
 - c. Technology Report by Derek Hawley (p. 5)
4. Principal and Dean of Student Reports
 - a. Kathy Thomas, Hamilton Elementary School Principal
 - b. Maria Reyes, District Dean of Students
 - c. Cris Oseguera, Hamilton High School Principal
 - d. Sylvia Robles, Adult School (p. 7)
5. Chief Business Official Report by Kristen Hamman (p. 9)
6. Superintendent Report by Jeremy Powell (p. 11)

8.0 **PRESENTATIONS:**

1. Smoke Free Parks Campaign by Vanessa Mercado, HHS Program Coordinator

9.0 **CORRESPONDENCE:**

1. None

10.0 **INFORMATIONAL ITEMS:**

1. Butte- Glenn Community Collget District College and Career Access Pathways Partnership Agreement Appendix 2019-20 (p. 13)

11.0 **DISCUSSION ITEMS:**

2. CSBA Policy Guide Sheet (for below first readings) (p. 25)
 - a. First reading of Board Policy & Administrative Regulation 4218.1: Dismissal/Suspension/Disciplinary Action (Merit System) (p. 25)
 - b. First reading of Board Policy 5123: Promotion/Acceleration/Retention
 - i. Option 1 (p. 28)
 - ii. Option 2 (p. 29)
 - c. First reading of Board Policy and Administrative Regulation 5136: Gangs (p. 31)
 - d. First reading of Board Policy and Administrative Regulation 6142.2: World Language Instruction (p. 39)
 - e. First reading of Administrative Regulation 6145.2: Athletic Competition (p. 49)
 - f. First reading of Board Policy and Administrative Regulation 6145.6: International Exchange (p. 60)

- 12.0 **PUBLIC COMMENT:** Public comment on any item of interest to the public that is within the Board's jurisdiction will be heard (agenda and non-agenda items). The Board may limit comments to no more than three minutes per speaker and 15 minutes per topic. Public comment will also be allowed on each specific action item prior to board action thereon.

13.0 **ACTION ITEMS:**

1. Revised Governance Handbook for approval (p. 67)
2. Copy Machine/Business Solutions Options re-vist (tabled from meeting 8/28/19). (p. 187)
3. CSBA Policy Guide Sheet (for below Second readings) (p. 197)
 - a. Second reading of Board Policy 1112: Media Relations (p. 199)
 - b. Second reading of Administrative Regulation 3320: Claims and actions against the District. (p. 203)
 - c. Second reading of Board Policy and Administrative Regulation 3551: Food Service Operations/Cafeteria Fund (p. 208)
 - i. Option 2 (p. 211)
 - d. Second reading of Administrative Regulation 4117.7/4317.7: Employment Status Reports (p. 223)
 - e. Second reading of Board Policy 4119.24/4219.24/4319.24: Maintaining Appropriate Adult/Student Interactions (p. 197)
 - f. Second reading of Board Policy and Administrative Regulation 4218: Dismissal/Suspension/Disciplinary Action. (p. 233)

- 14.0 **CONSENT AGENDA:** Items in the consent agenda are considered routine and are acted upon by the Board in one motion. There is no discussion of these items prior to the Board vote and unless a member of the Board, staff, or public request specific items be discussed and/or removed from the consent agenda. Each item on the consent agenda approved by the Board shall be deemed to have been considered in full and adopted as recommended.

1. Girls Varsity High School Overnight Basketball Tourney Trip (p. 245)
2. Minutes for regular Board Meeting on August 28, 2019 (p. 247)
3. Warrants and Expenditures. (p. 257)
4. Interdistrict Transfers (new only; elementary students reapply annually).
 - a. Out
 - i. Hamilton Elementary School
 1. None
 - ii. Hamilton High School
 1. None
 - b. In
 - i. Hamilton Elementary School
 1. Grade K x 2
 2. Grade 2 x 1
 3. Grade 6 x 1

- 4. Grade 8 x 1
 - ii. Hamilton High School
 - 1. None

5. Personnel Actions as Presented:

a. New hires: None

b. Resignations/Retirement: None

15.0 **ADJOURNMENT:**

HUSD Food Service Report

Board Meeting on September 25, 2019

Sean Montgomery, Director of Nutrition and Student Welfare

Breakfast and Lunch:

1. High School breakfast and lunch numbers are climbing. Last Friday 9/13 we had 150 for breakfast. The first week of school, in contrast, we only got as high as 127.
2. The elementary numbers are also climbing, averaging around 130 for breakfast and 330 for lunch.
3. The elementary lunches seem to be getting smoother as everyone is learning the new system. Lunch hour seems quite a bit quieter also.

Personnel:

4. Marcie Rivera, a newly hired employee, is doing great at the High School. The students really like her.
5. Asha Mundo is also working out great at the elementary. She's primarily in charge of the new salad bars. She has taken on this challenge with great energy.

State Review:

6. We also closed out our "Seamless Summer" summer school state review last week.

HUSD Maintenance Report

Board Meeting on September 25, 2019

Alan Joksch, Director of Maintenance and Transportation

We are settling into our daily routine these first months of the new school year.

Sports Update

1. We had a wonderful turnout for our first home football game with Willows. The score board was repaired and re-painted. A new school nameplate was installed. The fields were prepared. The campus was cleaned. The turnout was great, although, unfortunately, the outcome was less than we had hoped for.
2. We are now preparing for homecoming week.
3. Volleyball hosted their three-day tournament. Except for a few minor issues, everything went smoothly. We were able to have the bleachers repaired by the seating company earlier that week.
4. The Elementary has had a good start to their sports season, as well, traveling to eight volleyball games with one at home in the HS gym. Football played two at home using the varsity field.
5. We have bused about 550 miles total for football and 300 for volleyball.

HVAC Project

1. The first set of three AC units were replaced on the Ag building on September 14th.
2. The second phase is planned for the week of Thanksgiving followed by winter break, pending weather.

Bus Training

1. Dallas Detherage has completed his training toward getting his Class B bus license. He is scheduled to test with CHP next week.
2. The rest of our drivers are planning our annual training over Christmas break.

Maintenance

1. We have accepted about 90 job tickets and completed about 70 this month. The majority have been vehicle or transportation related.
2. Bids are in for other aforementioned projects and are pending approval.

HUSD Technology Report

Board Meeting on September 25, 2019

Frank James, Director of Technology

Derek Hawley, Information Systems Technician

Completed and in Progress Tasks – September 2019

Copier Project

1. We have met with four local Business Solutions providers in order to give them the specific need of Hamilton Unified School District. We have gathered quotes from each vender, compared them, and organized them logically. This has been done to ensure that we are getting the best value to the District.

Blackboard mobile App:

1. We have met with Blackboard in regards to implementing a mobile app for parents, students, staff, and the community. This app will work hand and hand with the website to inform the public of school events and news. We hope to that this app up and functional before the start of 2020.

Windows Server Update Services (WSUS):

1. A new WSUS server has been created, configured and deployed. This will enable is to push out updates and quickly load images on desktop and laptop PCs.

Staff and Faculty Support:

1. During the month of August HUSD generated 131 new technology tickets. We ended up closing 153 technology tickets (some tickets carried over from July). This represents the second largest created ticket month and the highest closed ticket totals since the implementation of the ticketing system. This can be attributed to the increase in technology throughout the district as well as the increased buy in from Staff in regards to utilizing the technology portal.

Financial/Business Systems:

1. Competed the update on all Financial and Business Department PCs from Cisco VPN to OpenVPN. Glenn County Office of Education has transitioned to OpenVPN for accessing QSS.

Laserfiche Project:

1. The District has formed a team to handle the Laserfiche Project. The Team has developed a plan for starting and implementing our digital document storage project. We hope to write procedures, start scanning and storing documents before the start of 2020.

The Robles Report-Adult Education
Board Meeting on September 25, 2019
Silvia Robles, Director of Adult Education
Guadalupe Mercado, Administrative Technician

Completed and in Progress Tasks – September 2019

1. Started working on the First Quarter Report ending September 30, due October 30th.
2. High School Diploma program has ongoing enrollment with 12 enrolled concurrent high school students and two enrolled adults.
3. California Core Performance Employment and Earning Survey training started September 13th to follow up with students who have left the program and entered employment or post-secondary education.
4. Recruiting and enrolling for Forklift Training.
 - a. September 26, 6pm-9:pm
 - b. September 28, 8am-4pm.
5. Recruiting and enrolling for Computer Literacy Course.
 - a. Begins September 23.
6. I have arranged for a USCIS-Immigration Information Meeting that will take place on September 24th at the High School Library at 7:00pm.
7. Enrollment for all programs as of today:
 - Citizenship, runs year-round: 7 enrolled (1 waiting list)
 - Computer Literacy begins September 23rd: 5 enrolled (1 paid)
 - ESL, runs year-round: 7 enrolled (1 waiting list)
 - Floral Design: due to 0 enrollment canceled September 9 & 16 classes
 - Forklift for September 26, & 28: 7 enrolled (4 paid)
 - High School Diploma: 14 enrolled (6 waiting list)
 - Job Reentry to begin in October: 2 enrolled (0 paid)

Hamilton Unified School District
General Fund - Unrestricted and Restricted
September 2019 Board Report
As of 9/16/19

	2019-2020 Budget	2019-2020 Year To Date	2018-2019 Budget	2018-2019 Year To Date
Revenues				
LCFF Sources	\$ 7,980,647	\$ 514,100	\$ 7,548,255	\$ 506,256
All Other Federal Revenue	\$ 254,861	\$ -	\$ 260,002	\$ -
Other State Revenue	\$ 195,102	\$ 237,780	\$ 467,224	\$ 5,000
Other Local Revenue	\$ 69,840	\$ 497	\$ 35,500	\$ 2,469
Other Financing Sources	\$ -	\$ -	\$ 27,972	\$ -
Total Revenues	\$ 8,500,450	\$ 752,377	\$ 8,338,953	\$ 513,725
Expenditures				
Certificated Personnel Salaries	\$ 3,452,793	\$ 355,919	\$ 3,476,900	\$ 357,325
Classified Personnel Salaries	\$ 1,193,213	\$ 178,498	\$ 1,146,055	\$ 183,590
Employee Benefits	\$ 1,985,568	\$ 266,043	\$ 1,893,035	\$ 264,879
Books and Supplies	\$ 498,893	\$ 113,424	\$ 312,944	\$ 159,118
Travel and Conferences	\$ 120,287	\$ 7,708	\$ 140,473	\$ 8,189
Dues and Memberships	\$ 9,500	\$ 2,995	\$ 9,500	\$ 7,016
Other Insurance	\$ 89,819	\$ 100,695	\$ 89,819	\$ 87,145
All Other Utilities	\$ 205,500	\$ 62,304	\$ 205,500	\$ 65,839
Rents/Leases/Repairs	\$ 77,299	\$ 17,237	\$ 104,945	\$ 22,276
Other Operating Expenditures	\$ 293,881	\$ 103,811	\$ 258,356	\$ 102,179
Capital Outlay	\$ -	\$ -	\$ 236,000	\$ 26,865
Other Outgo	\$ 808,946	\$ -	\$ 668,616	\$ -
Total Expenditures	\$ 8,735,699	\$ 1,208,635	\$ 8,542,143	\$ 1,284,421
Net Increase (Decrease) in Fund	\$ (235,249)	\$ (456,258)	\$ (203,190)	\$ (770,696)
Beg. Fund Bal. (based on 2018-19 estimated actuals)	\$ 1,218,093			
Projected End. Fund Bal.	\$ 982,844			

Moving from August to September, the school year has found a nice rhythm and routine. Our Professional Development Day on Monday, September 23 was attended by all HUSD Staff members and included a morning session hosted by Kacie Sanders from GCOE focusing on Trauma Informed Support for ALL students. We then broke into job-specific sessions with the Certificated (teachers) working with Kathy, Maggie, and Raquel on providing quality teaching strategies while the Classified Staff broke into job specific workshops that included our Paraprofessionals continuing the Trauma informed work with Kacie, our Maintenance team attending a workshop presented by Alan and Derek focusing on our online ticketing program; our Administrative Assistant and Office Assistant team workshoped with Kristen focusing on district-wide procedures; and our Nutrition Services team attended a workshop hosted by Sean reflecting on the many changes and continuing to improve service to our students. The afternoon sessions built on the morning work with our Certificated staff going to their school sites and working with their Administrative team while the Classified staff continued their departmental work.

District Highlights for August & September:

1. Our Back-to-School Nights were very well attended throughout the district. Parents were able to meet with their children's teachers, learn about the different programs we offer, and become actively engaged in the HUSD community.
2. We had a team (Kathy, Maggie, and Raquel) attend a training at Stanford University, hosted by Jo Boaler, focusing on supporting a Mathematical Mindset for our students. There was great excitement about how this shift in mindset will support all of our students throughout HUSD!
3. We have conducted a series of meetings with community representatives (Jose Puga-community member, Jose Puente-HC General Manager, Alan, and myself) regarding the Sacramento Community Park and how, together, we can work to improve on the current condition of the facility. We have additional meetings scheduled and we are excited about what the future may hold for the Hamilton City Community!
4. On Wednesday, September 18, we held our first Hamilton Unified Leadership Committee (HULC) meeting. It was well attended and will become a powerful platform to address district-wide issues in the coming months.
5. Our Annual Sports Boosters Golf Tournament was held on September 22. It is an amazing event that helps to support all of our wonderful student-athletes--Thank you all who attended.

HUSD Superintendent Report

Board Meeting on September 25, 2019

Jeremy Powell, Ed. D.

On a personal note, I was elected to the Small School District Executive Board of Directors as the Representative for the Mid-North State Region. I am excited to serve our region and be a voice at the state level for Hamilton City and the Mid-North State Region.

Upcoming Events:

6. 9/19: HHS Minimum Day: Parent/Teacher Conference
7. 9/22: HHS Sports Boosters Golf Tournament @ Rolling Hills
8. 9/23: No School-Staff In-Service Day
9. 9/25: HUSD Board Meeting
10. **10/9: Special Board Meeting-Re: Unaudited Actuals
11. 10/9: Free Community Public Health/Flu Shot Clinic
12. 10/11: End of 1st Quarter
13. 10/16: HULC Meeting at 3:30 in the Elementary Conference Room
14. 10/23: HUSD Board Meeting



**COLLEGE AND CAREER ACCESS PATHWAYS
PARTNERSHIP AGREEMENT**

APPENDIX

WHEREAS, the College and Career Access Pathways Partnership Agreement ("CCAP Agreement") is between **Butte-Glenn Community College District** ("College") and **Hamilton Unified School District** ("School District"); and

WHEREAS, the College and the School District agree to record College and School District specific components of the CCAP Agreement using the CCAP Agreement Appendix to specify additional detail regarding, but not limited to: the total number of high school students to be served; the total number of full-time equivalent students projected to be claimed by the College for those students; the scope, nature, time, location and listing of community college courses to be offered; and the criteria to assess the ability of pupils to benefit from those courses. (Ed. Code, § 76004, subd. (c)(1))

NOW THEREFORE, the College and School District agree as follows:

1. CCAP AGREEMENT

1.1. The College and School District entered into this CCAP Agreement on **July 1, 2018**, pursuant to action of the governing boards of the College and School District.

1.1.1. COLLEGE BOARD MEETINGS

Information Board Meeting Date:	Agreement: 4/17/18	Appendix: 9/11/19
Public Comment and Approval Board Meeting Date:	Agreement: 5/16/18	Appendix: 10/16/19

1.1.1. SCHOOL DISTRICT BOARD MEETINGS

Information Board Meeting Date:	Agreement: 5/22/18	Appendix: 9/25/19
Public Comment and Approval Board Meeting Date:	Agreement: 6/20/18	Appendix: 10/23/19

2. POINTS OF CONTACT

2.1. College and School District points of contact for this CCAP Agreement: (Ed. Code, § 76004 (c)(2))

COLLEGE

Name:	Tanna Neilsen	Title:	Administrative Secretary
Telephone:	(530)879-6108	Email:	neilsenta@butte.edu

SCHOOL DISTRICT

Name:	Jolene Towne	Title:	Executive Assistant
Telephone:	826-3261 x6004	Email:	jtowne@hudschools.org

3. STUDENT SELECTION

3.1. College and School District shall adhere to the terms outlined in Section 3, Student Eligibility, Admission, Registration and Enrollment of the CCAP Agreement to select eligible students.

4. **CCAP AGREEMENT EDUCATION PROGRAM(S) AND COURSE(S).** The College has identified the following: program year; educational program(s) and course(s) to be offered at the said date, time and location; term; number of sections; the total number of students to be served and projected FTES; and the instructor and employer of record.

PROGRAM YEAR:	2019-20	EDUCATIONAL PROGRAM:	
SCHOOL DISTRICT:	Hamilton Unified School District	HIGH SCHOOL:	Hamilton High School

TOTAL PROJECTED NUMBER OF STUDENTS TO BE SERVED:	45	TOTAL PROJECTED FTES:	4
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COURSE NAME	COURSE NUMBER	TERM	# OF SECTIONS	TIME	DAYS/HOURS	INSTRUCTOR	EMPLOYER OF RECORD	LOCATION
Intro to Animal Science	AGS 40	FA19	1	8:10-9:29	M-W-altF	J Lohse	<input type="checkbox"/> CC <input checked="" type="checkbox"/> HS	<input type="checkbox"/> CC <input checked="" type="checkbox"/> HS
Intro to Environmental Horticulture	EH 20	FA19	1	9:44-11:03	T-Th-altF	J Lohse	<input type="checkbox"/> CC <input checked="" type="checkbox"/> HS	<input type="checkbox"/> CC <input checked="" type="checkbox"/> HS
Intro to Agriculture Business	AB 26	SP19	1	12:28-1:47	T-Th-altF	J Lohse	<input type="checkbox"/> CC <input checked="" type="checkbox"/> HS	<input type="checkbox"/> CC <input checked="" type="checkbox"/> HS

Required: Attach the course description for each course listed above. Each course description should include information regarding the nature and scope of the course.

Required: Describe the criteria used to assess the ability of pupils to benefit from the courses(s) offered: (Ed. Code, § 76004 (c)(1))

SCHOOL DISTRICT counselors and pathway instructors select students based on academic readiness and alignment of course content to students' education and career goals.

5. **BOOKS AND INSTRUCTIONAL MATERIALS.** The total cost of books and instructional materials for School District students participating as part of this CCAP agreement will be borne by School District.

COURSE NAME	TEXT	COST	OTHER INSTRUCTIONAL MATERIALS	COST
N/A				

6. **REIMBURSEMENT.**

- 6.1. Use of School District Instructor. For those courses in which a School District instructor is responsible for the instructional services for a course offered as part of this CCAP Agreement; the College will reimburse the School District **\$400.00 per section.**
- 6.2. Invoicing Procedures. Within 30 days after the end of each academic term, the School District shall provide an invoice to the College for reimbursement implied in this CCAP Agreement Appendix. The invoice must specify the course name, course number, term, instructor and the number of students served.

7. FACILITIES USE.

- 7.1. College and School District shall adhere to the terms outlined in Section 13, Facilities, of this CCAP Agreement.
- 7.2. School District as part of Section 13.1 of this CCAP Agreement, shall extend access and use of the following School District facilities:

BUILDING	CLASSROOM	DAYS	HOURS
HHS	13	M-W-altF	8:10 – 9:29
HHS	13	T-Th-altF	9:44 – 11:03
HHS	13	T-Th-altF	12:28 – 1:47

8. APPENDIX APPROVAL

- 8.1. The College and School District shall ensure that the governing board of each district, at an open public meeting of that board, present this Appendix as an information item. The College and School District shall ensure that the governing board of each district, at a subsequent open public meeting of that board, shall take comments from the public and approve or disapprove this Appendix. (Ed. Code, § 76004, subd. (b))
- 8.2. Upon approval of this Appendix by the governing boards of both the College and School District, the College will provide a copy of this Appendix to the Chancellor’s Office of the California Community Colleges prior to the start of the course. (Ed. Code, § 76004, subd. (c)(3))

IN WITNESS WHEREOF, the parties to the CCAP Agreement have executed this CCAP Agreement Appendix by their duly authorized representatives on the dates of their signatures.

BUTTE-GLENN COMMUNITY COLLEGE DISTRICT

HAMILTON UNIFIED SCHOOL DISTRICT

By: _____
 (Signature of person authorized to execute Appendix on behalf of College.)

By: _____
 (Signature of person authorized to execute Appendix on behalf of School District.)

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

TO BE COMPLETED BY COLLEGE ONLY					
The person preparing this contract must complete this section and obtain appropriate initials before contract will be approved.					
Initiating Department:	VPI	Preparer’s Name & ID:	TANNA NEILSEN 3180821	Phone:	6108
Vendor Name:	HAMILTON UNIFIED SCHOOL DISTRICT		Vendor ID:		
PO Description (Max. 25 characters):	DUAL ENROLLMENT				
Budget Code:	12.205.110.1.601010.55890	PO Amount:			
Contract Monitor Name (Person Who Approves Invoices):	TANNA NEILSEN			Phone:	6108
Dept. Dean/Director Initials:		Dept. Vice President Initials:			
Business Contracts Approval:		Purchase Order Number:			

BUTTE COLLEGE

COURSE OUTLINE

I. CATALOG DESCRIPTION

AGS 40 - Introduction to Animal Science

3 Unit(s)

Prerequisite(s): NONE

Recommended Prep: Reading Level III; English Level III; Math Level II

Transfer Status: CSU/UC

34 hours Lecture

51 hours Lab

This course is a scientific approach to the livestock industry encompassing aspects of animal anatomy, physiology, nutrition, genetics and epidemiology. There will be special emphasis on the origin, characteristics, adaptation and contributions of farm animals to the global agriculture industry. Analysis of the economic trends and career opportunities in animal agriculture will be covered.

II. OBJECTIVES

Upon successful completion of this course, the student will be able to:

- A. Identify animal contributions to the development of human civilizations.
- B. Describe economically significant breeds of animals and their unique adaptations.
- C. Describe the function of the major body systems.
- D. Identify reproductive cycles and biotechnological principles of animal reproduction.
- E. Analyze genetic change through artificial/natural selection.
- F. Discuss nutritional needs for various body functions.
- G. Describe animal behavior as it relates to animal domestication, health and performance.
- H. Explain basic strategies for disease control, prevention and management.
- I. Utilize the scientific method to collect data, calculate production parameters and make scientifically-based management decisions.
- J. Identify and discuss current issues affecting animal agriculture.

III. COURSE CONTENT

A. Unit Titles/Suggested Time Schedule

<u>Topics</u>	<u>Lecture</u>	<u>Hours</u>
1. Introduction to animal agriculture		4.00
a. Career opportunities		
b. Importance of domestic animals to the world and to the United States		
c. Economic importance of animal agriculture		
d. Animal contributions to human needs		
e. Ethnic and cultural contributions to animal domestication		
2. Unique adaptations of various species		4.00
a. Natural selection vs artificial selection		
b. Meat animal use and production		
c. Fiber production		
d. Dairy production		
e. Recreational and companionship use of animals		
3. Anatomy and physiology		3.00
a. Identification of external anatomy for various species		
b. Analysis of body systems – reproductive, respiratory, digestive, immune, circulatory		

4. Animal reproduction	3.00
a. Animal breeding systems	
b. Reproductive management and technology	
c. Fertility assessment	
5. Genetics	3.00
a. Introduction and review of genetic principles	
b. Gene modification and genetic interactions	
c. Genetic improvement and variation	
d. Inheritance and population genetics	
6. Nutrition	3.00
a. Classes of nutrients	
b. Feed identification and composition	
c. Livestock feeding management practices	
7. Animal behavior (ethology)	3.00
a. Behavioral characteristics	
b. Animal handling and safety	
c. Conditioning	
8. Animal health	3.00
a. Biosecurity	
b. Vital Signs	
c. Indications of health vs disease	
d. Common diseases	
9. The scientific method	3.00
a. Research in animal agriculture	
b. Developing a research model	
c. Humane treatment of research animals	
10. Issues affecting animal agriculture	5.00
a. Animal welfare issues	
b. Advances in biotechnology	
c. Governmental and environmental concerns	
d. Food safety	
e. Public policy and consumer awareness	
Total Hours	34.00

Lab

<u>Topics</u>	<u>Hours</u>
1. Beef and Dairy	3.00
2. Sheep and Swine	3.00
3. Meats lab, safety and processes	3.00
4. Grocery store - meat, cheese, butter, ice cream	3.00
5. Purebred Beef - Expected Progeny Differences (EPD)	3.00
6. Commercial cattle operation - weaning, castration	3.00
7. Dairy farm - production cycle	3.00
8. Milk processing - cheese plant	3.00
9. Sheep - lambing and handling	3.00
10. Purebred Sheep - production cycle	3.00
11. Swine - vaccination, selection, management	3.00
12. Poultry - quality of carcasses and eggs	3.00

13. Horse - production cycle	3.00
14. Selection workshop	3.00
15. Biotechnology and environmental workshop	3.00
16. North Valley Livestock Tour	6.00
Total Hours	51.00

IV. METHODS OF INSTRUCTION

- A. Lecture
- B. Class Activities
- C. Homework: Students are required to complete two hours of outside-of-class homework for each hour of lecture
- D. Discussion
- E. Problem-Solving Sessions

V. METHODS OF EVALUATION

- A. Exams/Tests
- B. Class participation
- C. Written Examinations
- D. Practical Evaluations
- E. Mid-term and final examinations

VI. EXAMPLES OF ASSIGNMENTS

- A. Reading Assignments
 1. Read the chapter on genetic change through selection and be prepared to share your findings with the class.
 2. Read the chapter on market classes and grades of livestock and be able to discuss in a group setting the evaluative criteria for each grade of beef, pork and lamb.
- B. Writing Assignments
 1. Read the chapter on animal behavior and and write a 2-3 page paper on the fields of animal behavior and systems of animal behavior.
 2. Read an article from a trade magazine on the issues in animal agriculture and write 2 page paper on animal welfare.
- C. Out-of-Class Assignments
 1. Visit any livestock operation in the local area and be prepared to share with the class, the breeds, total numbers and management practices utilized at the operation.
 2. Use the Internet to check current pricing on the major market animals as well as breeding stock for swine, sheep, beef and dairy cattle. This information will be shared with the class.

VII. RECOMMENDED MATERIALS OF INSTRUCTION

Textbooks:

- A. Taylor, R. Scientific Farm Animal Production. 10th Edition. Prentice Hall, 2012.

Materials Other Than Textbooks:

- A. Materials: 3 ring notebook, proper clothing for labs

Created/Revised by: Bruce Hicks

Date: 10/20/2014

BUTTE COLLEGE

COURSE OUTLINE

I. CATALOG DESCRIPTION

AB 26 - Introduction to Agriculture Business

3 Unit(s)

Prerequisite(s): NONE

Recommended Prep: Reading Level IV; English Level III; Math Level II

Transfer Status: CSU

51 hours Lecture

This course provides students with a basic understanding of the business and economics of the agricultural industry; an introduction to the economic aspects of agriculture and their implications to the agricultural producer, consumer and the food system; management principles encountered in the day to day operation of an agricultural enterprise as they relate to the decision making process. (C-ID AG-AB 104).

II. OBJECTIVES

Upon successful completion of this course, the student will be able to:

- A. Explain how economic principles relate to commodity marketing sub sectors in agriculture.
- B. Recognize and describe agricultural business organizational structures including; sole proprietorships, partnerships, corporations, franchises, and cooperatives. Identify and explain the four functions of management and how they relate to the agribusiness organization.
- C. Develop an awareness of the basic laws, regulations, and regulatory agencies that interact with the agriculture community.
- D. Describe various styles of leadership.
- E. Identify the role of the agricultural manager.
- F. Recognize, evaluate, and propose solutions to problems in personnel, ethics and communication.

III. COURSE CONTENT

A. Unit Titles/Suggested Time Schedule

<u>Topics</u>	<u>Lecture</u>	<u>Hours</u>
1. The role and organization of the agribusiness		8.50
a. The place of agribusiness in California, United States, and the global economy		
b. Types of agribusiness		
c. The organization of an agribusiness		
d. Types of business structure		
e. Managing the agribusiness		
2. Management		8.50
a. Planning		
b. Leading		
c. Organizing		
d. Controlling		
3. Managerial Problem Solving in Agriculture		8.50
a. Diagnosis of the situation		
b. Generating alternative		
c. Evaluating alternatives		
d. Selecting the best alternative		
e. Implementing the alternative		

f. Evaluation of results	
4. Financial Management and Control of Agribusiness	8.50
a. General business economics	
b. Overview of financial statements	
5. Human Resource Management	8.50
a. The role of the agriculture manager	
b. Agriculture employee motivation	
c. Team and team building	
d. Labor relations	
6. Business Land and Ethics in Agriculture	8.50
a. Agriculture values	
b. Agriculture business ethnics	
c. Personal values	
d. Agricultural Law and the regulatory environment	
Total Hours	51.00

IV. METHODS OF INSTRUCTION

- A. Lecture
- B. Group Discussions
- C. Homework: Students are required to complete two hours of outside-of-class homework for each hour of lecture
- D. Reading Assignments
- E. Case Studies

V. METHODS OF EVALUATION

- A. Quizzes
- B. Oral Presentation
- C. Projects
- D. Homework
- E. Short papers
- F. Essays and research papers
- G. Business Plan

VI. EXAMPLES OF ASSIGNMENTS

- A. Reading Assignments
 1. Read and interpret an article pertaining to current events in agriculture, posted on the class portal. Be prepared to discuss the issues and take a pro/con position.
 2. Read the case study in your text dealing with "Going Broke While Making a Profit". Identify how this happened and how it could have been avoided.
- B. Writing Assignments
 1. Write a 7-10 page Business Plan for an agricultural endeavor of your choice. The Business Plan should include a description of the business, a marketing plan, and financial statements.
 2. Write a two-three research page paper covering the management style of the Simplot Corporation. Identify the companies approach to hiring, advancement, and outlook on the future.
- C. Out-of-Class Assignments
 1. Locate two examples of advertising for an agricultural commodity. One should be commodity based and the other product specific. Be prepared to discuss in class.
 2. Interview an individual currently working in your proposed field of employment. Write a

two page paper discussing the nature of the work, the best and worst parts of the job, and the employment outlook. Be prepared to discuss in class.

VII. RECOMMENDED MATERIALS OF INSTRUCTION

Textbooks:

- A. Beierlein, J. Principles of Agribusiness Management. 5th Edition. Waveland, 2013.
- B. Barnard, F. Agribusiness Management. 4th Edition. Routledge, 2012.

Created/Revised by: Bruce Hicks

Date: 09/29/2014

BUTTE COLLEGE

COURSE OUTLINE

I. CATALOG DESCRIPTION

EH 20 - Introduction to Environmental Horticulture

3 Unit(s)

Prerequisite(s): NONE

Recommended Prep: Reading Level III; English Level II; Math Level II

Transfer Status: CSU

34 hours Lecture

51 hours Lab

This course is an introduction to environmental horticulture including nursery operations, landscaping, turf management and arboriculture. Topics include basic botany, cultural practices, propagation, structures and layout, pest management, planting, transplanting, container gardening, houseplants, plant identification, turfgrass installation and care, and a broad survey of the 'Green Industry' and other career opportunities.

II. OBJECTIVES

Upon successful completion of this course, the student will be able to:

- A. Identify various horticultural occupations and their employment requirements.
- B. Identify and safely use common tools and equipment.
- C. List and describe the major structures of plants and their functions.
- D. Formulate potting mixes and container media.
- E. Propagate plants by sexual and asexual methods.
- F. Explain the requirements of plant growth including watering needs, fertilizers requirements and pest control.
- G. Identify the various types of horticultural structures including shade structures, greenhouses, and cold frames.
- H. Describe the basic operations of various environmental horticulture businesses.
 - I. Plant and care for horticultural crops.

III. COURSE CONTENT

A. Unit Titles/Suggested Time Schedule

<u>Topics</u>	<u>Lecture</u>	<u>Hours</u>
1. The 'Green Industry' in Butte County and Around the World		2.00
2. Environmental Issues and Regulations		2.00
3. Horticultural Occupations and Their Employment Requirements		2.00
4. Tools, Equipment and Safety Practices		2.00
5. Plant Structures and Functions		2.00
6. Soils and Container Media		2.00
7. Plant Propagation		2.00
8. Requirements of Plant Growth		2.00
9. Irrigation and Fertilization		2.00
10. Pest and Disease Damage Identification		2.00
11. Horticultural Structures		2.00
12. Environmental Horticulture Businesses		2.00

13. Nursery and Greenhouse Crops – Planting and Care	2.00
14. Plants in the Landscape – Care and Pruning	2.00
15. Plant Identification and Nomenclature	2.00
16. Common Turf and Landscape Practices	2.00
17. Agriculture and Horticulture Policy concerns	2.00
Total Hours	34.00

Lab

<u>Topics</u>	<u>Hours</u>
1. The ‘Green Industry’ in Butte County and Around the World	3.00
2. Tools, Equipment and Safety Practices	3.00
3. Plant Structures and Functions	3.00
4. Soils and Container Media	3.00
5. Plant Propagation	6.00
6. Requirements of Plant Growth	3.00
7. Irrigation and Fertilization	3.00
8. Pest and Disease Damage Identification	3.00
9. Horticultural Structures	3.00
10. Nursery and Greenhouse Crops – Planting and Care	6.00
11. Plants in the Landscape – Care and Pruning	6.00
12. Plant Identification and Nomenclature	3.00
13. Common Turf and Landscape Practices	3.00
14. Vineyard and Orchard Pruning Practices	3.00
Total Hours	51.00

IV. METHODS OF INSTRUCTION

- A. Lecture
- B. Class Activities
- C. Field Trips
- D. Homework: Students are required to complete two hours of outside-of-class homework for each hour of lecture
- E. Discussion
- F. Demonstrations
- G. Reading Assignments
- H. Multimedia Presentations
- I. Laboratory Experiments

V. METHODS OF EVALUATION

- A. Exams/Tests
- B. Quizzes
- C. Oral Presentation
- D. Demonstration
- E. Homework
- F. Class participation
- G. Lab Projects

VI. EXAMPLES OF ASSIGNMENTS

A. Reading Assignments

1. Read the UC-IPM website covering one of each type of plant disorder and be ready to give an oral report to the class on proper care for the affected plant.
2. Read the text chapter on diagnosing plant disorders and complete the corresponding homework assignment. Be prepared for class discussion on the following:
 - a. Plant disorders caused by cultural practices.
 - b. Plant disorders caused by insect damages.
 - c. Plant disorders caused by diseases.

B. Writing Assignments

1. Write a two page essay on a plant of your choice. Give your reasons for choosing this plant, its history of association with humans and its future uses and value to mankind.
2. Write a two page essay on current employment trends for Horticulturists. Give regional data for trends and salary ranges.

C. Out-of-Class Assignments

1. Visit a local business that is in the ornamental horticulture category and be prepared to give an oral report to the class.
2. Visit a local or regional business in the agricultural or viticultural areas of horticulture and be prepared to give an oral report to your class.

VII. RECOMMENDED MATERIALS OF INSTRUCTION

Textbooks:

- A. Laura Williams Rice & Robert P. Rice. Practical Horticulture. 7th Edition. Prentice-Hall , 2011.

Materials Other Than Textbooks:

- A. Materials: three ring binder, pocket knife, pruning shears, water bottle, gloves, shade hat and boots. Warm clothing, when necessary.

Created/Revised by: Jared Wilmarth

Date: 02/23/2015

CSBA POLICY GUIDE SHEET
July 2019
For HUSD Board Meeting September 25, 2019
Page 1 of 2

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

BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System)

(BP/AR added)

New policy and regulation address requirements for disciplinary proceedings for classified employees in merit system districts. BP/AR contain material formerly in AR 4218 - Dismissal/Suspension/Disciplinary Action, and new material consistent with BP/AR 4218 and BP/AR 4118 - Dismissal/Suspension/Disciplinary Action for certificated employees. Policy also reflects **NEW LAW (AB 2234, 2018)** which requires the personnel commission to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor.

BP 5123 - Promotion/Acceleration/Retention

(BP revised)

Policy updated to make minor revision reflecting current law pertaining to the requirement to provide remedial instruction to students who are recommended for retention or are identified as being at risk for retention.

BP/AR 5136 - Gangs

(BP/AR revised)

Policy and regulation updated to expand material related to supports and services for students identified as gang members and reflect best practices for gang prevention, intervention, and suppression described in **NEW RESOURCE** from the National Gang Center and in publication from the Los Angeles Police Department.

BP/AR 6142.2 - World Language Instruction

(BP/AR revised)

Policy and regulation retitled to be consistent with terminology used in the Education Code pursuant to **NEW LAW (AB 2319, 2018)**. Policy and regulation updated to reflect **NEW STATE CONTENT STANDARDS** for world language instruction adopted by the State Board of Education in January 2019. Policy also reflects University of California guidance stating that American Sign Language courses may be used to satisfy world language coursework requirements for college admission, and reflects state regulations which require districts to establish a process for receiving and responding to input from parents/guardians and other stakeholders regarding the world language in which instruction will be provided in any program sufficient to produce proficiency in a world language. Regulation also reflects state regulation requiring districts to establish a process for receiving and responding to parent/guardian requests to establish a language acquisition program not currently offered at the school.

AR 6145.2 - Athletic Competition

(AR revised)

Regulation updated to reflect **NEW LAW (SB 1109, 2018)** which requires districts to annually provide student athletes and their parents/guardians an opioid fact sheet produced by the Centers for Disease Control and Prevention.

BP/AR 6145.6 - International Exchange

(BP/AR revised)

Policy updated to clarify the scope of the policy, separate material pertaining to district students studying in another country and material pertaining to international exchange students studying in district schools, and reflect CSBA Legal Guidance. Policy also addresses student eligibility, information to obtain from the placement organization, and methods that may be used to calculate the total cost of educating an international student for the purpose of determining tuition. Regulation reflects the requirement to provide the placement organization with written acceptance of a student's enrollment, clarifies that a student's enrollment may be for one semester or one year, and adds optional language regarding the provision of a school transcript.

CSBA Sample Board Policy

Students

BP 5123(a)

PROMOTION/ACCELERATION/RETENTION

Note: Education Code 48070 and 48070.5 **mandate** that the Governing Board adopt a policy, at a public meeting, regarding the promotion and retention of students, including, but not limited to, promotion and retention at specified grade levels and with specified provisions.

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6170.1 - Transitional Kindergarten)

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

Note: Education Code 48070.5 **mandates** that the Board's policy provide for the identification of students who should be retained and who are at risk of being retained at the end of grades 2, 3, 4, the intermediate grades (usually grade 6), and the middle school grades (usually grade 8). Items #1-5 below should be revised to reflect the grade levels offered by the district. If the Board chooses to expand these requirements to cover other grade levels, the following list should be revised accordingly.

Education Code 48070.5 further **mandates** that the Board's policy provide for students to be identified as early in the school year, and as early in their school careers, as practicable.

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5

PROMOTION/ACCELERATION/RETENTION (continued)

Note: If all the schools in the district are configured in the same manner, the district may specify the actual grade levels in items #4 and 5 below (e.g., between grades 6 and 7, between grades 8 and 9).

- 4. Between the end of the intermediate grades and the beginning of the middle school grades
- 5. Between the end of the middle school grades and the beginning of the high school grades

Note: Education Code 48070.5 **mandates** that the district's policy establish the basis for identifying students who should be retained and who are at risk of being retained. If a student performs below the **minimum** standard based on indicators established by the district, the student shall be retained, unless the teacher determines that retention is not the appropriate intervention for the student's academic deficiencies; see the accompanying administrative regulation.

Pursuant to Education Code 48070.5, the district may use either of the following: (1) the student's grades and other indicators of academic achievement designated by the district (Option 1 below) or (2) the results of state assessments administered pursuant to Education Code 60640-60649 and minimum levels of proficiency recommended by the State Board of Education (SBE) (Option 2 below). With regards to **special education students with special needs**, the determination as to the appropriate standards for promotion or retention should be made as part of the **IEP individualized education program** process; see BP/AR 6159 - Individualized Education Program.

Education Code 48070.5 provides that, when a district chooses to identify students on the basis of grades pursuant to Option 1, the Board shall also designate other indicators of academic achievement that will be used. These other indicators of achievement (e.g., state or district assessments, portfolios, attendance) should be specified in the blanks provided below.

OPTION 1: Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

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

Note: According to the California Department of Education's (CDE) "FAQs Pupil Promotion and Retention," student results from the California Assessment of Student Performance and Progress may be included as indicators of academic achievement for the purpose of identifying students for promotion or retention as provided in Option 2 below, but should not be the only criterion until minimum performance levels for this purpose have been established by CDE. Other indicators of achievement (e.g., grades, district assessments, portfolios, attendance) should be specified in the blanks provided below.

PROMOTION/ACCELERATION/RETENTION (continued)

OPTION 2: Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by the results of state assessments administered pursuant to Education Code 60640-60649 and the following additional indicators of academic achievement:

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

Note: The remainder of this policy is for use by all districts.

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

Note: Education Code 48070.5 **mandates** that the district's policy specify the teacher(s) responsible for the promotion/retention decision in cases where the student does not have a single regular classroom teacher. The following paragraph should be revised to indicate the specific teacher(s) who will be responsible (e.g., teachers responsible for core subjects).

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

Note: Education Code 48070.5 **mandates** that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; see the accompanying administrative regulation.

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

Note: ~~Education Code 37252.2 requires districts to provide supplemental instruction to students in grades 2-9 who have been retained or recommended for retention. Education Code 37252.8 authorizes, but not does require, districts to provide supplemental instruction to students in grades 2-6 who have been identified as at risk of retention. Pursuant to Education Code 48070.5, the Board must adopt policy indicating the manner in which supplemental~~

instruction for these purposes will be provided to students who are recommended for retention or are identified as being at risk for retention. See BP 6179 - Supplemental Instruction for language fulfilling this mandate.

BP 5123(d)

PROMOTION/ACCELERATION/RETENTION (continued)

When any student in grades 2-9 is ~~retained or~~ recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. ~~The Superintendent or designee also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention.~~ (Education Code ~~37252.2, 37252.8, 48070.5~~)

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

~~37252-37254.1 Supplemental instruction~~

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education ~~plan~~ program

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEB SITES

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

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

Policy Reference UPDATE Service

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CSBA Sample Board Policy

Students

BP 5136(a)

GANGS

Note: The following **optional** policy and regulation may be used as a component of a **the district's** comprehensive district safety plan and should be revised to reflect district ~~circumstances~~ practice. See BP/AR 0450 - Comprehensive Safety Plan.

The National Gang Center, in its publication Gangs in Schools, recommends adopting policy that addresses gang-related incidents.

The Governing Board desires to keep district schools free from the threats or harmful influence of any groups ~~or gangs which~~ **who exhibit drug use, violence or disruptive behavior disruptive to the school environment and/or the safety and well-being of students. The Board additionally desires to provide support and intervention to students who are members of gangs to enable them to successfully disengage from gang involvement and be successful in school. The Superintendent or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities.**

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 5131.4 - Student Disturbances)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5137 - Positive School Climate)

Note: ~~Education Code 51265 urges districts to give high priority to inservice programs on gang violence and substance abuse prevention education.~~

~~The Superintendent or designee shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources.~~

Note: The following paragraph is based on the Los Angeles Police Department's "Why Young People Join Gangs," available on its web site.

~~The Board realizes that students become involved in gangs for many reasons, such as peer pressure, the need for a sense of belonging, and lack of refusal skills. The Superintendent or designee shall develop strategies for gang prevention that address the reasons that students may become involved in gangs, including the identity, recognition, or status achieved as being part of a gang, protection from gang violence in the community, the need for companionship and an extended family, intimidation to join a gang, desire to~~

BP 5136(b)

GANGS (continued)

~~join a gang to be in a position to intimidate others, and/or connection with criminal activity.~~

Note: The following paragraph reflects recommendations in the National Gang Center's Strategic Planning Tool and Gangs in Schools, both available on its web site.

~~Age appropriate gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten. Gang violence prevention shall start as early as possible and include, but not be limited to, age-appropriate education that focuses on developing emotional and social competence, increasing prosocial peer bonds, strengthening attachment and commitment to school, and enhancing cooperative learning skills. Prevention shall also include improving parent/guardian involvement in and support for their children's academic progress, as well as ongoing gang awareness education for parents/guardians, including gang identifiers.~~

(cf. 5020 - Parent Involvement)

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall take steps to deter gang activity on school campuses, including threats and intimidation of students and staff, recruitment or intimidation of students to join gangs, bullying, fighting, criminal activities, and confrontations between members of different gangs.

(cf. 5131.2 - Bullying)

Note: Education Code 35183 authorizes the Governing Board to approve a site-initiated plan that prohibits the school's students from wearing gang-related apparel. The definition of "gang-related apparel" must be limited to apparel that reasonably could be determined to threaten the health and safety of the school environment, and the Board's approval must be based on a determination the policy is necessary for the health and safety of the school environment. In Marvin H. Jeglin et al v. San Jacinto Unified School District et al, a federal district court held that in order to justify a gang-related dress code, there must be evidence of a gang presence at a school and actual or threatened disruption or material interference with school activity. Education Code 32282 specifies that for the purpose of establishing a schoolwide dress code, gang-related apparel shall not be considered a protected form of speech pursuant to Education Code 48950. For further information, see BP/AR 5132 - Dress and Grooming.

To further discourage the influence of gangs, ~~the~~ **The Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the principal or designee and the student's parent/guardian.**

~~(cf. 0450 - Comprehensive Safety Plan)~~
~~(cf. 5132 - Dress and Grooming)~~
~~(cf. 6164.2 - Guidance/Counseling Services)~~

BP 5136(c)

GANGS (continued)

Note: Education Code 51265 urges districts to give high priority to in-service training programs on gang violence and substance abuse prevention education.
--

The Superintendent or designee shall provide in-service training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources. **The Superintendent or designee shall also provide staff development on social and emotional learning, classroom management, interactive teaching, and cooperative learning skills.**

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

The Superintendent or designee may consider gang activity prevention and intervention when developing programs outside of the school day.

~~(cf. 5148 - Child Care and Development)~~
~~(cf. 5148.2 - Preschool/Early Childhood Education)~~
~~(cf. 5148.3 - Before/After School Programs)~~
~~(cf. 6145 - Extracurricular and Cocurricular Activities)~~
~~(cf. 6145.2 - Athletic Competition)~~

The Superintendent or designee shall collaborate with child welfare services, mental health agencies, social services, and local law enforcement authorities in the prevention and intervention of gang activity.

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

Legal Reference: (see next page)

GANGS (continued)

Legal Reference:

EDUCATION CODE

32282 School safety plans

35183 Gang-related apparel

48907 Student exercise of free expression

48950 Student freedom of speech

51264 Educational inservice training; CDE guidelines

51265 Gang violence and drug and alcohol abuse prevention inservice training

51266-51266.5 Model gang and substance abuse prevention curriculum

PENAL CODE

186.22 Participation in criminal street gang

13826-13826.7 Gang violence suppression

UNITED STATES CODE, TITLE 20

7101-7122 Student Support and Academic Enrichment Grants

Management Resources:

LOS ANGELES POLICE DEPARTMENT PUBLICATIONS

Why Young People Join Gangs

NATIONAL GANG CENTER PUBLICATIONS

Strategic Planning Tool

Gangs in Schools, March 2019

Parents' Guide to Gangs, July 2015

WEB SITES

California Cities Gang Prevention Network: <http://www.ccgpn.org>

California Department of Education: <https://www.cde.ca.gov/lr/ss/sa>

Gang Resistance Education and Training: <https://www.great-online.org/GREAT-Home>

Los Angeles Police Department, Gangs:

http://www.lapdonline.org/get_informed/content_basic_view/1396

Homeboy Industries: <https://homeboyindustries.org>

National Gang Center: <https://www.nationalgangcenter.gov>

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CSBA Sample Administrative Regulation

Students

AR 5136(a)

GANGS

Note: The following **optional** administrative regulation may be revised to reflect district practice.

Prevention, and Intervention, and Suppression Measures

Note: The following **optional** administrative regulation may be revised to reflect district practice.

Districts may consider utilizing the Gang Resistance Education and Training Program (G.R.E.A.T.) for students in grades 4-7. Taught by local law enforcement, the program is designed to create stronger bonds with students and their communities and has a family component aimed at strengthening the resiliency of individual families susceptible to gang influences.

The Superintendent or designee shall become informed of the gang history in the district and community, conduct assessments of current gang activity at the school sites, and document and follow up on gang-related incidents.

In order to discourage the influence of gangs, ~~school staff shall take~~ the following measures **shall be implemented:**

1. Any student **suspected of gang affiliation based on the displaying of behavior, gestures, apparel, or paraphernalia indicative of gang affiliation** shall be referred to the principal or designee, **and the following actions taken, as appropriate:-**

- a. The student's parent/guardian shall be contacted and may be asked to meet with school staff **in order to proactively address the concern and be included as part of the solution.**
- b. The student may be sent home to change clothes if necessary.

(cf. 5132 - Dress and Grooming)

- c. **The student's behaviors and progress in school shall be documented, including attendance and grades.**

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.11 - Attendance Supervision)

(cf. 5113.12 - District School Attendance Review Board)

(cf. 6164.2 - Guidance/Counseling Services)

AR 5136(b)

GANGS (continued)

- d. **Intervention techniques such as mentoring, academic support, and a system of wraparound support service shall be implemented to help the student disengage from gang involvement.**
- e. **Consistent and graduated discipline and accountability shall be implemented when appropriate and combined with positive support using conflict-resolution strategies and other restorative justice practices demonstrated to be effective with gang-involved youth.**

~~2. Staff members shall be provided with the names of known gang members.~~

~~3.~~

- f. ~~Students who seek~~ **Students shall be offered** help in rejecting gang associations, **including possible referral** ~~may be referred~~ to community-based gang suppression and prevention organizations.
- g. **Law enforcement shall be notified if the student is suspected of being involved in gangs.**

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

- 4.2. Any ~~gang~~ graffiti on school premises shall be removed, washed down, or painted over as soon as discovered. Graffiti shall be **documented and** photographed before it is removed.

These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders. **This information can also be used to determine whether a threat or incident is imminent.**

~~a. Daily checks for graffiti shall be made throughout the campus.~~

~~b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.~~

(cf. 3515 - Campus Security)

(cf. 5131.5 - Vandalism and Graffiti)

5-3. Classroom and after-school programs may include gang prevention lessons that are taught jointly by teachers, counselors, law enforcement, and/or other organizations that are knowledgeable about gang prevention and at each school shall: be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities. These programs shall also:

AR 5136(c)

GANGS (continued)

a. Provide social and emotional learning designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities

~~a.b.~~ Explain the dangers of gang membership

~~b.c.~~ Provide counseling for targeted at-risk students

~~e.d.~~ Include lessons or role-playing workshops in gang avoidance skills and nonviolent conflict resolution, including communication skills, **anti-bullying**, anger management, **acceptance** ethnic/cultural tolerance, and mediation skills

(cf. 5131.2 - Bullying)

~~d.e.~~ Assign individual gang members to cooperative learning groups in which they may work toward common goals with students who are not members of their gang

~~e.f.~~ Provide school-to-career instruction

~~f.g.~~ Provide positive interaction with local law enforcement staff

(cf. 5137 - Positive School Climate)

~~Gang prevention lessons may be taught jointly by teachers and law enforcement staff.~~

~~6.4. Staff shall actively promote membership in authorized **school clubs and** student organizations, sports and cultural activities and affiliations with the local community, and community service projects which can provide students companionship, safety, and a sense of purpose and belonging, ~~including:~~~~

~~a. — Positive sports and cultural activities and affiliations with the local community~~

~~(cf. 6145 - Extracurricular and Cocurricular Activities)~~

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

~~(cf. 6145.2 - Athletic Competition)~~

~~b. — Structured, goal-oriented community service projects~~

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

Parent/Guardian and Community Outreach

Note: The following **optional** section **may be revised to reflect district practice**. ~~is offered for districts that wish to provide gang education programs for parents/guardians or the community.~~

AR 5136(d)

GANGS (continued)

The Superintendent or designee may offer gang prevention classes or counseling ~~offered~~ for parents/guardians **which may shall** address the following topics:

- 1. The reasons students join gangs**
- 1.2. The dangers and consequences of gang membership**
- 2.3. Warning signs which may indicate that children students are at risk of becoming involved with gangs, including the use of social media for gang communication and promotion**
- 3.4. The nature of local gang apparel and graffiti**
- 4.5. Effective parenting techniques and planning family time**
- 5.6. Conflict resolution techniques**

In addition, the Superintendent or designee may offer community programs ~~shall~~ that address: ~~1. The scope and nature of local gang problems and 2. Strategies by which each segment of the community may alleviate gang problems.~~

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Instruction

BP 6142.2(a)

~~WORLD/FOREIGN LANGUAGE INSTRUCTION~~

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

Education Code 51220 requires districts that serve students in grades 7-12 to offer courses in world languages. In January 2019, the State Board of Education adopted revised content standards and proficiency levels for world languages. The 2003 Foreign Language Framework for California Public Schools does not reflect current content standards and is scheduled to be updated in May 2020.

~~The following policy may be revised by districts that do not maintain any of grades 7-12. Districts that do not maintain secondary schools may adapt this policy to reflect any elementary school K-6 programs designed to develop student's literacy in a language other than English. Education Code 51212 states legislative intent to encourage programs of world language (foreign language) instruction as early as feasible for the district.~~

In order to prepare students for global citizenship and to broaden their intercultural understanding and career opportunities, the Governing Board shall provide students with opportunities to develop ~~linguistic proficiency~~ **communicative** and cultural **proficiency and** literacy in one or more world languages ~~in addition to English.~~

Note: ~~The California Department of Education's (CDE) Foreign Language Framework for California Public Schools encourages districts to offer as many language course options as possible. Within the context of the CDE's framework, The following paragraph may be revised to reflect language courses available in the district. The revised state content standards acknowledge the need for the study of a wide variety of languages, and recognize American Sign Language is recognized as a foreign world language.~~

~~The following paragraph may be revised to reflect language courses available in the district.~~

The Superintendent or designee shall recommend a **variety of** world languages to be taught in the district's educational program based on student interest, community needs, and available resources. ~~He/she shall also consider providing English learners the opportunity to study their heritage language, when such a course is available, in order to continue developing skills in that language.~~

For any program designed to provide students with instruction in a language other than English to a degree sufficient to produce proficiency in that language, the Superintendent or designee shall establish a process for schools to receive and respond to input from parents/guardians and other stakeholders regarding the non-English language in which instruction will be provided. (5 CCR 11300, 11312)

If American Sign Language courses are offered, they shall be open to all students regardless of hearing status.

(cf. 6174 - Education for English Learners)

BP 6142.2(b)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Note: ~~On January 7, 2009, the State Board of Education (SBE) adopted voluntary content standards for world languages for grades K-12; see the accompanying administrative regulation, Education Code 60605.5, as added by AB 2290 (Ch. 643, Statutes of 2016), requires the Superintendent of Public Instruction to recommend revisions to the standards and requires the SBE to adopt, reject, or modify the recommended revisions by March 31, 2019. The 2003 Foreign Language Framework for California Public Schools does not reflect current content standards and is scheduled to be updated in 2020.~~

~~In addition, Education Code 51228 requires districts to offer students in grades 7-12 a course of study that fulfills the requirements and prerequisites for admission to California colleges and universities; see BP 6143 - Courses of Study. Admissions criteria for California State University and University of California include two years of coursework in one foreign language **other than English** that has been approved by the University of California. "Frequently Asked Questions" in the University of California's **A-G Policy Resource Guide**, available on its web site, clarify that American Sign Language may be used to fulfill the requirement ~~if used with a language other than English, but signing in English will not satisfy the requirement.~~ The following paragraph may be revised by districts that do not maintain any of grades 7-12.~~

The district shall offer a sequential curriculum aligned with the state content standards, state curriculum framework, and, as applicable, California university admission requirements for languages other than English.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)

Note: The following paragraph is for use by districts that maintain any of grades 7-12 and may be revised to reflect the grade levels at which instruction in world languages will be offered in the district. Education Code 51220 requires that the adopted course of study for grades 7-12, beginning no later than grade 7, include instruction in world languages designed to develop a facility for understanding, speaking, reading, and writing the particular language; see AR 6143 – Courses of Study.

Instruction in world languages shall be offered to secondary school students beginning no later than grade 7 and shall be designed to develop students' skills in understanding, speaking, reading, and writing the language. (Education Code 51220)

(cf. 6143 - Courses of Study)

Note: The following **optional** paragraph is for use by districts that maintain one or more high schools. Education Code 51225.3 requires high school students to complete a one-year course in either foreign language, American Sign Language, or visual and performing arts as a condition of high school graduation; see BP 6146.1 – High School Graduation Requirements. Pursuant to Education Code 51243-51245 and 5 CCR 1632, foreign language instruction completed in a private school must be granted credit toward high school graduation provided that the instruction meets specified standards and conditions; see BP/AR 6146.11 – Alternative Credits Toward Graduation.

A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate proficiency in speaking, reading, and writing skills in one or more languages in addition to English; see BP/AR 5126 – Awards for Achievement.

BP 6142.2(c)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

~~Students shall obtain credit toward high school graduation requirements for completion of a one-year course in a world language or American Sign Language during grades 9-12.~~

~~*(cf. 5126 – Awards for Achievement)*~~
~~*(cf. 6146.1 – High School Graduation Requirements)*~~
~~*(cf. 6146.11 – Alternative Credits Toward Graduation)*~~

Note: The following **optional** paragraph is for use by districts that choose to offer a dual-language immersion program and may be revised to reflect district practice. Effective July 1, 2017, Proposition 58 (November 2016) amended Education Code 305-310 and repealed Education Code 311 to authorize parents/guardians of English learners to select a language acquisition program that best suits their child. Districts must offer a structured English immersion program in which nearly all of the instruction is in English, and may offer dual-language immersion programs or other language acquisition programs. Also see BP/AR 6174 – Education for English Learners. The CDE and the The Center for Applied Linguistics notes that dual-language immersion programs are often focused on the primary grades and that such programs may continue for five to seven years but optimally throughout grades K-12. Also see the accompanying administrative regulation.

For further information and recommendations regarding dual-language immersion programs, see CSBA's governance brief English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs.

The district may establish a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding. (Education Code 305-306)

Note: Pursuant to Education Code 60119, as a condition of receiving funds for instructional materials from any state source, the Governing Board is required to hold a public hearing to determine, **through a resolution**, whether each student **in the district** has sufficient textbooks and/or instructional materials in specified subjects, including **foreign world** language, that are aligned to the state content standards or curriculum frameworks; see BP 6161.1 - Selection and Evaluation of Instructional Materials.

The Board shall ensure that students have access to high-quality instructional materials in world languages. In accordance with Board policy, teachers shall be encouraged to identify and use supplemental resources, such as literature, technology, newspapers and other media, dictionaries, and volunteers from the community to enhance the world language instructional program.

(cf. 1240 - Volunteer Assistance)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

The Superintendent or designee shall provide professional development as necessary to ensure that teachers of world languages have the knowledge and skills they need to implement an effective instructional program that helps students attain academic standards, **including communicative and cultural proficiency and understanding**.

BP 6142.2(d)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

(cf. 4131 - Staff Development)

Note: The following **optional** paragraph is for use by districts that maintain one or more high schools. Education Code 51225.3 requires high school students to complete a one-year course in either **foreign world** language, **which includes** American Sign Language, or visual and performing arts as a condition of high school graduation; see BP 6146.1 - High School Graduation Requirements. Pursuant to Education Code 51243-51245 and 5 CCR 1632, **foreign world** language instruction completed in a private school must be granted credit toward high school graduation provided that the instruction meets specified standards and conditions; see BP/AR 6146.11 - Alternative Credits Toward Graduation.

~~A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate proficiency in speaking, reading, and writing skills in one or more languages in addition to English; see BP/AR 5126 - Awards for Achievement.~~

Students shall obtain credit toward high school graduation requirements for ~~completion of~~ **completing one year of a one-year course** in a world language or American Sign Language **course** during grades 9-12.

(cf. 5126 - Awards for Achievement)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

Note: A number of districts have chosen to present a biliteracy award upon high school graduation to students who demonstrate a **high level of proficiency** in speaking, reading, and writing skills in one or more languages in addition to English. **The California Spanish Assessment, which is part of the California Assessment of Student Performance and Progress, can be used to measure a student's competency in the Spanish language and is suitable for assessing qualifications for the State Seal of Biliteracy. See the California Department of Education's California Spanish Assessment Fact Sheet.** Also see BP/AR 5126 - Awards for Achievement.

The district shall determine appropriate measures to assess student proficiency in world languages offered by district schools. Students who have attained a high level of proficiency may receive recognition for their achievement, including the State Seal of Biliteracy for students graduating from high school.

(cf. 5126 - Awards for Achievement)

Note: The following **optional** paragraph should be revised to reflect indicators agreed upon by the Board and Superintendent for evaluating the district's world/~~foreign~~ languages instructional program.

The Superintendent or designee shall provide periodic reports to the Board regarding the effectiveness of the district's world language program which may include, but not be limited to, **whether the district's world language program is serving the grade levels required by law**, a description of the district's curriculum and the extent to which it is aligned with the state's content standards and curriculum framework, student achievement of district standards

BP 6142.2(e)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

for world language instruction, and student participation rates in each language course. Program evaluation shall be used to identify needed improvements and may be considered in determining the world languages to be taught in the district.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

300-310 Education for English learners
 42238.02 Local control funding formula; class size requirements
 44253.1-44253.11 Qualifications of teachers of English learners
 44256-44257 Credential requirements, including teachers of ~~foreign~~ world language
 48980 Parental notifications
 51212 Legislative intent to encourage ~~foreign~~ world language instruction in grades 1-6
 51220 Courses of study, grades 7-12
 51225.3 High school graduation requirements
 51243-51245 Alternative credits toward graduation for ~~foreign~~ world language instruction in private school
 60119 Public hearings, instructional materials
 60605.3 Content standards for world language instruction
 60605.5 Revision of state standards for world language instruction
CODE OF REGULATIONS, TITLE 5
 1632 Alternative credits toward graduation for foreign language instruction in private school
 11300-11316 Multilingual and English learner education

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION CSBA PUBLICATIONS
Proposition 58 Regulations, Fact Sheet, August 2018
English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018
English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Two-Way Language Immersion Program Multilingual FAQ
World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve
California Spanish Assessment Fact Sheet, March 2019
World Languages Content Standards for California Public Schools, Kindergarten Through Grade Twelve, adopted January 7, 2009 2019
California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017
Foreign Language Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003
CENTER FOR APPLIED LINGUISTICS PUBLICATIONS
Guiding Principles for Dual Language Education, Second Edition, 2007

Management Resources continued: (see next page)

BP 6142.2(f)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Management Resources: (continued)

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
CL-622 Serving English Learners
NATIONAL EDUCATION ASSOCIATION PUBLICATIONS
21st Century Skills Map: World Languages, January 2011
UNIVERSITY OF CALIFORNIA PUBLICATIONS
A-G Policy Resource Guide
WEB SITES
 CSBA: <http://www.csba.org>
 American Council on the Teaching of Foreign Languages: <http://www.actfl.org>

California Association for Bilingual Education: <http://www.gocabe.org>
California Department of Education, ~~Foreign~~ World Languages: <http://www.cde.ca.gov/ci/fl>
California Language Teachers' Association: <http://www.clta.net>
California ~~Foreign~~ World Language Project: <http://www.stanford.edu/group/CFLP>
~~California Language Teachers' Association: <http://www.elta.net>~~
Center for Applied Linguistics: <http://www.cal.org>
National Education Association, Partnership for 21st Century Skills:
<http://www.nea.org/home/34888.htm>
University of California, ~~a-g Course Approval~~ A-G Policy Resource Guide: <http://www.ucop.edu/agguide>

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CSBA Sample Administrative Regulation

Instruction

AR 6142.2(a)

WORLD/~~FOREIGN~~ LANGUAGE INSTRUCTION

Content of Instruction

Note: Items #1–53 below reflect the ~~five~~ **three** categories of content standards for world languages adopted by the State Board of Education (~~SBE~~) ~~on in~~ January 7, 2009 **2019**. Within each category, the state standards describe

four proficiency levels or performance benchmarks. Education Code 60605.5, as added by AB 2290 (Ch. 643, Statutes of 2016), requires the Superintendent of Public Instruction to recommend revisions to the standards and requires the SBE to adopt, reject, or modify the recommended revisions by March 31, 2019. The revised content standards also address information literacy, technology literacy, media literacy, and emotional literacy as outlined in the National Education Association's 21st Century Skills Map.

The district may revise the following list to reflect the topics to be addressed in the district's world language program.

The district's instructional program for world languages shall be designed to help students gain knowledge about new language systems, **develop a cultural understanding**, and use that knowledge to communicate. Students shall receive instruction which is aligned with state academic standards appropriate to their age and stage of linguistic and cultural proficiency in the following categories:

1. ~~Content:~~ Students shall be presented with a wide variety of content that is age and stage appropriate and increases in complexity.

(cf. 6011 Academic Standards)

2.1. Communication: Students shall be taught to effectively convey and receive messages by engaging in or interpreting written, spoken, and/or signed languages-, **including:**

a. **Language functions, which describe the purposes to which language is used in culturally appropriate real-world communication**

b. **The setting in which the language is used, which includes using language both within and beyond the classroom to interact in local communities and abroad**

c. **The structures used to convey meaning**

3.2. Cultures: Students shall receive instruction that allows them to ~~make connections and comparisons between language and culture~~ **interact, with competence and understanding, with those who are native to the language in a variety of real-world settings.**

AR 6142.2(b)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

(cf. 6142.94 - History-Social Science Instruction)

4. ~~Structures:~~ The curriculum shall address components of grammar, syntax, and language patterns appropriate to the language being taught.

3. **Connections:** Students shall receive instruction that builds, reinforces, and expands their knowledge of other disciplines using the language to develop critical thinking

and problem-solving skills, and to access and evaluate information and diverse perspectives readily or only available through the language and its cultures, in order to function in real-world, academic and career-related settings.

5. ~~Settings: To help students comprehend meaning and use language that is culturally appropriate, students shall develop knowledge of the context or setting in which language is used, such as common daily settings, interpersonal settings, and informal and formal settings.~~

(cf. 6011 - Academic Standards)

Dual-Language Immersion Programs

Note: The following **optional** section is for use by districts that choose to establish a dual-language immersion program integrating native English speakers and English learners in a class that is taught in both English and a second language; see the accompanying Board policy.

~~Effective July 1, 2017, Proposition 58 (November 2016) amended Education Code 305.310 and repealed Education Code 311 to authorize parents/guardians of English learners to select a language acquisition program that best suits their child. Districts must offer a structured English immersion program in which nearly all classroom instruction is provided in English, and may offer dual language immersion programs or other language acquisition programs. See BP/AR 6174 - Education for English Learners.~~

Items #1-2 below reflect program models **described** on the California Department of Education's (CDE) web site and may be revised to reflect district practice.

The district's dual-language immersion programs may be based on either or both of the following models:

1. A 50:50 model in which instruction is provided in the non-English target language for 50 percent of the time and in English for 50 percent of the time, throughout the duration of the program
2. A 90:10 model in which instruction is provided in the non-English target language for 90 percent of the time and in English for 10 percent of the time during the first year of the program, decreasing the percentage of time in the non-English language in each subsequent year until there is a 50:50 balance of languages

AR 6142.2(c)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

(cf. 6174 - Education for English Learners)

Note: ~~The following two paragraphs reflect recommendations of the CDE in its "Two-Way Language Immersion Program FAQ," available on its web site, and may be revised to reflect district practice.~~

Native English speakers shall generally be admitted into the program only during the first grade level at which the program is offered, and English learners during the first or second grade level at which the program is offered. Bilingual students may enter the program at any time. On a case-by-case basis, the Superintendent or designee may admit a student later in the program if ~~he/she determines~~ **it is determined** that the student is adequately prepared for and will benefit from the program.

Note: The following paragraph reflects the recommendation of CDE in its "Multilingual FAQ," available on its web site, and may be revised to reflect district practice.

In enrolling students for the program, the district shall strive to maintain a ratio of half native English speakers and half English learners, and such ratio shall not fall below one-third for either language group except under exceptional circumstances.

~~Note: The following paragraph may be deleted by districts that do not offer a dual-language immersion program in any of grades K-3. Pursuant to Education Code 310, as amended by Proposition 58 (November 2016), all language acquisition programs must comply with requirements related to class size in grades K-3.~~

Any dual-language immersion program offered in grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

~~Note: Teachers in a class serving one or more English learners are required to possess the qualifications described in Education Code 44253.1-44253.11 and CTC leaflet CL-622, Serving English Learners. Also see AR 4112.22 - Staff Teaching English Learners.~~

Whenever one or more English learners are enrolled in a dual-language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Learners)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the district's dual-language immersion program and other language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program. (Education Code 310)

(cf. 5145.6 - Parental Notifications)

AR 6142.2(d)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

~~Note: Teachers in a class serving one or more English learners are required to possess the qualifications described in Education Code 44253.1-44253.11 and CTC leaflet CL-622, Serving English Learners. Also see AR 4112.22 - Staff Teaching English Learners.~~

~~Whenever one or more English learners are enrolled in a dual language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.~~

~~(cf. 4112.22—Staff Teaching English Learners)~~

Note: Pursuant to 5 CCR 11311, districts are required to establish a process for schools to receive and respond to requests from parents/guardians of students enrolled in the school to establish a language acquisition program other than, or in addition to, programs available at the school. When the request is for a dual-language immersion program, requests from parents/guardians of enrolled students who are native speakers of English shall be considered along with requests from parents/guardians of English learners in determining whether the threshold has been met to require district response. See AR 6174 - Education for English Learners.

If a school does not currently offer a dual-language immersion program but the parents/guardians of 30 or more students at the school, or 20 or more students at the same grade level, request the establishment of such a program, the district shall determine whether it is possible to offer such a program in accordance with 5 CCR 11311.

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CSBA Sample Administrative Regulation

Instruction

AR 6145.2(a)

ATHLETIC COMPETITION

Nondiscrimination and Equivalent Opportunities in the Athletic Program

Note: The following section reflects pertinent provisions of state and federal law regarding nondiscrimination (Education Code 200-262.4; 5 CCR 4900-4965; Title IX, 20 USC 1681-1688). The Office for Civil Rights (OCR) in the U.S. Department of Education oversees complaints regarding violations of Title IX.

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of any actual or perceived characteristic specified in law and BP 0410 - Nondiscrimination in District Programs and Activities. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

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

Note: 5 CCR 4921 and 34 CFR 106.41 authorize the establishment of separate teams for males and females where the selection of teams is based on competitive skills. 34 CFR 106.41 also authorizes single-sex teams for contact sports, as defined. Because state regulations do not address single-sex teams for contact sports, districts should consult legal counsel prior to establishing any such single-sex team for a contact sport for which selection is not based on competitive skills.

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Note: Pursuant to Education Code 221.5, a district is required to permit a transgender student to participate in sex-segregated school programs and activities, including athletic teams and competitions, consistent with ~~his/her~~ **the student's** gender identity, regardless of the gender listed in the student's records; see BP/AR 5145.3 - Nondiscrimination/Harassment. The California Interscholastic Federation's (CIF) bylaws and Guidelines for Gender Identity Participation contain procedures for addressing student complaints regarding gender identity-based participation in interscholastic sports. Also see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination.

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with ~~his/her~~ **the student's** gender identity, irrespective of the gender listed on the student's records, ~~and for which he/she the student is otherwise eligible to participate, irrespective of the gender listed on the student's records.~~ (Education Code 221.5)

(cf. 5125 - Student Records)

AR 6145.2(b)

ATHLETIC COMPETITION (continued)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

Note: 5 CCR 4922 and 34 CFR 106.41, as reflected in items #1-11 below, list factors that districts must consider when determining whether equivalent opportunities are being provided. CIF's A Guide to Equity in Athletics suggests actions that districts can take for each of the factors to help the district meet its equivalence goals. Any district with questions about equivalent athletic opportunities for its students should consult legal counsel.

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

Note: Education Code 230 provides the following three-part test to determine if a district has effectively accommodated the interests and abilities of both sexes in athletics. This test is the same three-part test that is used by OCR for helping to determine equivalent opportunities under Title IX.

The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230)

Note: CIF's A Guide to Equity in Athletics advises that, in order to meet the criterion specified in item #1a below, the ratio of male/female athletes should be within five percent of the ratio of male/female district enrollment.

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
- b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

Note: In evaluating whether there is an unmet interest in a particular sport and sufficient ability to sustain a team in the sport (item #1c below), OCR considers (1) whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students, (2) whether a

AR 6145.2(c)

ATHLETIC COMPETITION (continued)

| viable team for the underrepresented sex was recently eliminated, (3) multiple indicators of interest, (4) multiple |

indicators of ability, and (5) frequency of conducting assessments. A student survey is one indicator that may be used. A letter issued by OCR in April 2010 provides information that the district might consider in developing its own survey. In addition, CIF's A Guide to Equity in Athletics provides sample surveys.

- c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
2. The provision and maintenance of equipment and supplies
 3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
 4. Travel and per diem allowances
 5. Opportunities to receive coaching and academic tutoring
 6. Assignment and compensation of coaches and tutors
 7. Provision of locker rooms, practice facilities, and competitive facilities
 8. Provision of medical and training facilities and services
 9. Provision of housing and dining facilities and services
 10. Publicity

Note: 5 CCR 4922 clarifies that unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams shall not by itself constitute a failure to provide equivalent opportunities. However, the provision of necessary funding for teams of both sexes is a factor in the determination, as specified below.

11. Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school web site, or on the district web site if the school does not have a web site, the following information: (Education Code 221.9)

1. The total enrollment of the school, classified by gender

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ATHLETIC COMPETITION (continued)

2. The number of students enrolled at the school who participate in competitive athletics, classified by gender
3. The number of boys' and girls' teams, classified by sport and by competition level

(cf. 1113 - District and School Web Sites)

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the web site. (Education Code 221.9)

(cf. 3580 - District Records)

Concussions and Head Injuries

Note: Education Code 49475 requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians. The district may use fact sheets developed by the Centers for Disease Control and Prevention (CDC), available on CIF's web site, or other resources to develop the information sheet.

The requirements of Education Code 49475 apply to any district that offers an athletic program at any grade level and for any sport. These requirements do not apply to students engaging in an athletic activity during the regular school day or as part of a physical education course.

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student initiates practice or competition. (Education Code 49475)

(cf. 5145.6 - Parental Notifications)

Note: Education Code 49032 requires that each high school coach complete an education program that includes, but is not limited to, a basic understanding of the signs and symptoms of concussions and appropriate response to them. ~~CIF makes free~~ online courses are available through its CIF's web site. Also see AR 4127/4227/4327 - Temporary Athletic Team Coaches.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding concussion symptoms, prevention, and appropriate response. (Education Code 35179.1, 49032)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

AR 6145.2(e)

ATHLETIC COMPETITION (continued)

Note: Education Code 49475 requires that a student at any grade level engaged in an athletic program apart from the regular school day or physical education course who is suspected of sustaining a concussion be immediately removed from the athletic activity and not be allowed to return until a health care provider provides written clearance. CDC's web site includes an Acute Concussion Evaluation form which may be used to provide injured students and their parents/guardians with information about monitoring symptoms and the health care provider's recommendations regarding returning to daily activities, school, and sports. See CIF's web site for additional information regarding concussions.

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, ~~he/she~~ **the student** shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until ~~he/she~~ **the student** is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the ~~athlete~~ **student** sustained a concussion or a head injury, the ~~athlete~~ **student** shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

Note: The following paragraph is for use by districts that offer a football program and may be revised to reflect the grade levels offered by the district.

A middle school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, *full-contact practice* means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)

Heat Illness

Note: Pursuant to Education Code 35179.1, as amended by AB 2800 (Ch. 21, Statutes of 2018), effective January 1, 2019, the district or CIF-developed coaching education program required by Education Code 49032 must include training on the signs and symptoms of, and the appropriate response to, heat illness. The National Federation of State High Schools offers a free online course, available on CIF's web site, that fulfills these requirements.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat cramps, heat syncope, heat exhaustion, and exertional heat stroke. (Education Code 35179.1, 49032)

Note: The following **optional** paragraph reflects recommendations in CSBA's and CIF's joint publication Preventing Catastrophic Heat Illness, and may be expanded to include additional district strategies.

AR 6145.2(f)

ATHLETIC COMPETITION (continued)

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

Sudden Cardiac Arrest

Note: Education Code 33479.3 requires that student athletes and their parents/guardians receive information on the nature and warning signs of sudden cardiac arrest, as provided below. This information is available from CIF or, if the athletic activity is not governed by CIF, on the California Department of Education's (CDE) web site. In addition, Education Code 33479.2 encourages districts to post on their web sites the information provided on CDE's web site pertaining to sudden cardiac arrest.

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by CIF, the student and ~~his/her~~ parent/guardian shall, prior to the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site. (Education Code 33479.2, 33479.3)

Note: Education Code 33479.6 requires the coach of an athletic activity to complete, every two years, a training course related to the nature and warning signs of sudden cardiac arrest. See AR 4127/4227/4327 - Temporary Athletic Team Coaches. ~~CIF makes free~~ online courses are available through its CIF's web site.

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs of sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

Note: Education Code 33479.5 and CIF bylaws provide for a student's removal from participation in an athletic activity if ~~he/she~~ **the student** passes out or faints. As defined by Education Code 33479.1, an "athletic activity" includes (1) interscholastic athletics; (2) an athletic contest or competition sponsored by a school, including cheerleading and club-sponsored sports activities; (3) noncompetitive cheerleading sponsored by a school; and (4) practices, interscholastic practices, and scrimmages for all these activities. Pursuant to Education Code 33479.5, this requirement does not apply when a student engages in an athletic activity during the regular school day or as part of a physical education course, unless the activity constitutes a practice, interscholastic practice, or scrimmage. Furthermore, Education Code 33479.5 authorizes, but does not require, the removal of a student from an athletic activity if ~~he/she~~ **the student** exhibits symptoms of sudden cardiac arrest other than passing out or fainting, as provided below. However, to promote student safety, the district may choose to require its staff to remove ~~a student~~ from an athletic activity if ~~he/she~~ **a student who** exhibits any symptom of sudden cardiac arrest at any time.

AR 6145.2(g)

ATHLETIC COMPETITION (continued)

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following ~~his/her~~ participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, ~~he/she~~ **the student** may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall not be permitted to return until ~~he/she~~ **the student** is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

Automated External Defibrillators

Note: Pursuant to Education Code 35179.6, ~~as added by AB 2009 (Ch. 646, Statutes of 2018), effective July 1, 2019,~~ a district that offers an interscholastic athletic program is required to make an automated external defibrillator (AED) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events. Education Code 35179.6 encourages districts to make AEDs available for emergency care or treatment within three to five minutes of sudden cardiac arrest to any person in attendance at an on-campus athletic activity or event. **See BP/AR 5141 - Health Care and Emergencies for requirements related to employee notifications and the proper use and maintenance of AEDs.**

Education Code 35179.6 clarifies that the district or district employee will not be liable for civil damages resulting from any act or omission in the rendering of emergency care or treatment provided that the employee complies with the requirements of Health and Safety Code 1797.196 and does not act with gross negligence or willful or wanton misconduct by using, attempting to use, or maliciously failing to use an AED to render emergency care or treatment.

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at athletic activities and events. (Education Code 35179.6)

(cf. 5141 - Health Care and Emergencies)

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED and the provision and posting of information regarding the proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)

AR 6145.2(h)

ATHLETIC COMPETITION (continued)

Additional ~~Parental~~ Notifications

Note: The following **optional** section lists notices that the district may send to ~~parents/guardians of students participating in interscholastic athletics~~ **and their parents/guardians**. This section should be revised to reflect district practice.

Before a student participates in **practice or competition as part of** interscholastic athletic activities, the Superintendent or designee shall, in addition to providing ~~his/her the students and their parents/guardians with information on the signs and symptoms of concussions and sudden cardiac arrest as~~ **the notices** described above, send a notice to the ~~student's~~ **students and their parents/guardians** which:

Note: Education Code 33353 requires CIF to provide information to students and parents/guardians about procedures for discrimination complaints arising from interscholastic athletic activities. Education Code 33354 allows a complainant to file a discrimination complaint directly with CDE.

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Education Code 221.61 requires districts to post specified information on their web sites related to Title IX. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. See AR 5145.3 - Nondiscrimination/Harassment. **Optional** item #2 below provides that this information will also be provided in writing to the ~~parents/guardians of student athletes~~.

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8

Note: In Kahn v. East Side Union High School District, the California Supreme Court analyzed the liability of a coach for an injury to a member of a high school diving team. The court acknowledged that some risk of injury is inherent in sports and part of a coach's job is to "push" a student athlete to advance ~~his/her~~ **in** skill level and to undertake more difficult tasks. According to the court, a coach could be found liable only when ~~he/she~~ **the coach** intentionally injures the student or engages in conduct that is so reckless that it is outside of the ordinary activity involved in teaching or coaching the sport.

The district may or may not wish to seek a waiver of liability for accidents or injuries resulting from participation in athletic activities. Whether a liability waiver is legally effective is likely to be determined on a case-by-case basis, and it is questionable whether a student's right to participate in extracurricular activities could be made contingent upon the submission of a waiver. Legal counsel should be consulted when addressing the complex issues related to liability waivers.

AR 6145.2(i)

ATHLETIC COMPETITION (continued)

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

Note: Education Code 32221.5 requires the district to provide information about insurance protection to each student participating on a school athletic team. For specific language that must be contained in this statement, see AR 5143 - Insurance.

4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)

5. Requests parental permission for the student to participate in the program and, if appropriate, to be transported by the district to and from competitions

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

Note: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion ~~if he/she for engaging, or attempting to engage, in hazing.~~

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)

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

7. Includes a copy of the local CIF league rules

Note: Pursuant to Education Code 49033 and CIF bylaws, any student participating in athletics and ~~his/her~~ **the student's** parent/guardian must sign a **the statement described below.** ~~that the student will not use androgenic/anabolic steroids, unless he/she has a written prescription from a licensed health care practitioner, or dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine. See Also see BP/AR 5131.63 - Steroids.~~

8. Includes information about the CIF bylaw and district policy requiring any student athlete and ~~his/her~~ **the student's** parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, ~~or~~ **and will not use** prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

(cf. 5131.63 - Steroids)

ATHLETIC COMPETITION (continued)

Note: Pursuant to Education Code 49476, as added by SB 1109 (Ch. 693, Statutes of 2018), the district must annually provide to student athletes and their parents/guardians CDC's opioid fact sheet for patients. The CDC's fact sheet, Prescription Opioids: What You Need To Know, is available on its web site.

9. **Includes the opioid fact sheet published by the Centers for Disease Control and Prevention in accordance with Education Code 49476. The district shall provide this fact sheet annually to each student athlete and shall require the student and the student's parent/guardian to sign a document acknowledging receipt of the fact sheet.**

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CSBA Sample Board Policy

Instruction

BP 6145.6(a)

INTERNATIONAL EXCHANGE

Note: The following optional policy is for use by districts that maintain secondary schools and accept enrollment of international students through approved programs sponsored by an International Student Exchange Placement Organization (ISEPO).

The policy does not apply to students who may otherwise meet district residency requirements for school attendance or to students whose parents/guardians were California residents who departed against their will, as defined in Education Code 48204.4. See AR 5111.1 - District Residency.

The Governing Board recognizes ~~that personal contact~~ **the value of interactions** between students of different countries and cultures ~~promotes~~ **in promoting** global awareness and international understanding **in an increasingly globalized and interconnected world.** ~~To that end,~~ The Board welcomes the enrollment of international exchange students **in district schools** and ~~further~~ encourages district students to take **any advantage** of opportunities that they may have to participate in such programs and study in another country.

With Board approval, a district school may establish a sister-school relationship with a school in another country.

District Students Studying in Another Country

~~District staff shall~~ **School counselors may provide information regarding international exchange programs and academic relevant** counseling to district students who wish to study in a foreign country. **Such counseling shall include a review of the student's completed coursework, academic achievement, and personal goals, and shall advise the student regarding requirements that the student must meet during attendance in the foreign school in order to maintain progress toward meeting district graduation requirements.**

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6164.2 - Guidance/Counseling Services)

~~District~~ eCredit for courses successfully completed in the foreign country shall be granted in accordance with Board policy and administrative regulation.

(cf. 6146.11 - Alternative Credits Toward Graduation)

International Student Exchange Programs - Students in District Schools

Note: Government Code 12623 requires that any organization that arranges for the placement of international exchange students in California schools first be registered with the Attorney General's Office.

BP 6145.6(b)

INTERNATIONAL EXCHANGE (continued)

Pursuant to Education Code 35185, a district is authorized to request proof of the registration as a condition to enrolling a student.

For the protection of students and to reduce district liability, CSBA strongly recommends that districts ~~Districts may~~ check to see if a student placement organization is registered in California by reviewing the Registry List maintained by the Attorney General's Registry of International Student Exchange Visitor Placement Organizations. ~~The U.S. Department of State also maintains a listing of organizations designated to administer a high school visitor exchange program.~~ See CSBA's Legal Guidance Regarding International Student Exchange Placement Organizations for additional recommendations and best practices.

~~In addition, the Council for Standards for International Educational Travel (CSIET), a non-profit organization whose purpose is to identify reputable international exchange programs, annually develops an Advisory List as a resource from which prospective districts can gain an understanding of the scope, background, and operations of programs that have been reviewed. The Advisory List includes descriptions of exchange organizations which, upon evaluation, were found to be in compliance with the identifying exchange organizations that fully, provisionally, or conditionally meet CSIET standards and were accepted for listing into one of three categories (Full Listing, Provisional Listing, or Conditional Listing). The CSIET standards evaluate a program's related to financial responsibility, as well as the student selection, student orientation, and the placement process.~~

It is the responsibility of the ISEPO to confirm the eligibility of international students for the exchange program. To be eligible, secondary students must (1) have a J-1 or F-1 visa; (2) not have previously attended school in the United States through an exchange program or on a J-1 or F-1 visa; and (3) either have not completed more than 11 years of primary and secondary study in their home country, excluding kindergarten, or be at least 15 years of age but not more than 18 years and six months of age as of the program start date.

~~The following optional paragraph is for use by districts that wish to only accept students participating in programs designated by the Attorney General's Office, U.S. Department of State and CSIET.~~

~~To enroll~~ **Before enrolling an international exchange student in a district school, the Superintendent or designee shall request proof that the an international exchange student must be is participating in an exchange International Student Exchange Placement Organization (ISEPO) program registered with the California Attorney General's Office, designated by the U.S. Department of State and accepted for listing on the Council for Standards for International Educational Travel's Advisory List.**

The Superintendent or designee shall obtain from the ISEPO a description of the services to be performed by the ISEPO for the student, host family, and the district; telephone numbers that the student, host family, or district may contact for assistance; and a summary of the student's complete prior academic coursework completed. (Government Code 12628; 22 CFR 62.25)

The district may require additional documents which may include, but are not limited to, evidence that the student has health and accident insurance from the time of departure from home to the time the student returns to the home country. (11 CCR 360; 22 CFR 62.25)
BP 6145.6(c)

INTERNATIONAL EXCHANGE (continued)

Note: The following optional paragraph may be used by districts that wish to limit the total number of international exchange students admitted into the district.

When necessary because of overcrowding within district schools or limited district resources, the Superintendent or designee may limit the number of international exchange students to be accepted at any district high school during any school year.

The district shall not incur any financial obligations when ~~sending and/or receiving educating~~ international exchange students. ~~Program sponsors shall provide assurance of their responsibility for health/accident/liability insurance, the student's home placement, and the resolution of any related personal difficulties which may arise.~~ **An international student, or the ISEPO on behalf of the student, shall reimburse the district for the full, unsubsidized per capita cost of providing education at a district school for the period of the visiting student's attendance.**

(cf. 3260 - Fees and Charges)

Note: The following optional paragraph may be modified to reflect district practice. Federal and state law do not specify a formula for calculating the full, unsubsidized per capita cost of providing education to an international student for the purpose of determining the tuition that will be charged. Education Code 48052 identifies factors that must be considered in determining the total cost of educating a student who resides in a foreign country adjacent to California, which, for consistency, may also serve as a basis for calculating tuition for international students.

Alternatively, as described in CSBA's Legal Guidance Regarding International Student Exchange Placement Organizations, the district could use the per student amount of the high school base grant provided to districts under the local control funding formula, which could be augmented by the amount received by the district for separately funded categorical programs and any federal funding received by the district, or could consider its prior year per student expenditures.

It is recommended that districts consult with legal counsel in determining such a formula.

In determining the tuition for international exchange students, the district shall calculate the total cost of educating the student, including, but not limited to, the amount expended per student for the current provision of instruction and services, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school.

The Superintendent or designee shall establish district criteria for issuing regular or honorary diplomas to international exchange students. The principal or designee shall refer to these criteria

when assisting international exchange students in selecting classes and cocurricular activities based on the student's individual qualifications, needs, and interests.

(cf. 5127 - Graduation Ceremonies and Activities)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.3 - Reciprocity of Academic Credit)

BP 6145.6(d)

INTERNATIONAL EXCHANGE (continued)

~~District staff shall provide relevant counseling to district students who wish to study in a foreign country. District credit for courses successfully completed in the foreign country shall be granted in accordance with Board policy and administrative regulation.~~

~~(cf. 6146.11 - Alternative Credits Toward Graduation)~~

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards
35160.1 Broad authority of school districts
35185 Miscellaneous administrative authority
48052 Nonresidents
48204.4 Evidence of residency for school enrollment
51225.5 Honorary diplomas; foreign exchange students

GOVERNMENT CODE

12620-12630 International Student Exchange Visitor Placement Organizations
87100 General prohibition, conflict of interest

CALIFORNIA CODE OF REGULATIONS, TITLE 11

350-384 California Uniform Supervision of International Student Exchange Visitor Placement Organizations

CODE OF FEDERAL REGULATIONS, TITLE 8

214.2 Students in academic high schools

CODE OF FEDERAL REGULATIONS, TITLE 22

62.25 Secondary school students, exchange visitor program

Management Resources:

CSBA PUBLICATIONS

Legal Guidance Regarding International Student Exchange Placement Organizations, 2014

WEB SITES

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

~~California Interscholastic Federation:~~ <http://www.cifstate.org>

~~California Attorney General's Office:~~ California Office of the Attorney General, ISEPO:
~~<http://www.caag.state.ca.us>~~ <https://oag.ca.gov/exchangestudents>

~~California Interscholastic Federation:~~ <http://www.cifstate.org>

~~Council on Standards for International Educational Travel:~~ <http://www.csiet.org>

~~U.S. Department of State, Bureau of Educational and Cultural Affairs:~~ <http://exchanges.state.gov>

~~U.S. Department of State, Exchange Visitor Program:~~ <http://j1visa.state.gov/programs/secondary-school-student>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6145.6(a)

INTERNATIONAL EXCHANGE

Note: The following optional administrative regulation is for use by districts that maintain secondary schools and accept enrollment of international students through approved programs sponsored by International Student Exchange Placement Organizations.

Admission

Prior to enrolling an international exchange student, the Superintendent or designee shall provide the International Student Exchange Placement Organization with written acceptance for the enrollment, including arrangements concerning the payment of tuition or the waiver of the tuition if applicable. (11 CCR 361; 22 CFR 62.25)

(cf. 5111.2 - Nonresident Foreign Students)

Note: The following optional paragraph may be revised to set a date by which the request for enrollment must be received.

In order to approve the admission of an international exchange student, the Superintendent or designee must receive a written request for enrollment before the end of the preceding school year.

Enrollment shall be for ~~one year only~~ one semester or one school year. (22 CFR 62.25)

(cf. 5111.2 - Nonresident Foreign Students)

All international exchange students shall meet state and district immunization requirements.

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.31 - Immunizations)

Athletics

Note: State bylaws of the California Interscholastic Federation (CIF) list eligibility requirements for participation by international exchange students in interscholastic athletics. These requirements include, but are not limited to, requiring that the student has been placed with a host family by an exchange program accepted for listing by the Council for Standards for International Educational Travel and ~~has been~~ approved by the CIF, California Attorney General's Office, and U.S. Department of State. Individual CIF section bylaws may have additional requirements.

International exchange students shall be eligible for participation in interscholastic sports in accordance with state bylaws of the California Interscholastic Federation as well as applicable section bylaws.

AR 6145.6(b)

INTERNATIONAL EXCHANGE (continued)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Diplomas

International exchange students may be considered for a diploma if they have satisfactorily completed the district's graduation requirements.

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.3 - Reciprocity of Academic Credit)

Note: Pursuant to Education Code 51225.5, the **Governing** Board may grant an honorary diploma to international exchange students who have completed the course of study required for graduation and are returning to their home countries following completion of one school year. Honorary diplomas must be distinguishable from the district's regular diploma. See **BP 6146.1 - High School Graduation Requirements**.

The following **optional** paragraph provides standards for the granting of the honorary diploma and should be revised to reflect district practice.

International exchange students who are not eligible for a regular diploma may receive an honorary diploma, provided they have completed at least one semester of full-time enrollment and achieved at least a 2.0 grade point average.

(cf. 5127 - Graduation Ceremonies and Activities)

~~At the discretion of the principal or designee,~~ International exchange students who do not meet requirements for a regular or an honorary diploma may, at the end of their visit, be given a **certificate or letter certifying the time period for which they were enrolled as well as a transcript documenting their completed coursework.**

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HAMILTON UNIFIED

SCHOOL DISTRICT

Governance Handbook 2019

Board of Trustees

Gabriel Leal, President
Wendall Lower, Clerk
Ray Odom, Trustee
Genaro Reyes, Trustee
Rod Boone, Trustee

Superintendent

Dr. Jeremy Powell

This handbook reflects the governance team's work on creation of a framework for effective governance. This involves ongoing discussions about unity of purpose, trustee roles, commitment to norms, and developing consensus on protocols / formal structures that will enable the governance team to perform its responsibilities in a way that best benefits the children of Hamilton Unified School District.

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SUMMARY OF GOVERNANCE

GOVERNANCE ROLES AND RESPONSIBILITIES

- Setting direction
- Establishing an effective and efficient structure
- Providing support
- Ensuring accountability
- Providing community leadership as advocates for children and the school district

GOVERNANCE STANDARDS

Each individual Board member shall:

- Keep learning and achievement for all students as the primary focus
- Value, support and advocate for public education
- Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
- Act with dignity, and understand the implications of demeanor and behavior
- Keep confidential matters confidential
- Participate in professional development and commit the time and energy necessary to be an informed and effective leader
- Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
- Understand that authority rests with the Board as a whole and not with individuals

The whole Board shall:

- Keep the district focused on learning and achievement for all students
- Communicate a common vision
- Operate openly, with trust and integrity
- Govern in a dignified and professional manner, treating everyone with civility and respect
- Govern within Board-adopted policies and procedures
- Take collective responsibility for the Board's performance
- Periodically evaluate its own effectiveness
- Ensure opportunities for the diverse range of views in the community to inform Board deliberations

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board

DISCLOSURE OF CLOSED SESSION INFORMATION

A Board member shall not disclose confidential information acquired during a closed session.

BOARD MEMBER ELECTRONIC COMMUNICATIONS

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board.

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members may use electronic communications to discuss matters other than district business.

LIMITS OF BOARD MEMBER AUTHORITY

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

Individual Board members do not have the authority to resolve complaints.

OTHER GATHERINGS

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves.

- A conference open to the public.
- An open, publicized meeting organized by a person or organization other than the district.
- An open and noticed meeting of another body of the district.
- An open and noticed meeting of a legislative body of another local agency.
- A purely social or ceremonial occasion.

EFFECTIVE GOVERNANCE

Governance – A Definition

School district governance is the process of setting organizational policies and standards that are adopted by the Board of Trustees and implemented by the Superintendent in order to provide strategic direction and ensure that objectives are met, risks are managed appropriately, and resources are utilized responsibly in order to ensure the best education possible for all students.

Governance tenets encompass the basic characteristics and behaviors that enable governance team members to effectively create a climate for excellence in a school district and maintain the focus on improved student learning and achievement. This Governance Handbook documents the governance responsibilities of the Board of Trustees and Superintendent of the Hamilton Unified School District within these three dimensions: (HUSD Board Bylaw 9000 (a))

- Governing as a unified team with a shared vision to lead and serve the students, parents, and community (stakeholders)
- Mutual support for roles and responsibilities
- Creating and sustaining a positive governance leadership culture

UNITY OF PURPOSE

A unity of purpose is composed of a common focus, agreement on priority goals, and shared values about students and the district that transcend individual differences and fulfill a greater purpose.

A unity of purpose exists when the commitment to achieving these goals becomes the guiding principle of all trustees and the superintendent. The focused efforts of the Hamilton Unified School District will be reflected in the vision and mission statements, and the Local Control Accountability Plan (LCAP) adopted by the board.

The Hamilton Unified School District Mission/Vision Statement:

“The Hamilton Unified School District will provide a safe, rigorous, and engaging educational experience that promotes student academic success, respect, and citizenship in a caring environment.”

QUALIFICATIONS TO SERVE AS A SCHOOL BOARD MEMBER

EDUCATION CODE – EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100] (Title 2 enacted by Stats. 1976, Ch. 1010.)

DIVISION 3. LOCAL ADMINISTRATION [35000 - 45460] (Division 3 enacted by Stats. 1976, Ch. 1010.)

PART 21. LOCAL EDUCATIONAL AGENCIES [35000 - 35787] (Part 21 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 2. Governing Boards [35100 - 35401] (Chapter 2 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 1. Membership [35100 - 35107] (Article 1 enacted by Stats. 1976, Ch. 1010.)

35107.

(a) Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district without further qualifications.

- (b) (1) An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office.
(2) For any individual who is an employee of a school district and an elected or appointed member of that school district's governing board prior to January 1, 1992, this subdivision shall apply when he or she is reelected or reappointed, on or after January 1, 1992, as a member of the school district's governing board.

(c) Notwithstanding any other provision of law, the governing board of a school district may adopt or the residents of the school district may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the governing board of the school district may serve on the governing board of the school district. Any proposal to limit the number of terms a member of the governing board of the school district may serve on the governing board of the school district shall apply prospectively only and shall not become operative unless it is submitted to the electors of the school district at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

- (d) (1) An initiative measure proposed pursuant to subdivision (c) shall be subject to the procedures set forth in Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.
(2) A proposal submitted to the electors by the governing board pursuant to subdivision (c) shall be subject to the procedures set forth in Chapter 6 (commencing with Section 9500) of Division 9 of the Elections Code.

(e) A member of the governing board of a school district shall abstain from voting on personnel matters that uniquely affect a relative of the member but may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. For purposes of this section, "relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree.

(Amended by Stats. 1995, Ch. 879, Sec. 6. Effective January 1, 1996.)

****Please also see Board Bylaw 9220(a) Governing Board Elections on page 47 for additional information****

GOVERNANCE ROLES AND RESPONSIBILITIES

Citizen oversight of local government is the cornerstone of democracy in America. The role of the trustees who sit on the board is to ensure school districts are responsive to the values, beliefs, and priorities of their communities. Boards fulfill this role by performing five major responsibilities. These are:

- Setting direction
- Establishing an effective and efficient structure
- Providing support
- Ensuring accountability
- Providing community leadership as advocates for children and the school district

These responsibilities represent core functions that are so fundamental to a school system's accountability to the community it serves; they can only be performed by an elected governing body. Authority is granted to the board as a whole, not each member individually. Therefore, board members fulfill these responsibilities by working together as a governance team with the superintendent to make decisions that best serve all the students in the community.

The superintendent assists the board in carrying out its responsibilities and leads the staff toward the accomplishment of the agreed upon district vision and goals.

****Please also see Board Bylaw 9000 Role of the Board on pages 18 -21 and Board Bylaw 9005 Governance Standards on pages 22-24 for additional information****

THE CALIFORNIA PUBLIC RECORDS ACT

What is the CPRA? (Gov. Code, § 6250 et seq.)

What are Public Records?

- A public record includes “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency, regardless of physical form or characteristics.”
- A “writing” includes notes, handwriting, copies, faxes, voicemails, videos, pictures... regardless of the manner in which they’re stored.

What types of records are exempt from CPRA disclosure?

- Identifiable student records (FERPA)
- Personnel records
- Medical records (HIPPA)
- Pending litigation
- Preliminary drafts
- Attorney-Client communications

What about emails?

What about text messages?

- Emails, text messages, and other electronic communication (and other records) that are kept in the ordinary course of business may be public.

Can you charge fees for responding to a CPRA request?

- Can charge for copies
- Cannot charge for staff time

Duty to respond within ten days from receipt of the request (with exceptions)

My school received a CPRA Request.... Now what?

1. Identify the type of request.

- Inspection versus copies
- Does the request reasonably describe an identifiable record or records?
- If the request is not focused and specific, follow up. You have a duty to assist the requester!

2. Make a reasonable & diligent effort to search for and locate records.

- Once responsive records are identified - do any exemptions exist?

3. Respond no later than 10 calendar days from receipt of request. Must let the requester know whether or not records exist.

- You can extend your time in certain circumstances.
- This does not mean you have to produce records within ten days!
- Duty to produce records within a reasonable time.

PERFORMING GOVERNANCE RESPONSIBILITIES

Set the direction for the school district

- Focus on student learning

- Receive needs assessment / baseline data
- Generate, review or revise setting direction documents (beliefs, vision, priorities, LCAP, success indicators)
- Ensure an appropriate inclusive process is used
- Ensure these documents are the driving force for all district efforts

Establish an effective and efficient structure for the school district

- Employ and support the superintendent; set policy for hiring of other personnel
- Oversee the development of and adopt policies
- Set a direction for and adopt the curriculum
- Establish budget priorities, adopt the budget and oversee facilities issues
- Provide direction for and vote to accept collective bargaining agreements

Provide support through our behavior and actions

- Act with professional demeanor that models the district's beliefs and vision
- Make decisions and provide resources that support mutually agreed upon priorities and goals
- Uphold district policies the board has approved
- Ensure a positive working climate exists
- Be knowledgeable about district efforts

Ensure accountability to the public

- Evaluate the superintendent
- Monitor, review and revise policies and serve as a judicial and appeals body
- Monitor student achievement and program effectiveness and require program changes as indicated
- Monitor and adjust district finances
- Monitor the collective bargaining process
- Develop and implement board self-evaluation

Demonstrate Community Leadership

- Speak with a common voice about district policies, goals, and issues
- Engage and involve the community in district schools and activities
- Communicate clear information about policies, programs, and fiscal condition of the district
- Educate the community and the media about the issues facing students and the district
- Advocate for children and district programs to the general public, key community members, and local, state, and national leaders

****Please also see Board Bylaw 9000 Role of the Board on pages 18 -21 and Board Bylaw 9005 Governance Standards on pages 22-24 for additional information****

PROTOCOLS TO FACILITATE GOVERNANCE LEADERSHIP

Requesting Information from the Superintendent	
Principle	<ul style="list-style-type: none"> • Critical to the ability of trustees to make informed decisions is timely access to information. • The superintendent wants to be responsive to requests for information, maintain the focus on district priorities and balance the management of staff time. • This will provide clarity about the organizational structure for trustees and staff.
Protocol	<ul style="list-style-type: none"> • Trustees will always work through the Superintendent when asking questions or requesting additional information on board meeting agenda items. • The Superintendent will ensure timely responses to requests and will provide the information or direct trustees to the correct source. As appropriate, the superintendent will distribute answers to all trustees. • Board members will self-monitor to ensure one person's request for information does not divert an inappropriate amount of time from staff efforts to achieve district goals. Requests requiring inordinate amounts of time will be brought to the board to decide whether to support the request.
Meetings as Strategic Leadership	
Principle	<ul style="list-style-type: none"> • The board meeting is a meeting to conduct district business in public. Well-run efficient meetings model leadership, promote trust and confidence and provide opportunities to demonstrate strategically moving the district forward and planning for the future. • The governance team wants to demonstrate to the public that the board maintains the focus on priorities and that deliberation and discussion are conducted with professionalism and respect. • The board meeting provides opportunities to share educational philosophy among the governance team and with the community.
Protocol	<ul style="list-style-type: none"> • The board will communicate how the agenda topics link to district priorities and how actions link to the goals and strategies. • The principal/superintendent reports will explicitly demonstrate the relationship to the district goals. • The board members agree to share accountability for board deliberations that demonstrate that the 'right' amount of time is spent on the 'right' things while valuing the input of each member of the governance team. • Board member comments at the board meeting will focus on goals, professional learning or educational trends. • Annually and as needed the board will schedule study sessions and board discussions linked to the district's strategic priorities.
Role of the Board President	
Principle	<ul style="list-style-type: none"> • The board has an obligation to set an example of good government in action for the community. • The board intends for meetings to proceed professionally, efficiently and effectively. • The board president sets the tone and shapes the public's perception of the school board. • Each board member must have the opportunity to express his or her viewpoint during board deliberation.
Protocol	<p>The role of the board president is to:</p> <ul style="list-style-type: none"> • Confer with the superintendent before the board meeting to prepare, as necessary for the board meeting. • Facilitate the board meeting, supporting the effective flow of the discussion and encouraging input from all trustees while staying on task, moving forward, and maintaining proper meeting decorum • Model the tone and behavior the board wishes to convey to the community. • Following the board meeting, the board president with the superintendent will ensure there is appropriate follow-up and clarification of possible options for the board.

	<ul style="list-style-type: none"> The board president serves as the primary spokesperson for the board.
**Please also see Board Bylaw 9121 President on pages 34 -35 for more information. **	
Board Deliberation and Motions on Agenda Action Items	
Principle	<ul style="list-style-type: none"> The tenets of parliamentary procedure help ensure the orderly conduct of board meetings. Establishing clear and simple rules leads to wider understanding and participation, fostering a healthier exchange of ideas. Motions are the vehicles for orderly decision making by the board
Protocol	<ul style="list-style-type: none"> The board president will introduce the agenda item and present the opportunity for the superintendent and staff to report on the issue at hand and to provide staff recommendations. The board president will open the item for discussion so that board members may exchange thoughts or ask the superintendent and staff for further clarification if necessary. Members of the public will be afforded the right to address the board before or during consideration of the item. (Gov Code 54954.3) The board president will call for a motion. A board member may act by saying "I move that.....". Another board member may second the motion by saying "I second the motion" The board president will acknowledge the motion and second and ask if any further discussion by the board is necessary The board president will call for a vote saying "All in favor please respond by saying aye." "Any opposed please respond by saying no." The board president announces the result of the vote and clarifies Board direction for the Superintendent and the record keeper.
Board Meeting Agenda Consent Calendar	
Principle	<ul style="list-style-type: none"> A consent calendar allows the Board to approve items together without discussion or individual motions. Consent calendars help streamline meetings by allowing procedural decisions that are likely to be noncontroversial to be made through a single motion.
Protocol	<ul style="list-style-type: none"> Board members, staff, or members of the public can request an item be pulled from the consent calendar for individual consideration. Typical reasons to remove an item from the consent calendar are; to discuss the item, to query the item, or to register a vote against the item. Ideally requests to remove an item from the consent calendar and the reason for the request should be made during approval of the agenda. Items may also be removed when the consent calendar is considered by the board. Consent items should include, but are not limited to: approval of minutes, field trips, conference requests, inter-district transfers, volunteers, personnel, etc. An agenda item "Items removed From the Consent Calendar" will follow the consent calendar on the agenda to facilitate consideration of removed items.

****Please also see Board Bylaw 9322 Agenda/Meeting Materials on pages 103 -107 for more information. ****

Newly Elected Board Member Resources	
Principle	<ul style="list-style-type: none"> • Newly elected members to the Board of Trustees will likely be unfamiliar with state open meeting laws, meeting procedural policies, board bylaws, the district budget, goals, and other district related issues. • The governance team wants to provide all the tools necessary to help new board members reach their potential to be a productive and effective member to the team. • Having resources related to board meeting procedure and pertinent district information will help prepare new board members for their first board meeting and facilitate integration into the governance team.
Protocol	<p>Newly elected board members will receive the following resources upon election and prior to their first board meeting:</p> <ul style="list-style-type: none"> • Brown Act Handbook, HUSD Governance Handbook and Governance Calendar, Annual Board Meeting Calendar, Board Bylaws/Policies, and CSBA Professional Governance Standards • Strategic/Long Range Plan, District Budget, District Budget Development Calendar, and District Resource Document <p>The governance team will schedule a workshop/conversation meeting at the first board meeting held with newly elected board member(s). This should include a mock meeting scenario to help familiarize new board members with agenda item participation, making motions, and all other board meeting procedures.</p>
Establishing Multi - Year Goals	
Principle	<ul style="list-style-type: none"> • Establishing district multi-year and annual goals is critical to a forward thinking, proactive Board that is committed to continuous learning as demonstrated in the LCAP. • Important to the work of the board is the ability to track progress over multiple years. • Critical to governance work is data driven decision-making that promotes clarity of direction, focus and alignment. Setting goals ensures that the work of the district is focused.
Protocol	<ul style="list-style-type: none"> • The annual goal setting process is linked to the District mission map and the superintendent evaluation and will follow an established calendar. • June - review past year accomplishments and status of goals, set annual goals based on the LCAP and establish a schedule of progress reports.

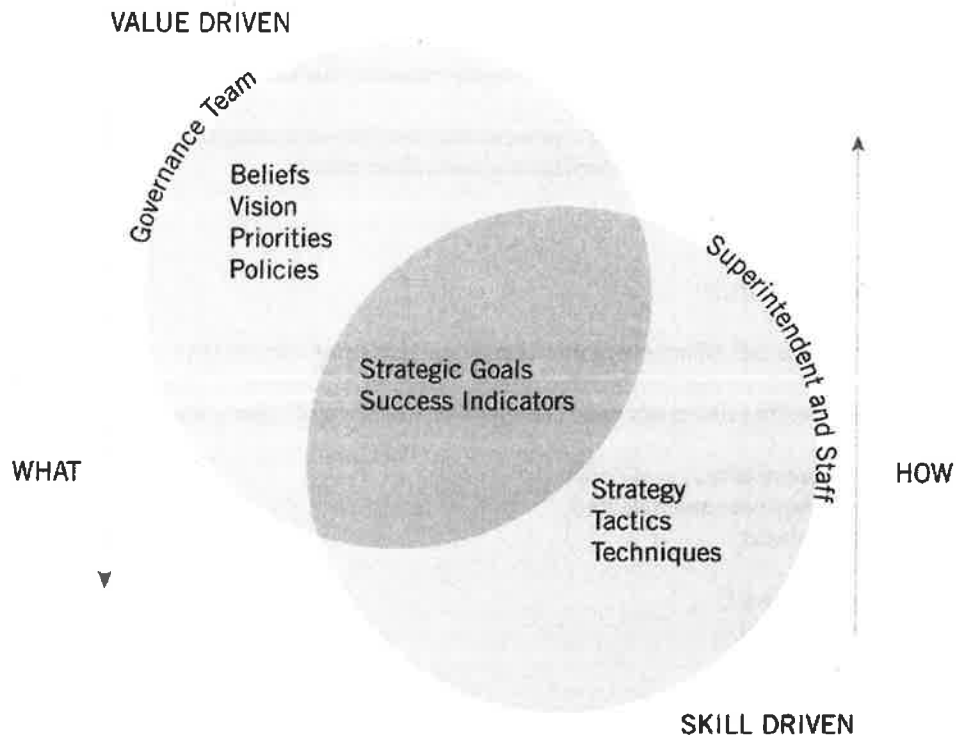
Designated Spokesperson	
Principle	<ul style="list-style-type: none"> • It is essential that important and accurate information be communicated to members of the board, the staff and the community in as timely a fashion as possible. • The governance team recognizes that some situations have legal or other considerations that may place restrictions on what may be told to the media or public.
Protocol	<p>The governance team commits to speaking with one voice. The designated spokesperson will vary depending on the issue or situation:</p> <ul style="list-style-type: none"> • Crisis/Disaster: The Superintendent is the primary spokesperson and may involve the Board President at his/her discretion. • Meeting Information (e.g. board meetings, agenda items, study sessions): The Board President and the Superintendent will serve as primary spokespersons or may choose a designee. • Core Values /Vision / District Priorities / General District Information: All governance team members may serve as spokespersons utilizing developed and agreed upon key messages. <p><i>For requests via email:</i></p> <ul style="list-style-type: none"> • If a trustee receives an email request from a member of the public, the trustee will respond and copy the Board President and Superintendent on the response. • If the request is sent to the Superintendent, he/she will copy the answer to all trustees. • If the e-mail is sent to some or all trustees, trustees will refer the request to board president with a copy to the Superintendent (if the superintendent is not already copied). The Board President or Superintendent will agree on which of them will respond, copying all trustees. <p><i>For requests from the media:</i></p> <ul style="list-style-type: none"> • A trustee may answer a request from the media or recommend that the request be directed to the board president or the Superintendent. • If the trustee answers the request directly via e-mail, he/she will copy the Superintendent and Board President. If the trustee answers the request directly via conversation or phone call, he/she will inform the Superintendent and Board President. • The Board Vice President will perform the role of the Board President if the Board President is unavailable for an extended period.
Handling Community or Staff Concerns and/or Complaints	
Principle	<ul style="list-style-type: none"> • Board members want to be accessible, responsive, consistent and fair in dealings with complaints and concerns from staff and the community. • The board values open communication and timely resolution of issues. • Board members may take receiving complaints as an opportunity to explain the role of trustees.
Protocol	<p>When approached with an issue or concern, trustees agree to:</p> <ul style="list-style-type: none"> • Listen openly, being careful to remain neutral. • Remind staff and members of the community that no individual trustee has the authority to solve the issue/concern. • Encourage addressing this with the person who can most directly help with their concern, e.g. teacher, principal, superintendent. • As appropriate, explain the district complaint or grievance process. • Trustees will notify the superintendent of the issue or concern, as appropriate.

Board Governance Self-Assessment	
Principle	<ul style="list-style-type: none"> • Conducting a governance self-evaluation demonstrates accountability to the community and the willingness of the governance team to strengthen and improve
Protocol	<ul style="list-style-type: none"> • The board supports continuous improvement through ongoing evaluation of governance effectiveness. • The governance self-assessment provides an opportunity to reflect, evaluate, prioritize and focus on strengthening the governance team. • The board will participate in at least one workshop annually to review the governance goals, governance team agreements and processes and to participate in a self-evaluation process. • The assessment process will align with assessment of progress on district goals and the superintendent evaluation. • At the conclusion of the annual governance self-assessment, the board will reach agreement on one to two governance goals/objectives that are directly linked to the district LCAP.
Confidentiality	
Principle	<ul style="list-style-type: none"> • The governing board recognizes the importance of maintaining the confidentiality of information acquired as part of a board member's official duties.
Protocol	<ul style="list-style-type: none"> • The responsibility of the board includes being privy to closed sessions or confidential information about district litigation, personnel, negotiations, superintendent evaluation, or other issues permitted under the Brown Act. • We will work to maintain the public's trust by not breaching confidentiality. • If we inadvertently or accidentally violate a confidential issue, we will take immediate responsibility for our action. • Confidential items will be reserved for full board discussion.
Visiting Schools and Attending School Events	
Principle	<ul style="list-style-type: none"> • The board wants to be informed about instructional practices, and the needs of the students and staff with regard to school programs. • The board respects the busy schedule of staff and the anxiety that can be created by well-meaning, but unannounced visits to schools.
Protocol	<ul style="list-style-type: none"> • As a professional courtesy, trustees will schedule school visits. • The superintendent and/or principal will accompany trustees on classroom visits. • Trustees requesting a meeting with school staff or administration will schedule this meeting through the superintendent. • The superintendent will ensure that staff is aware of the process and protocols for trustees visiting the classrooms. • Board members are encouraged to visit schools and attend school events.

Collective Bargaining	
Principle	Board members involvement in the collective bargaining process ensures that the District is represented well by those selected to negotiate on behalf of the Board and the community, while also ensuring that the ethical, fiscal and educational goals of the HUSD community are represented in the actions taken throughout the collective bargaining process.
Protocol	<p>To achieve this, board members should:</p> <ul style="list-style-type: none"> • Participate by providing direction and guidance to those selected to represent the Board (District Negotiating Team). Board members will not participate in the individual negotiation sessions, either directly (at the table) or indirectly (observing the District's negotiation team). • Create the most positive environment possible to support the negotiation process; (e.g., Superintendent will endeavor to hold regular monthly employee/employer relations (ERR) meetings with each union's lead Negotiator and President). Superintendent and management team member shall endeavor to hold regular meetings to maintain consistent positive communication. • Set the District's collective bargaining parameters for its negotiation team. • Expect, as the representative of the Board, that the Superintendent will ensure that the Board, collectively and individually, is informed on the issues and strategies implemented within the collective bargaining process. • Expect, as the representative of the Board, that the Superintendent will recommend, for approval of the Board, the Chief Negotiator and the members of each of the District's negotiation teams. • Encourage open communication to all those impacted by negotiations, within allowed parameters. • Expect, while the negotiation process is taking place that the Superintendent will be available to address the challenges related to the district. As the representative of the Board, the Superintendent will guide the development of the bargaining strategy and will be primarily responsible for facilitating the collective bargaining process.

EFFECTIVE GOVERNANCE TEAMS

Effective teams value and respect their essential roles, reach mutual agreement on the roles of the board and superintendent, and strive to operate within them.



UNDERSTANDING GOVERNANCE ROLES*

*Source: California School Board Association

ROLE OF THE BOARD

The Governing Board has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community.

The Board shall work with the Superintendent to fulfill its major responsibilities, which include:

1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

2. Establishing an effective and efficient organizational structure for the district by:
 - a. Employing the Superintendent and setting policy for hiring of other personnel

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 2120 - Superintendent Recruitment and Selection)

(cf. 2121 - Superintendent's Contract)

(cf. 4000 - Concepts and Roles)

(cf. 4111 - Recruitment and Selection)

(cf. 4211 - Recruitment and Selection)

(cf. 4311 - Recruitment and Selection)

- b. Overseeing the development and adoption of policies

(cf. 9310 - Board Policies)

- c. Establishing academic expectations and adopting the curriculum and instructional materials

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6146.1 - High School Graduation Requirements)

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

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

- d. Establishing budget priorities and adopting the budget

(cf. 3000 - Concepts and Roles)

(cf. 3100 - Budget)

(cf. 3312 - Contracts)

- e. Providing safe, adequate facilities that support the district's instructional program

(cf. 3517 - Facilities Inspection)

(cf. 7110 - Facilities Master Plan)

(cf. 7150 - Site Selection and Development)

(cf. 7210 - Facilities Financing)

- f. Setting parameters for negotiations with employee organizations and ratifying collective bargaining agreements

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

3. Providing support to the Superintendent and staff as they carry out the Board's direction by:

a. Establishing and adhering to standards of responsible governance

(cf. 9005 - Governance Standards)

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

(cf. 9200 - Limits of Board Member Authority)

(cf. 9270 - Conflict of Interest)

b. Making decisions and providing resources that support district priorities and goals

c. Upholding Board policies

d. Being knowledgeable about district programs and efforts in order to serve as effective spokespersons

(cf. 9240 - Board Development)

(cf. 9400 - Board Self-Evaluation)

4. Ensuring accountability to the public for the performance of the district's schools by:

a. Evaluating the Superintendent and setting policy for the evaluation of other personnel

(cf. 2140- Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4215 - Evaluation/Supervision)

(cf. 4315 - Evaluation/Supervision)

b. Monitoring and evaluating the effectiveness of policies

c. Serving as a judicial (hearing) and appeals body in accordance with law, Board policies, and negotiated agreements

(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. 4030 - Nondiscrimination in Employment)

(cf. 4117.3 - Personnel Reduction)

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

(cf. 4144/4244/4344 - Complaints)

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

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

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

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

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

d. Monitoring student achievement and program effectiveness and requiring program changes as necessary

(cf. 0500 - Accountability)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)
(cf. 6190 - Evaluation of the Instructional Program)

e. Monitoring and adjusting district finances

(cf. 3460 - Financial Reports and Accountability)

f. Monitoring the collective bargaining process

5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels

(cf. 0510 - School Accountability Report Card)
(cf. 1020 - Youth Services)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1160 - Political Processes)
(cf. 1400 - Relations between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations between Private Industry and the Schools)
(cf. 9010 - Public Statements)

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

Legal Reference:

EDUCATION CODE

5304 Duties of governing board (re school district elections)
12400-12405 Authority to participate in federal programs
17565-17592 Board duties re property maintenance and control
33319.5 Implementation of authority of local agencies
35000 District name
35010 Control of district; prescription and enforcement of rules
35020-35046 Officers and agents
35100-35351 Governing boards, especially:
35160-35185 Powers and duties
35291 Rules

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance
Professional Governance Standards, November 2000
School Board Leadership: The Role and Function of California's School Boards, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

The Key Work of School Boards, 2000

WEB SITES

CSBA: <http://www.csba.org>
CSBA Governance Institute: <http://www.csba.org/gi>
National School Boards Association: <http://www.nsba.org>

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**

GOVERNANCE STANDARDS

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

(cf. 9000 - Role of the Board)

(cf. 9270 - Conflict of Interest)

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education

(cf. 9010 - Public Statements)

3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential

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

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader

(cf. 9240 - Board Development)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff

(cf. 2110 - Superintendent Responsibilities and Duties)

8. Understand that authority rests with the Board as a whole and not with individuals

(cf. 9200 - Limits of Board Member Authority)

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students
2. Communicate a common vision

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

3. Operate openly, with trust and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board-adopted policies and procedures

(cf. 9310 - Board Policies)

6. Take collective responsibility for the Board's performance
7. Periodically evaluate its own effectiveness

(cf. 9400 - Board Self-Evaluation)

8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

Legal Reference:

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

GOVERNMENT CODE

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54963 The Ralph M. Brown Act

87300-87313 Conflict of interest code

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
adopted: Hamilton City, California

PUBLIC STATEMENTS

The Governing Board recognizes the responsibility of Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the district, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding district issues, Board members are expected to respect the authority of the Board to choose its representatives to communicate its positions and to abide by established protocols.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 9121 - President)

(cf. 9200 - Limits of Board Member Authority)

When speaking for the district, the Board encourages its spokespersons to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the Board's leadership.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board. (Government Code 54963)

(cf. 9005 - Governance Standards)

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

When speaking to community groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

In addition, the Board encourages members who participate on social networking sites, blogs, or other discussion or informational sites to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for district students and the community. Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 1340 - Access to District Records)

(cf. 9012 - Board Member Electronic Communications)

*Legal Reference:*EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

GOVERNMENT CODE

6250-6270 California Public Records Act

54960 Actions to stop or prevent violation of meeting provisions

54963 Confidential information in closed session

*Management Resources:*WEB SITES

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

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

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

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9010 - Public Statements)

Disclosure of Closed Session Information

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

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

Other Disclosures

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

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION (continued)

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

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

Legal Reference:

EDUCATION CODE

35010 *Power of governing board to adopt rules for its own governance*

35146 *Closed session*

EVIDENCE CODE

1040 *Privilege for official information*

GOVERNMENT CODE

1098 *Public officials and employees re confidential information*

3549.1 *Meeting and negotiating in public educational employment*

6250-6270 *Inspection of public records*

54950-54963 *Brown Act, especially:*

54956.8 *Open meeting laws*

54956.9 *Closed meeting for pending litigation*

54957 *Closed session; "employee" defined; exclusion of witnesses*

54957.1 *Subsequent public report and rollcall vote; employee matters in closed session*

54957.5 *Public records*

54957.6 *Closed session; representatives with employee organization*

54957.7 *Reasons for closed session*

54963 *Confidential information in closed session*

ATTORNEY GENERAL OPINIONS

80 *Ops. Cal. Atty. Gen. 231 (1997)*

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards, November 2000

Maximizing School Board Leadership, 1996

WEB SITES

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

adopted: Hamilton City, California

BOARD MEMBER ELECTRONIC COMMUNICATIONS

The Governing Board recognizes that electronic communication among Board members and between Board members, district administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the district and its schools. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting.

(cf. 1100 - Communication with the Public)

(cf. 6020 - Parent Involvement)

(cf. 9000 - Role of the Board)

(cf. 9322 - Agenda/Meeting Materials)

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

(cf. 9320 - Meetings and Notices)

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process. As appropriate, communication received from the press shall be forwarded to the designated district spokesperson.

(cf. 1112 - Media Relations)

(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. 3320 - Claims and Actions Against the District)

(cf. 9005 - Governance Standards)

(cf. 9121 - Board President)

(cf. 9200 - Limits of Board Member Authority)

(cf. 9270 - Conflict of Interest)

In order to minimize the risk of improper disclosure, Board members shall avoid reference to confidential information and information acquired during closed session.

BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)

(cf. 4112.6/4212.6/4312.6 - *Personnel Files*)
 (cf. 5125 - *Student Records*)
 (cf. 9011 - *Disclosure of Confidential/Privileged Information*)
 (cf. 9321 - *Closed Session Purposes and Agendas*)

Board members may use electronic communications to discuss matters other than district business with each other, regardless of the number of members participating in the discussion.

Like other writings concerning district business, a Board member's electronic communication may be subject to disclosure under the California Public Records Act.

(cf. 1340 - *Access to District Records*)

*Legal Reference:*EDUCATION CODE

35140 *Time and place of meetings*
 35145 *Public meetings*
 35145.5 *Agenda; public participation; regulations*
 35147 *Open meeting law exceptions and applications*

GOVERNMENT CODE

11135 *State programs and activities, discrimination*
 54950-54963 *The Ralph M. Brown Act, especially:*
 54952.2 *Meeting, defined*
 54953 *Meetings to be open and public; attendance*
 54954.2 *Agenda posting requirements, board actions*

*Management Resources:*CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. 2007

WEB SITES

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

CSBA, *Agenda Online*: <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
 adopted: Hamilton City, California

ORGANIZATION**Annual Organizational Meeting**

Each year, the Governing Board shall hold an annual organizational meeting. In any year in which a regular election of district Board members is conducted, the organizational meeting shall be held within a 15-day period beginning from the date upon which a Board member elected at that election takes office. During non-election years, the meeting shall be held within the same 15-day period on the calendar. (Education Code 35143)

The day and time of the annual meeting shall be selected by the Board at its regular meeting held immediately prior to the first day of the 15-day period. On behalf of the Board, the Superintendent shall notify the County Superintendent of Schools of the day and time selected. Within 15 days prior to the date of the annual meeting, the clerk of the Board, with the assistance of the Superintendent, shall notify in writing all Board members and members-elect of the date and time selected for the meeting. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk and/or vice president from its members
2. Appoint the Superintendent as secretary to the Board
3. Authorize signatures
4. Approve a schedule of regular meetings for the year and a Board governance calendar stating the time when the Board will address important governance matters
5. Designate Board representatives to serve on committees or commissions of the district, other public agencies, or organizations with which the district partners or collaborates

(cf. 9140 - Board Representatives)

6. Review and/or consider resources that define and clarify the Board's governance and leadership roles and responsibilities including, but not limited to, governance standards, meeting protocols, Board rules and bylaws, and other Board development materials

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9230 - Orientation)

(cf. 9240 - Board Development)

(cf. 9320 - Meetings and Notices)

(cf. 9323 - Meeting Conduct)

ORGANIZATION (continued)

Election of Officers

The Board shall each year elect its entire slate of officers.

The election of Board officers shall be conducted during an open session of the annual organizational meeting.

Legal Reference:

EDUCATION CODE

5017 *Term of office*

35143 *Annual organizational meeting date, and notice*

35145 *Public meetings*

GOVERNMENT CODE

54953 *Meetings to be open and public; attendance*

ATTORNEY GENERAL OPINIONS

68 *Ops. Cal. Atty. Gen. 65 (1985)*

59 *Ops. Cal. Atty. Gen. 619, 621-622 (1976)*

TERMS OF OFFICE

The Governing Board shall consist of five members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each odd-numbered year.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election. (Education Code 5017)

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code 5000)

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1360; Education Code 5017)

(cf. 9220 - Governing Board Elections)

(cf. 9223 - Filling Vacancies)

(cf. 9224 - Oath or Affirmation)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

5000-5033 *Election of school district board members*

35010 *Control of district*

35012 *Board members; number, election and terms*

35107 *Eligibility*

GOVERNMENT CODE

1302 *Continuance in office until qualification of successor*

1303 *Exercising functions of office without having qualified*

1360 *Necessity of taking constitutional oath*

PRESIDENT

The Governing Board shall elect a president from among its members to provide leadership on behalf of the Board and the educational community it serves.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9100 - Organization)

The president shall preside at all Board meetings. He/she shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the Board in its proper order
3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
5. Explain what the effect of a motion would be if it is not clear to every member
6. Restrict discussion to the question when a motion is before the Board
7. Rule on issues of parliamentary procedure
8. Put motions to a vote, and state clearly the results of the vote
9. Be responsible for the orderly conduct of all Board meetings

(cf. 9323 - Meeting Conduct)

The president shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts and orders necessary to carry out state requirements and the will of the Board
2. Consulting with the Superintendent or designee on the preparation of the Board's agendas

(cf. 9322 - Agenda/Meeting Materials)

3. Working with the Superintendent to ensure that Board members have necessary materials and information

PRESIDENT (continued)

4. Subject to Board approval, appointing and dissolving all committees

(cf. 9130 - Board Committees)

5. Calling such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

6. Representing the district as governance spokesperson, in conjunction with the Superintendent

(cf. 1112 - Media Relations)

The president shall have the same rights as other members of the Board, including the right to move, second, discuss and vote on all questions before the Board.

When the president resigns or is absent or disabled, the clerk shall perform the president's duties. When both the president and clerk are absent or disabled, the Board shall choose a president pro tempore to perform the president's duties.

(cf. 9123 - Clerk)

Legal Reference:

EDUCATION CODE

35022 *President of the board*

35143 *Annual organizational meetings; dates and notice*

GOVERNMENT CODE

54950-54963 *Ralph M. Brown Act*

Management Resources:

CSBA PUBLICATIONS

Board Presidents' Handbook, revised 2002

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
adopted: Hamilton City, California

SECRETARY

The Governing Board shall appoint the Superintendent to serve as secretary to the Board. The secretary to the Board shall be responsible for maintaining an accurate and complete record of all Board proceedings and shall:

1. Prepare, distribute and maintain the Board agenda
(cf. 9322 - Agenda/Meeting Materials)
2. Record, distribute and maintain the Board minutes
(cf. 9324 - Minutes and Recordings)
3. Maintain Board records and documents
4. Conduct official correspondence for the Board
5. As directed by the Board, sign and execute official papers
6. Perform other duties as assigned by the Board

(cf. 2111 - Superintendent Governance Standards)

Legal Reference:

EDUCATION CODE

35025 Secretary and bookkeeper

35143 Annual organizational meetings; dates and notice

35250 Duty to keep certain records and reports

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

CLERK

The Governing Board shall elect a clerk from its own membership at the annual organizational meeting. (Education Code 35143)

(cf. 9100 - Organization)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign documents on behalf of the district as directed by the Board
4. Serve as presiding officer in the absence of the president

(cf. 9121 - President)

5. Notify Board members and members-elect of the date and time for the annual organizational meeting
6. Perform any other duties assigned by the Board

Legal Reference:

EDUCATION CODE

- 17593 *Repair and supervision of property (duty of district clerk)*
- 35038 *Appointment of clerk by county superintendent of schools*
- 35039 *Dismissal of clerk*
- 35121 *Appointment of clerk in certain city and high school districts*
- 35143 *Annual organizational meetings*
- 35250 *Duty to keep certain records and reports*
- 38113 *Duty of clerk (re provision of school supplies)*

GOVERNMENT CODE

- 54950-54963 *Ralph M. Brown Act*

Management Resources:

CSBA PUBLICATIONS

- CSBA Professional Governance Standards, 2000
- Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
adopted: Hamilton City, California

ATTORNEY

The Governing Board recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may contract with county counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.

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

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

(cf. 4312.1 - Contracts)

(cf. 9000 - Role of the Board)

(cf. 9260 - Legal Protection)

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

Retaining Legal Counsel

When the district is seeking legal advice or representation, the Superintendent or designee shall initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services. In evaluating the proposals, the Board and Superintendent shall consider the firm's or attorney's background, experience, and reputation in education law; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

The Board and Superintendent shall annually evaluate the performance of the firm and/or attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. Upon a successful evaluation, the Board may renew the agreement with legal counsel without initiating an RFP.

ATTORNEY (continued)

The Board may also contract for temporary, specialized legal services without initiating an RFP when a majority of the Board determines that the unique demands of a particular issue or emergency situation so requires.

(cf. 2121 - Superintendent's Contract)

Contacting Legal Counsel

At his/her discretion, the Board president or Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board.

(cf. 9200 - Limits of Board Member Authority)

(cf. 9321 - Closed Session Purposes and Agendas)

*Legal Reference:*EDUCATION CODE

35041 *Administrative adviser*

35041.5 *Legal counsel*

35161 *Powers and duties of governing board*

35200-35214 *Liabilities, especially:*

35204 *Contract with attorney in private practice*

35205 *Contract for legal services*

GOVERNMENT CODE

814-895.8 *Liability of public entities and public employees*

995-996.6 *Defense of public employees*

26520 *Legal services to school districts*

53060 *Special services and advice*

*Management Resources:*CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Maximizing School Board Leadership: Boardmanship, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Selecting and Working with a School Attorney: A Guide for School Boards, 1997

WEB SITES

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

California Council of School Attorneys:

<http://www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.aspx>

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

State Bar of California: <http://www.calbar.ca.gov>

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
adopted: Hamilton City, California

BOARD COMMITTEES

The Governing Board may establish a committee whenever it determines that such a committee would benefit the district by providing diverse viewpoints, specialized knowledge or expertise, or increased efficiency. Such committees may be subcommittees of the Board or committees that include members of the community, staff, or other stakeholder groups.

(cf. 1220 - Citizen Advisory Committees)
(cf. 2230 - Representative and Deliberative Groups)
(cf. 9140 - Board Representatives)

Upon establishing a committee, the Board shall clearly define the committee's purpose, any timeline for completion of assigned responsibilities, any stakeholder groups or individuals to be represented on the committee, length of time that committee members are expected to serve, and expectations for reporting to the Board and/or the Superintendent or designee. Unless specifically authorized by the Board to act on its behalf, the committee shall act in an advisory capacity.

Except for subcommittees of the Board, committee members shall, as appropriate, be recommended by the Superintendent or designee and appointed by the Board president, subject to Board approval.

(cf. 9121 - President)

The Superintendent or designee shall provide committee members with information and assistance necessary for the fulfillment of the committee's charges, and may serve as a non-voting advisor to the committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and agencies.

Any committee not required by law may be dissolved when its duties or term has been completed or whenever the Board deems necessary.

Committee Meetings

Unless otherwise exempted by law, Board-created committees shall provide public notice of their meetings and conduct meetings in accordance with Government Code 54950-54963 (the Brown Act).

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

However, Board subcommittees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees. Standing committees of the Board, irrespective of membership, are those that have a continuing subject matter jurisdiction or a meeting schedule established by action of the Board. (Government Code 54952)

Standing committees with a continuing subject matter jurisdiction include, but are not limited to, those responsible for providing advice on budgets, audits, Board policy, contracts, and personnel matters at the Board's request.

(cf. 3100 - Budget)
(cf. 3430 - Investing)
(cf. 9310 - Board Policies)

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

Whenever any advisory or standing committee, including a committee not otherwise subject to the Brown Act, posts a meeting agenda at least 72 hours in advance of the meeting, that meeting shall be considered as a regular meeting of the Board for purposes of the Brown Act and therefore must be held within district boundaries unless otherwise authorized by law. (Government Code 54954)

Committees may meet in a closed session during a regular or special meeting only for those purposes specifically authorized by law for closed sessions held by the Board.

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35024 Executive committee

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54950-54963 The Brown Act, especially:

54952 Legislative body, definition

54952.2 Definition of meeting

54954 Time and place of regular meetings; special meetings; emergencies

54954.3 Opportunity for public to address legislative body

54957 Closed session purposes

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

ATTORNEY GENERAL OPINIONS

81 Ops. Cal. Atty. Gen. 156 (1998)

80 Ops. Cal. Atty. Gen. 308 (1997)

79 Ops. Cal. Atty. Gen. 69 (1996)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

WEB SITES

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

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

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
adopted: Hamilton City, California

BOARD REPRESENTATIVES

The Governing Board recognizes that effective performance of its community leadership responsibilities may require its participation in district or community committees on matters of concern to the district and its students. As needed, the Board may appoint any of its members to serve as its representative on a district committee or on a committee of another public agency or organization of which the Board or district is a member or to which the Board is invited to participate.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 9000 - Role of the Board)
(cf. 9130 - Board Committees)
(cf. 9270 - Conflict of Interest)
(cf. 9320 - Meetings and Notices)

When making such appointments, the Board shall clearly specify the authority and responsibilities of the representative(s), including, but not limited to, reporting back to the Board regarding committee activities and/or actions. Board representatives shall not exercise the authority of the Board without prior Board approval.

(cf. 9005 - Governance Standards)
(cf. 9200 - Limits of Board Member Authority)

If a committee discusses a topic on which the Board has taken a position, the Board member shall express the position of the Board. When contributing his/her own ideas or opinions, the representative shall clearly indicate that he/she is expressing his/her individual idea or opinion.

(cf. 1220 - Citizen Advisory Committees)
(cf. 9010 - Public Statements)

Board Representative to Elect Members of County Committee on School District Organization

At its annual organizational meeting, the Board shall designate one Board member as its representative to elect members to the county committee on school district organization. (Education Code 35023)

(cf. 9100 - Organization)

*Legal Reference:*EDUCATION CODE

4000-4014 County committees on school district organization

35020-35046 School district officers and agents (power of governing board to employ or appoint)

35160 Authority of governing boards

GOVERNMENT CODE

54952.2 Meetings

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education District Organization Handbook, 2010

LIMITS OF BOARD MEMBER AUTHORITY

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

(cf. 1160 - Political Processes)
(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)
(cf. 9270 - Conflict of Interest)
(cf. 9323 - Meeting Conduct)

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

(cf. 1340 - Access to District Records)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9322 - Agenda/Meeting Materials)

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint shall refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

(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. 3320 - Claims and Actions Against the District)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

A Board member whose child is attending a district school should be aware of his/her role as a Board member when interacting with district employees about his/her child. Because his/her position as a Board member may inhibit the performance of school personnel, the Board member should inform the Superintendent or designee before volunteering in his/her child's classroom.

(cf. 1240 - Volunteer Assistance)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

LIMITS OF BOARD MEMBER AUTHORITY (continued)

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the Brown Act. (Government Code 54952.1)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

7054 *Use of district property*

35010 *Control of district; prescription and enforcement of rules*

35100-35351 *Governing boards, especially:*

35160-35184 *Powers and duties*

35291 *Rules*

35292 *Visits to schools (Board members)*

51101 *Rights of parents/guardians*

GOVERNMENT CODE

54950-54962 *The Ralph M. Brown Act, especially:*

54952.1 *Member of a legislative body of a local agency*

54952.7 *Copies of chapter to members of legislative body*

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**

adopted: Hamilton City, California

GOVERNING BOARD ELECTIONS

Any person is eligible to be a member of the Governing Board, without further qualifications, if he/she is 18 years of age or older, a citizen of California, a resident of the school district, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her employment before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9224 - Oath of Affirmation)

(cf. 9270 - Conflict of Interest)

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

(cf. 9110 - Terms of Office)

Electing Board Members

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

To ensure ongoing compliance with the California and federal Voting Rights Acts, the Board may review the district's Board election method to determine whether any modification is necessary due to changes in the district's population or any of its racial, color, or language minority group composition. The review shall be based on the Superintendent or designee's report to the Board after the release of each decennial federal census.

If the Board determines that a change is necessary, it shall adopt a resolution at an open meeting specifying the change(s) and shall, in accordance with Education Code 5019 or other applicable provisions of law, obtain approval from the county committee on school district organization having jurisdiction over the district.

(cf. 9320 - Meetings and Notices)

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

GOVERNING BOARD ELECTIONS (continued)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 9005 - Governance Standards)

Statement of Qualifications

The district shall assume no part of the cost of printing, handling, translating, or mailing of candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

(cf. 9223 - Filling Vacancies)

Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall schedule a runoff election in accordance with law. (Education Code 5016)

Legal Reference: (see next page)

GOVERNING BOARD ELECTIONS (continued)*Legal Reference:*EDUCATION CODE

- 1000 *Composition, and trustee area, county board of education*
- 1006 *Qualifications for holding office, county board of education*
- 5000-5033 *Elections*
- 5220-5231 *Elections*
- 5300-5304 *General provisions (conduct of elections)*
- 5320-5329 *Order and call of elections*
- 5340-5345 *Consolidation of elections*
- 5360-5363 *Election notice*
- 5380 *Compensation (of election officer)*
- 5390 *Qualifications of voters*
- 5420-5426 *Cost of elections*
- 5440-5442 *Miscellaneous provisions*
- 7054 *Use of district property*
- 35107 *Eligibility; school district employees*
- 35177 *Campaign expenditures or contributions*
- 35239 *Compensation of governing board member of districts with less than 70 ADA*

ELECTIONS CODE

- 20 *Public office eligibility*
- 1302 *Local elections, school district election*
- 2201 *Grounds for cancellation*
- 4000-4004 *Elections conducted wholly by mail*
- 10400-10418 *Consolidation of elections*
- 10509 *Notice of election by secretary*
- 10600-10604 *School district elections*
- 13307 *Candidate's statement*
- 13309 *Candidate's statement, indigence*
- 14025-14032 *California Voting Rights Act*
- 20440 *Code of Fair Campaign Practices*

GOVERNMENT CODE

- 1021 *Conviction of crime*
- 1097 *Illegal participation in public contract*
- 12940 *Nondiscrimination, Fair Employment and Housing Act*
- 81000-91014 *Political Reform Act*

PENAL CODE

- 68 *Bribes*
- 74 *Acceptance of gratuity*
- 424 *Embezzlement and falsification of accounts by public officers*
- 661 *Removal for neglect or violation of official duty*

Legal Reference continued: (see next page)

GOVERNING BOARD ELECTIONS (continued)

Legal Reference: (continued)

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

UNITED STATES CODE, TITLE 42

1973-1973aa-6 Voting Rights Act

COURT DECISIONS

Rev v. Madera Unified School District, (2012) 138 Cal. Rptr. 3d 192

Randall v. Sorrell, (2006) 126 S.Ct. 2479

Sanchez v. City of Modesto, (2006) 51 Cal.Rptr.3d 821

Dusch v. Davis, (1967) 387 U.S. 112

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 49 (2002)

83 Ops.Cal.Atty.Gen. 181 (2000)

81 Ops.Cal.Atty.Gen. 98 (1998)

69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

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

California Secretary of State's Office: <http://www.ss.ca.gov>

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

Institute for Local Self Government: <http://www.ca-ilg.org>

RESIGNATION

A Governing Board member who wishes to resign may do so by filing a written resignation with the County Superintendent of Schools. (Education Code 5090)

A copy shall be given to the Board secretary.

The written resignation is effective when filed, except when a deferred effective date is specified in the resignation. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after filing. (Education Code 5091)

A written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable upon being filed. (Education Code 5090)

Upon resignation, the Board member may continue to exercise all his/her powers, save that of voting for a successor, until the effective date of resignation. (Education Code 35178)

(cf. 9270 - Conflict of Interest)

Legal Reference:

EDUCATION CODE

5090 *Definition (vacancy)*

5091 *Special Election*

35178 *Resignation with deferred effective date*

FILLING VACANCIES**Events Causing a Vacancy**

A vacancy on the Governing Board may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including by recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
 - a. Upon district business with the approval of the Board
 - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

FILLING VACANCIES (continued)

- c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)
 8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
 9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)
- (*cf. 9224 - Oath or Affirmation*)
10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
 11. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
 12. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

FILLING VACANCIES (continued)**Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

Eligibility

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Governing Board Elections)

Provisional Appointments

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)

(cf. 9323.2 - Actions by the Board)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

FILLING VACANCIES (continued)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

(cf. 9100 - Organization)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

Legal Reference: (see next page)

FILLING VACANCIES (continued)

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3000-3003 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 Ops. Cal. Atty. Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEB SITES

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

California State Attorney General's Office, Quo Warranto Applications:

http://ag.ca.gov/opinions/quo_warranto.php

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
adopted: Hamilton City, California

OATH OR AFFIRMATION

Prior to entering upon the duties of their office, all Governing Board members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

The oath may be administered and certified by a Board member, secretary or assistant secretary to the Board, Superintendent, deputy or assistant superintendent, principal, or County Superintendent of Schools or any other person authorized in Education Code 60.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
adopted: Hamilton City, California

ORIENTATION

Board Candidate Orientation

The Governing Board desires to provide Board candidates with orientation that will enable them to understand the responsibilities and expectations of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities. He/she may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot statement information.

(cf. 9200 - Limits of Board Member Authority)

(cf. 9220 - Governing Board Elections)

(cf. 9270 - Conflict of Interest)

The Board encourages all candidates to attend public Board meetings during the period of their candidacy. Candidates shall have the same access as members of the public to district staff and information.

(cf. 1340 - Access to District Records)

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

New Board Member Orientation

The Board shall convene a meeting to provide an orientation and information to incoming Board members to assist them in understanding the Board's functions, policies, procedures, protocols, and agreed-upon standards of conduct. Incoming Board members shall receive the district's policy manual and other materials related to the district and Board member responsibilities.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

Upon their election, incoming Board members shall be provided a copy of the Brown Act and informed that, pursuant to Government Code 54952.1, they must conform to the Act's requirements as if they had already assumed office.

The Superintendent may provide incoming Board members with additional background and information regarding the district's vision and goals, operations, and current challenges in areas that include, but are not limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

ORIENTATION (continued)

Incoming members are encouraged to attend Board meetings and review agenda materials available to the public in order to become familiar with current issues facing the district. Incoming members also may, at district expense and with approval of the Board, attend workshops and conferences relevant to their individual needs or to the needs of the Board as a whole or the district.

(cf. 9240 - Board Development)

*Legal Reference:*EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshops

33362-33363 Reimbursement of expenses; board member or member-elect

ELECTIONS CODE

13307 Candidate's statement

20440 Code of Fair Campaign Practices

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body

54952.7 Copies of Brown Act to board members

*Management Resources:*CSBA PUBLICATIONS

School Board Leadership, 2007

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, 2007

Professional Governance Standards, 2000

Maximizing School Board Leadership, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Becoming a Better Board Member: A Guide to Effective School Board Service, 2006

WEB SITES

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

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

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

BOARD DEVELOPMENT

Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardmanship skills.

All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences.

(cf. 9230 - Orientation)

(cf. 9320 - Meetings and Notices)

Board members shall report to the Board, orally or in writing, as soon as possible on the inservice activities they attend.

Funds for Board development shall be budgeted annually for each Board member.

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

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

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
adopted: Hamilton City, California

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

Compensation

Each member of the Governing Board may receive the maximum monthly compensation as provided for in Education Code 35120.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. (Education Code 35120)

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

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

A member may be compensated for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 35120)

Student Board members shall receive no compensation for meetings attended. (Education Code 35012)

(cf. 9150 - Student Board Members)

Whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting, the Board clerk or a member of the Board shall verbally announce the amount of any additional compensation or stipend that each member will be entitled to receive as a result of convening the simultaneous or serial meeting. (Government Code 54952.3)

Reimbursement of Expenses

Board members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the district. Expenses for travel, telephone, business meals, or other authorized purposes shall be in accordance with policies established for district personnel and at the same rate of reimbursement.

(cf. 1160 - Political Processes)

(cf. 3100 - Budget)

(cf. 3350 - Travel Expenses)

(cf. 3513.1 - Cellular Phone Reimbursement)

Board members shall be reimbursed for travel expenses incurred when performing services directed by the Board. (Education Code 35044)

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)

(cf. 9240 - Board Development)

Authorized purposes may include, but are not limited to, attendance at educational seminars or conferences designed to improve Board members' skills and knowledge; participation in regional, state, or national organizations whose activities affect the district's interests; attendance at district or community events; and meetings with state or federal officials on issues of community concern.

Personal expenses shall be the responsibility of individual Board members. Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the Board member on district-related business, personal use of an automobile, and personal losses and traffic violation fees incurred while on district business.

Any questions regarding the propriety of a particular type of expense should be resolved by the Superintendent or designee before the expense is incurred.

Board members may use district-issued credit cards while on official district business and consistent with the limits established for district personnel. Personal expenses shall not be charged on a district-issued credit card, even if the Board member intends to subsequently reimburse the district for the personal charges.

Health and Welfare Benefits for Current Board Members

Board members may participate in the health and welfare benefits program provided for district employees.

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

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

The district shall pay the premiums required for Board members electing to participate in the district health and welfare benefits program to the same extent that it pays for district employees.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as specified in law and the health plan.

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)

Health and Welfare Benefits for Former Board Members

Former Board members may participate in the health and welfare benefits program provided for district employees under the conditions specified below.

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

Any former Board member leaving the Board after at least one term of office may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)

Health and welfare benefits provided to a former Board member shall be extended, at his/her expense and at the same level, to his/her spouse/registered domestic partner and eligible dependent children as specified in law and the health plan.

Legal Reference: (see next page)

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)*Legal Reference:*EDUCATION CODE

33050-33053 *General waiver authority*
 33362-33363 *Reimbursement of expenses for attendance at workshops*
 35012 *Board members; number, election and term*
 35044 *Payment of traveling expenses of representatives of board*
 35120 *Compensation for services as member of governing board*
 35172 *Promotional activities*
 44038 *Cash deposits for transportation purchased on credit*

FAMILY CODE

297-297.5 *Rights, protections and benefits under law; registered domestic partners*

GOVERNMENT CODE

8314 *Use of public resources*
 20322 *Elective officers; election to become member*
 20420-20445 *Membership in Public Employees' Retirement System; definition of safety employees*
 53200-53209 *Group insurance*
 54952.3 *Simultaneous or serial meetings; announcement of compensation*

HEALTH AND SAFETY CODE

1373 *Health services plan, coverage for dependent children*

INSURANCE CODE

10277-10278 *Group and individual health insurance, coverage for dependent children*

UNITED STATES CODE, TITLE 26

403 *Tax-sheltered annuities*

UNITED STATES CODE, TITLE 42

18011 *Right to maintain existing health coverage*

CODE OF FEDERAL REGULATIONS, TITLE 26

1.403(b)-2 *Tax-sheltered annuities, definition of employee*

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

91 *Ops. Cal. Atty. Gen. 37 (2008)*

83 *Ops. Cal. Atty. Gen. 124 (2000)*

*Management Resources:*INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Sample Expense and Use of Public Resources Policy Statement, January 2006

INTERNAL REVENUE SERVICE PUBLICATIONS

Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013

WEB SITES

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

Institute for Local Government: <http://www.ca-ilg.org>

Internal Revenue Service: <http://www.irs.gov>

Public Employees' Retirement System: <http://www.calpers.ca.gov>

Bylaw **HAMILTON UNIFIED SCHOOL DISTRICT**
 adopted: Hamilton City, California

LEGAL PROTECTION

Liability Insurance

The Governing Board shall provide insurance necessary to protect Board members and employees while acting within the scope of their office or employment in accordance with Education Code 35208.

(cf. 3530 - Risk Management/Insurance)

Protection Against Liability

No Board member shall be liable for harm caused by his/her act or omission when acting within the scope of district responsibilities. The act or omission must be in conformity with federal, state and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736)

The protection against liability shall not apply when: (20 USC 6736)

1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The Board member caused harm by operating a motor vehicle.
3. The Board member was not properly licensed, if required, by the State for such activities.
4. The Board member was found by a court to have violated a federal or state civil rights law.
5. The Board member was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the Board member has been convicted in a court.

Legal Reference: (see next page)

LEGAL PROTECTION (continued)

Legal Reference:

EDUCATION CODE

17029.5 *Contract funding; board liability*

35208 *Liability insurance*

35214 *Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)*

GOVERNMENT CODE

815.3 *Intentional torts*

820-823 *Tort Claims Act*

825.6 *Indemnification of public entity*

1090-1098 *Conflicts of interest, prohibitions applicable to specified officers*

54950-54963 *The Ralph M. Brown Act*

87100-89503 *Conflicts of interest*

UNITED STATES CODE, TITLE 18

16 *Crime of violence defined*

UNITED STATES CODE, TITLE 20

6731-6738 *Teacher Protection Act*

COURT DECISIONS

Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)

CONFLICT OF INTEREST

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

(cf. 9005 - Governance Standards)

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic

CONFLICT OF INTEREST (continued)

interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Additional Requirements for Boards that Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

CONFLICT OF INTEREST (continued)

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

Conflict of Interest under Government Code 1090

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

CONFLICT OF INTEREST (continued)

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

CONFLICT OF INTEREST (continued)

The term *honorarium* does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

*Legal Reference:*EDUCATION CODE

1006 *Qualifications for holding office*

35107 *School district employees*

35230-35240 *Corrupt practices, especially:*

35233 *Prohibitions applicable to members of governing boards*

41000-41003 *Moneys received by school districts*

FAMILY CODE

297.5 *Rights, protections, and benefits of registered domestic partners*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

81000-91014 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

87100-87103.6 *General prohibitions*

87200-87210 *Disclosure*

87300-87313 *Conflict of interest code*

87500 *Statements of economic interests*

89501-89503 *Honoraria and gifts*

91000-91014 *Enforcement*

PENAL CODE

85-88 *Bribes*

CODE OF REGULATIONS, TITLE 2

18110-18997 *Regulations of the Fair Political Practices Commission, especially:*

18702.5 *Public identification of a conflict of interest for Section 87200 filers*

COURT DECISIONS

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

Legal References continued: (see next page)