

**HAMILTON UNIFIED SCHOOL DISTRICT
BOARD MEETING
AGENDA
Hamilton High School Library
Wednesday, February 26, 2020**

- 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:

- a. 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.

- a. Government Code Section 54957 (b), Personnel Issue. To consider the employment, evaluation, reassignment, resignation, dismissal, or discipline of a classified and certificated employees.
- b. Government Code Section 54957.6, Labor Negotiations. To confer with the District's Labor Negotiator, Superintendent Jeremy Powell regarding HTA and CSEA negotiations.
- c. 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.
- d. 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
- e. *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.
- f. Ed. Code Sec. 48918, Student Expulsion. Student ID# 401041.

Report out action taken in closed session.

5.0 PUBLIC SESSION/FLAG SALUTE:

6.0 ADOPT THE AGENDA: (M)

7.0 COMMUNICATIONS/REPORTS:

- a. Board Member Comments/Reports.
- b. ASB President and Student Council President Reports
 - i. Hamilton High School, Giovanni Martinez
 - ii. Hamilton Elementary School, Ella Mendez
- c. District Reports (written)
 - i. Technology Report by Frank James & Derek Hawley (Page 1)
 - ii. Nutrition Services Report by Sean Montgomery (Page 3)
 - iii. Operations Report by Alan Joksch (Page 5)
- d. Principal and Dean of Student Reports
 - i. Kathy Thomas, Hamilton Elementary School Principal
 - ii. Maria Reyes, District Dean of Students
 - iii. Cris Oseguera, Hamilton High School Principal
 - iv. Sylvia Robles, Adult School (Page 7)
- e. Chief Business Official Report by Kristen Hamman (Page 9)
- f. Superintendent Report by Jeremy Powell (Page 11)

8.0 PRESENTATIONS:

- a. None

9.0 CORRESPONDENCE:

- a. None

10.0 INFORMATIONAL ITEMS:

- a. GCOE Review of 2019-20 First Interim Report Memo (Page 19)
- b. Bond Status (Fund 21) Update (Page 23)
- c. HUSD Enrollment History for 5 years (Page 27)

11.0 DISCUSSION ITEMS:

- a. Hamilton High School Site Expansion-Permitting Status Update by Mike Cannon (Page 29)
- b. CSBA Policy Guide Sheet (for below **first readings**) (Page 31)
 - i. Board Policy 2121: Superintendent Contract (Page 35)
 - ii. Board Policy 3600: Consultants (Page 41)
 - iii. Administrative Regulation 4030: Nondiscrimination in Employment (Page 44)
 - iv. Board Policy 4033: Lactation Accommodation (Page 51)
 - v. Board Policies 4151, 4251, 4351: Employee Compensation (Page 57)
 - vi. Board Policy and Administrative Regulation 4218.1 Dismissal/Suspension/Disciplinary action (Merit System) (Page 62)
 - vii. Board Policy and Administrative Regulation 5116.1 Intradistrict Open Enrollment (Page 70)
 - viii. Board Policy and Administrative Regulation 5117: Intradistrict Attendance (Page 82)
 - ix. Board Policy Administrative Regulation and Exhibit 5118: Open Enrollment Act Transfers (Page 97)
 - x. Administrative Regulation 5125: Student Records (Page 108)
 - xi. Board Policy and Administrative Regulation 5131.2: Bullying (Page 131)
 - xii. Board Policy and Administrative Regulation 5141.21: Administering Medication and Monitoring Health Conditions (Page 144)
 1. Option 1
 2. Option 2
 - xiii. Board Policy and Administrative Regulation 6143: Course of Study (Page 161)
 - xiv. Board Policy 6154: Homework/Makeup work (Page 176)
 - xv. Administrative Regulation 6174: Education for English Learners (Page 180)
 - xvi. Administrative Regulation 6175: Migrant Education Program (Page 191)
 - xvii. Board Bylaw 9150: Student Board Members (Page 200)

12.0 **ADJOURN TO PUBLIC HEARING:** Notice of preparation of a preliminary environmental assessment (PEA) for property the District wishes to acquire adjacent to Hamilton High School. Executive summary included in board packet (Page 207). Hard copies of the entire report are available at the District Office and Hamilton City Library or by request from the District Office. The entire report is also available on the school website at <https://www.husdschools.org/>

13.0 RE-OPEN PUBLIC SESSION

14.0 **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.

15.0 ACTION ITEMS:

- a. PlaceWorks CEQA Studies Contract Amendment (Page 219)
- b. Site Safety Plans (full plans available on <https://www.husdschools.org/>, available for review during the board meeting and by request by contacting the district Office):
 - i. Hamilton Elementary School (includes Hamilton State Preschool and Hamilton Special Education) (Page 223)
 - ii. Hamilton High School (includes the District Office, Ella Barkley High School, and Hamilton Community Day School, and Hamilton Adult School). (Page 235)
- c. Resolution 19-20-104 Emergency Management Resolution – Hamilton Unified School District has implemented a School Emergency Plan for all school sites and facilities. (Page 247)

- d. CSBA Policy Guide Sheet (for below **2nd readings**) (Page 249)
 - i. Board Policy and Administrative Regulation 0460: Local Control and Accountability Plan (Page 253)
 - ii. Board Policy 0520: Intervention for Underperforming Schools (New Policy) (Page 268)
 - iii. Board Policy 0520.1: Comprehensive and Targeted Support and Improvement (New Policy) (Page 271)
 - iv. Board Policy 1431: Waivers (Page 275)
 - v. Board Policy and Administrative Regulation 3515: Campus Security (Page 279)
 - vi. Board Policy and Administrative Regulation 4116: Probationary/Permanent Status (Page 286)
 - 1. Option 1
 - 2. Option 2
 - vii. Board Policies 4119.22, 4219.22, 4319.22: Dress and Grooming (Page 294)
 - viii. Board Policy 4216: Probationary/Permanent Status (Page 296)
 - ix. Board Policy and Administrative Regulation 4218: Dismissal/Suspension/Disciplinary Action (Page 298)
 - x. Board Policy 5131: Conduct (Page 309)
 - xi. Board Policy 5131.8: Mobile Communication Devices (New Policy) (Page 315)
 - xii. Board Policy 5132: Dress and Grooming (Page 319)
 - xiii. Administrative Regulation 5141.26: Tuberculosis Testing (Page 326)
 - xiv. Board Policy and Administrative Regulation 5142: Safety (Page 327)
 - xv. Board Policy and Administrative Regulation 7140: Architectural and Engineering Services (Page 339)
 - xvi. Board Bylaw 9323: Meeting Conduct (Page 345)
- e. Recommendation from Superintendent regarding 2018-19 Bond Transfer/Repayment Plan (Page 353)
- f. Board consideration of and action on Resolution No. 19-20-105 in the matter of non-reemployment of certain certificated employees and direction to Superintendent or designee to notify affected employees of reduction in force. (Page 355)

16.0 **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.

- a. Minutes from regular Board Meeting on January 22, 2020 (Page 357)
- b. School Plan for Student Achievement (SPSA) for Hamilton Elementary School (Page 367)
- c. Williams Quarterly January 2020 (Page 419)
- d. Hamilton Elementary School Site Council February 4, 2020 Meeting Agenda (Page 421)
- e. Hamilton Elementary School Site Council February 4, 2020 Meeting Minutes (Page 423)
- f. Hamilton Elementary School Site Council October 4, 2019 Meeting Approved Minutes (Page 425)
- g. Warrants and Expenditures. (Page 427)
- h. Interdistrict Transfers (new only; elementary students reapply annually).
 - i. Out
 - 1. Hamilton Elementary School
 - a. K x 1 (for 2020-21 school year)
 - b. 7th x 1 (for 2020-21 school year)
 - 2. Hamilton High School
 - a. none
 - ii. In
 - 1. Hamilton Elementary School
 - a. K x 1 (for 2020-21 school year)
 - b. 5th x 1 (for 2020-21 school year)
 - c. 4th x 1 (for 2019-20 school year)
 - 2. Hamilton High School
 - a. 9th X 1 (FOR 2020-21 school year)
- i. Personnel Actions as Presented:
 - i. New hires:

Derek Ahlswede	JV Baseball Coach	HHS
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 - ii. Resignations/Retirement:

None

17.0 ADJOURNMENT:

HUSD Technology Report
Board Meeting on February 26, 2020
Frank James, Director of Technology
Derek Hawley, Information Systems Technician

Completed and in Progress Tasks – February 2020

1. **E-Rate Project:** After analyzing HUSD network equipment power needs we compiled a list of equipment for this project. That list has been finalized and submitted to Infinity. All paperwork has been completed on our side and Infinity will be moving forward with the bid part of this process.
2. **Laserfiche Renewal:** Support has been switched from RMC to Synapse. This new support contract was roughly half the cost of the old one and we are move to a cloud (SaaS) based solution. This should not only save us money on support but also save us on equipment.
3. **Staff Support:** January proved to be a busy support month for Tech. We received 73 new tech requests and closed 71 tickets total.
4. **Duties and Responsibilities:** We have compiled a spreadsheet of managed devices and services that we as a Tech Department maintain. Further we have listed their function and uses.

Mathematics

Chapter 1: Introduction to Algebra

Section 1.1: Linear Equations

1.1.1 Solving Linear Equations

1.1.2 Graphing Linear Equations

1.1.3 Systems of Linear Equations

1.1.4 Inequalities

1.1.5 Word Problems

1.2 Quadratic Equations

1.2.1 Solving Quadratic Equations

1.2.2 Graphing Quadratic Equations

1.2.3 Applications of Quadratic Equations

1.3 Functions

1.3.1 Defining Functions

1.3.2 Properties of Functions

HUSD Food Service Report

Board Meeting on February 26, 2020

Sean Montgomery, Director of Nutrition and Student Welfare

This month the whole staff has been working closely with our consultant, Joey Soon, setting up our commodities program and designing next year's menu. We will put in our commodities survey by the end of February. Our goal is to use proteins from the commodities program within the State Co-op for the majority of our meals next year.

Elementary School

We served 1,861 breakfasts in January.

- Free..... 1,343
- Reduced..... 408
- Full Price 110

We served 4,836 lunches in January.

- Free..... 3,250
- Reduced..... 1,254
- Full Price 332

High School

We served 1,704 breakfasts in January.

- Free..... 868
- Reduced..... 474
- Full Price 362

We served 1,248 lunches in January.

- Free..... 659
- Reduced..... 405
- Full Price 184

Ella Barkley High School

We served 53 breakfasts in January.

- Free 37
- Reduced 16
- Full Price 0

We served 25 lunches in January.

- Free 15
- Reduced 10
- Full Price..... 0

State Pre-School

We served 57 breakfasts in January.

- Free 13
- Reduced 17
- Full Price..... 27

We served 151 lunches in January.

- Free 36
- Reduced 51
- Full Price..... 64

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HUSD Maintenance Report

Board Meeting on February 26, 2020

Alan Joksch, Director of Maintenance and Transportation

It is Almost Spring!

Transportation

Sports

1. We have wrapped up our Regular Season of Winter Sports.
2. We have had a very busy spring sports schedule keeping up with Baseball and Soccer.
3. There have been multiple weeks with four sets of basketball games and two or three soccer games.
 - a. This has meant a lot of extra bus driving as well as setting up for home games.
4. The schedule for Playoffs is being posted at this time.
5. Wrestling has been driving the Transit Vans to their meets. This past Saturday they went to Alturas.
6. Elementary Boys Basketball has just wrapped up the season as well. They also drove the vans to away games and hosted in the High School Gym.
 - a. We are now beginning to prepare the baseball fields, as they will start to play in a couple of weeks.

New Bus Update

1. We just received an update from our bus company. They are expecting delivery of the new bus from the Thomas plant in about 3 weeks. They will inspect and prep it in Woodland and bring it to us in mid-March.

Facilities

1. With the HVAC project completed, there have been only a couple of minor issues with the new units. We even got to use the air conditioning in the past few days. Overall, they are running well.
2. Last week I was added as an admin, so I can access the new thermostats at the high school on line. I will be able to adjust the temperature or get notifications of an issue right from my phone.
3. I have a long-term goal of replacing all of the thermostats in the district, with these online units to help monitor usage and reduce unnecessary electricity usage.
4. Dr. Powell and I met with Lee Knowles to review PG&E energy efficiency program and potential energy savings for the district.

Maintenance

1. This month we have received almost 50 new maintenance or transportation tickets. We have closed 45 tickets.
2. There are still a few outstanding maintenance items and several upcoming transportation requests resulting in open tickets.
3. We have been extremely busy covering our custodial duties due to so many away games. We also have a custodian out on a long-term medical issue.
4. With our already small staff, we are doing our best to keep up with our housekeeping duties as well as the day to day tasks. I have been forced to put a few projects on hold, in order to keep on top of the important issues.

The Robles Report-Adult Education
Board Meeting on February 26, 2020
Silvia Robles, Director of Adult Education
Guadalupe Mercado, Administrative Technician

Completed and in Progress Tasks – February, 2020

1. Enrollment and students served to date for all programs:

- Citizenship.....14
- Computer Literacy.....9
- ESL.....26
- Floral Design.....1
- Forklift Training.....38
- High School Diploma.....22
- Intensive ELD/Childcare Provider0
- Job Reentry-Starts Spring 2020.....1?
- TOTAL: 111**

2. Second Quarter Data Integrity Report for Oct, Nov, and Dec., submitted to CDE January 31, 2020.
3. Hamilton Adult Ed Agency's Implementation Training 100% Completed January 31, 2020.
4. Hamilton Adult Ed Agency's Technology Plan Submitted January 31, 2020.
5. WIOA Grant Writing, Due February 28, 2020
6. Networking with local county, nonprofit agencies to inform about Adult Ed Program.
7. Recruitment/Outreach for Job Reentry, Floral Design and Computer Basics ongoing.
8. Publicity, monthly flyer distribution to nonprofit organizations, partners, one-stops, libraries, etc.

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- 3. ...
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- 8. ...
- 9. ...
- 10. ...

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Hamilton Unified School District
General Fund - Unrestricted and Restricted
February Board Report

	2019-2020 First Interim Revised Budget	2019-2020 Year To Date As of 2/14/20	2018-2019 First Interim Revised Budget	2018-2019 Year To Date As of 2/14/19
Revenues				
LCFF Sources	\$ 7,873,467	\$ 3,930,172	\$ 7,548,255	\$ 4,240,453
All Other Federal Revenue	\$ 279,569	\$ 198,250	\$ 260,002	\$ 181,637
Other State Revenue	\$ 382,413	\$ 152,737	\$ 513,194	\$ 165,992
Other Local Revenue	\$ 79,577	\$ 60,916	\$ 35,500	\$ 37,455
Other Financing Sources	\$ -	\$ -	\$ 27,972	\$ -
Total Revenues	\$ 8,615,026	\$ 4,342,075	\$ 8,384,923	\$ 4,625,537
Expenditures				
Certificated Personnel Salaries	\$ 3,470,510	\$ 1,912,647	\$ 3,481,700	\$ 1,951,807
Classified Personnel Salaries	\$ 1,191,536	\$ 692,759	\$ 1,146,555	\$ 705,599
Employee Benefits	\$ 1,985,517	\$ 1,094,973	\$ 1,894,485	\$ 1,083,051
Books and Supplies	\$ 447,944	\$ 229,906	\$ 390,899	\$ 301,842
Travel and Conferences	\$ 118,453	\$ 45,882	\$ 143,568	\$ 48,844
Dues and Memberships	\$ 12,000	\$ 14,843	\$ 9,500	\$ 8,813
Other Insurance	\$ 100,695	\$ 100,695	\$ 89,819	\$ 87,145
All Other Utilities	\$ 275,450	\$ 188,679	\$ 205,500	\$ 173,316
Rents/Leases/Repairs	\$ 77,099	\$ 45,203	\$ 102,299	\$ 53,333
Other Operating Expenditures	\$ 300,479	\$ 187,115	\$ 306,392	\$ 271,947
Capital Outlay	\$ 402,972	\$ 237,972	\$ 200,000	\$ 568,942
Other Outgo	\$ 903,813	\$ 392,678	\$ 660,816	\$ 29,266
Total Expenditures	\$ 9,286,468	\$ 5,143,352	\$ 8,631,533	\$ 5,283,905
Net Increase (Decrease) in Fund	\$ (671,442)	\$ (801,277)	\$ (246,610)	\$ (658,368)
Beg. Fund Bal. (2018-19 Unaudited Actuals)	\$ 1,258,543			
Projected End. Fund Bal.	\$ 587,101			

HUSD Superintendent Report
Board Meeting on February 26, 2020
Jeremy Powell, Ed. D.

Target Goals created by District Cabinet:

- Focus on Dual Immersion-Bilingual/Biliterate/Bicultural
- All students at Standard and Achievement Gap Closed
- Graduates who are College and Career Ready

We are currently in the midst of evaluating the strong work we have accomplished this year while also looking ahead to plan on how we can refine this work to better meet the needs of our students and community next year. We have sent out Strategic Planning Surveys to staff members, community members, and parents throughout the district and will soon be sending these surveys home with our students. We are excited about the input we are receiving from the community and look forward to bringing this information to our Strategic Planning/LCAP planning meeting on Saturday, March 7th!

District Highlights for January & February:

- On February 3rd, our Educational Leadership Team (comprised of District Administrators, Site Administrators, and TOSAs) met with representatives from GCOE to review our CAASPP results and help our district focus on the needs of our most struggling students. We are excited about the opportunity to work with GCOE to improve the education for all students.
- We had our first New School Planning Committee Meeting on February 11th. It was a very productive meeting that was facilitated by IEP2. We will have several meetings throughout the rest of this school year. Our plan is to have a presentation to the board by June or July to review to plan.
- On January 27th and February 4th, we had representatives from HTA, CSEA, our School Board, and District Leadership meet to discuss our current budget situation. I would like to thank Maria Reyes, Kelly Langan, Betty Mercado, Chris DeVries, Erin Johnson, Cris Oseguera, Kathy Thomas, Ray Odom, and Kristen Hamman for their time and input.
- Our two meetings were very productive in bringing a common understanding of how the district has gotten into the fiscal situation we currently find ourselves (these include \$350,000 increase in SELPA costs over the last two years, increased STRS and PERS retirement costs to the district, flat funding, and a declining enrollment), how the district can address this deficit, and next steps to ensure the current situation does not repeat itself in the future.

Upcoming District Events:

- 3/1-3/3: SSDA Conference in Sacramento
- 3/7: Special Board Meeting @ 9:00 focused on Strategic Planning/LCAP Planning for the 2020-2021 school year.
- 3/11: Special Board Meeting @ 6:00: 2nd Interim Budget Report
- 3/20: End of 3rd Quarter
- 3/25: Board Meeting 5:30 @ HHS Library
- 3/26: HHS Open House
- 3/27: No School-Staff Inservice Day

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Local Control and Accountability Plan 2019-2020 Overview



Hamilton Unified School District



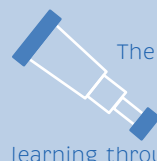
3 schools

700 students



80 full and part-time employees

Vision



The Hamilton Unified School District vision is to provide equity and access to rigorous learning through inclusive practices that embrace our community values in a compassionate environment.

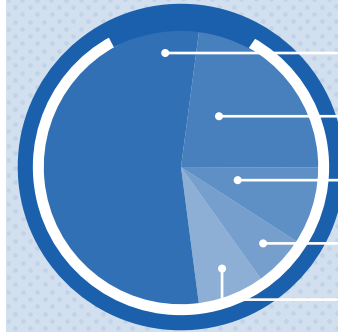
Mission

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.



Budget

General Fund Expenditures
\$ 8,682,698.81



District Highlights

Dual Immersion



- Established K-2 Program
- Offers High Academic Achievement
- Increases Sociocultural Competence
- Creates Competitive Advantage in Global Economy

Strong Agricultural Education Program

- Supervised Agriculture Experience Projects (SAE's)
- Dual Enrollment College Courses Offered
- Includes UC Approved Classes
- Industry Connections and Career Development Focus
- School Farm with Hands-on Approach



Multi-Tiered System of Support (MTSS)



- All means All Approach to Teaching and Learning
- Safe and Positive School Climate
- Hands-on Learning Experiences for Students
- Innovative Instructional Supports to Ensure Positive Outcomes for Each Student

Focus on High Academic Achievement

- HHS Class of 2019:
 - 100% High School Graduation Rate
 - 40% Golden State Merit Seal Diploma Recipients
 - 20% Seal of Biliteracy Recipients
 - 92% Students Attending Post-secondary Education
- Rigorous UC/CSU Approved Courses



District Goals

Goal #1 College & Career Readiness

- Maintain High Graduation Rate
- Grow Career Technical Education (CTE) Pathways in Agriculture and Medical Terminology
- Increase Dual Enrollment Courses Offered with Local College
- Promote Adult School Certification Programs
- Maintain Regular College and Cultural Visits
- Continue Senior Projects Focused on Career Choice Exploration
- Develop Industry Connections



Goal #2 Rigorous Curriculum

- Increase Completion of (A-G) College Admissions Required Courses with C or Higher
- Increase Enrollment in Advanced Course Work (i.e. AP & Dual Enrollment)
- Expand Dual Immersion Program K-12
- Focus on Quality Teaching and Teacher Growth
- Promote College Prep Environment and Opportunities for Students
- Provide learning opportunities beyond the classroom



Goal #3 Community Participation

- Increase Parent Participation through Academic Parent Teacher Teams focused on Student Success
- Grow School Based Social-Emotional Counseling Program
- Grow Strong Parent Involvement in Clubs Including Sports Boosters and Parent Teacher Organization
- Grow Participation in Monthly Parent Trainings that Increase Access to School & Community Resources
- Increase Support to Assist Families Achieve Student Success
- Maintain District Partnership with Boys & Girls Club of North Valley-Hamilton City



Plan de control local y responsabilidad 2019-2020 visión general



Distrito escolar unificado de Hamilton



3 escuelas

700 estudiantes



80 empleados a tiempo completo y parcial

Visión



La visión del Distrito Escolar Unificado de Hamilton es proporcionar equidad y acceso a un aprendizaje riguroso a través de prácticas inclusivas que abarquen los valores de nuestra comunidad en un entorno compasivo.

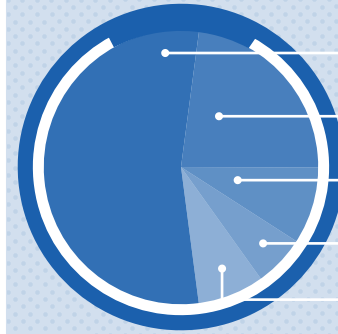
Misión

El Distrito Escolar Unificado de Hamilton proporcionará una experiencia educativa segura, rigurosa y atractiva que promueve el éxito académico, el respeto y la ciudadanía académica de los estudiantes en un ambiente cariñoso.



Presupuesto

Gastos del fondo general
\$ 8,682,698.81



Aspectos destacados del distrito

Doble inmersión



- Establecido Programa K-2
- Ofrece alto éxito académico
- Aumenta la competencia sociocultural
- Crea una ventaja competitiva en la economía global

Fuertes Proyectos de experiencia agrícola (SAE's)

- "Supervised Agriculture Experience Projects (SAE's)"
- Cursos de doble matrícula universitarios ofrecidos
- Incluye clases aprobadas por la universidad
- Conexiones de la industria y enfoque de desarrollo profesional
- Granja escolar con enfoque práctico



Sistema de soporte de múltiples niveles (MTSS)



- Todo significa, todo el enfoque para la enseñanza y el aprendizaje
- Clima escolar seguro y positivo
- Experiencias prácticas de aprendizaje para estudiantes
- La instrucción de innovación apoya para garantizar resultados positivos para cada estudiante

Enfoque en alto éxito académico

- HHS Clase de 2019:
 - 100% tasa de graduación de escuela secundaria
 - 40% de los graduados obtendrán diploma de Merito "Golden State"
 - 20% destinatarios de sello de biliteracy
 - 92% estudiantes asisten a la educación postsecundaria
- Cursos rigurosos aprobados por UC/CSU



Metas del Distrito

Meta #1

Preparación universitaria y profesional

- Mantener alta tasa de graduación
- Crear Carreras Técnicas Vías de educación (CTE) en agricultura y terminología médica
- Aumentar los cursos de doble matrícula ofrecidos con la universidad local
- Promover programas de certificación de escuelas para adultos
- Mantener visitas regulares a la universidad y visitas culturales
- Continuar proyectos enfocados en la exploración de opciones de carrera para estudiantes del último año.
- Desarrollar conexiones industriales



Meta #2

Plan de estudios riguroso

- Aumentar la finalización de los cursos obligatorios de admisión a la universidad (A-G) con C o superior
- Aumentar la inscripción en cursos avanzados (es decir, AP y doble inscripción)
- Expandir Programa de inmersión dual K-12
- Enfoque en el crecimiento de la enseñanza de calidad
- Promover el ambiente de preparación universitaria y las oportunidades para los estudiantes
- Brinde oportunidades de aprendizaje más allá del salón



Meta #3

Participación Comunitaria

- Aumentar la participación de los padres a través de equipos académicos de padres y maestros centrados en el éxito del estudiante
- Aumentar el Programa de asesoramiento socioemocional basado en la escuela
- Aumentar la fuerte participación de los padres en los clubes, incluidos los promotores deportivos y la organización de padres y maestros
- Aumentar la participación en capacitaciones mensuales para padres que aumentan el acceso a recursos escolares y comunitarios
- Aumentar el apoyo para ayudar a las familias a alcanzar el éxito estudiantil.
- Mantener la asociación del distrito con el club de "Boys and Girls Club de North Valley"
 - Hamilton City





HAMILTON UNIFIED SCHOOL DISTRICT

620 Canal Street · P.O. Box 488 ·
Hamilton City, CA 95951
(530) 826-3261 · Fax (530) 826-0440
www.husdschools.org

Jeremy Powell, Ed.D.
Superintendent

HUSD 2020-2021 LCAP/Strategic Planning Survey

As we plan for the 2020-2021 school year, your input is important to us. Please complete the survey below:

1. What is your relationship to Hamilton Unified

Mark only one oval.

- Parent (guardian, caregiver, or extended family of current student)
- Community Member
- Certificated HUSD Employee (Teacher)
- Classified HUSD Employee (Bus Driver, Custodian, Secretarial Staff)
- Other:

2. Are you the parent/guardian of a student who is a(n) (check all that apply)

Check all that apply.

- English Learner
- Foster Youth
- Recipient of Special Education Services
- Qualifies for Free and Reduced Lunch
- Other:

3. What Grade(s) are your children in? If you have more than one child, please choose your OLDEST child grade range.

Mark only one oval.

- Kindergarten-5th Grade
- 6th-8th Grade
- 9th-12th Grade

BOARD OF TRUSTEES

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

4. Please rate your satisfaction with our schools:

Mark only one oval per row.

	Not at all Satisfied	Somewhat Satisfied	Satisfied	Very Satisfied
How satisfied are you with the quality of instruction your child receive from their teachers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How satisfied are you with your school in letting you know the importance of daily attendance?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How satisfied are you with your school at involving students and families in school activities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How satisfied are you with the safety of your child's school?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How well does your child's school keep you informed on issues and upcoming events?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How satisfied are you with the quality of your child's instructional materials?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How satisfied are you with the physical condition of your child's school?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How satisfied are you with the care and concern Hamilton Staff provide your child?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. How can we improve our schools?

6. What do you feel is most important for our schools to provide for your child:

Mark only one oval per row.

	Not at all important	Limited	Some Importance	Highly Important
Agricultural Career Training	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Medical Career Training	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ability for High School Students to earn College Credit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Visual or Performing Arts (band/choir/drama)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opportunities to visit College Campuses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increased library hours	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
After school tutoring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extended school day or school year	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Summer/Winter break learning opportunities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to technology at home	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Each student having their own device at school	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Life Skills Classes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. Is there another program or interest you may suggest to help support your child:



HAMILTON UNIFIED SCHOOL DISTRICT

620 Canal Street • P.O. Box 488 •
Hamilton City, CA 95951
(530) 826-3261 • Fax (530) 826-0440
www.husdschools.org

Jeremy Powell, Ed.D.
Superintendent

Español HUSD 2020-2021 LCAP/Strategic Planning Survey

Mientras planificamos el año escolar 2020-2021, su opinión es importante para nosotros. Por favor complete la encuesta a continuación:

1. ¿Cuál es su relación con Hamilton Unified?

Mark only one oval.

- Padre (tutor, cuidador o familia extendida del estudiante actual)
- Miembro de la comunidad
- Empleado certificado de HUSD (maestro)
- Empleado clasificado de HUSD (conductor de autobús, custodio, personal de secretaría)

2. ¿Es usted el padre / tutor de un estudiante que es un (a) (marque todo lo que corresponda)

Check all that apply.

- Estudiante aprendiz ingles
- Joven en crianza temporal
- Receptor de servicios de educación especial
- Califica para almuerzo gratis y reducido
- Otro

3. ¿En qué grado (s) están sus hijos? Si tiene más de un hijo, elija el rango de calificación de su hijo MAYOR.

Mark only one oval.

- Kinder -5to Grado
- 6to-8vo grado
- 9no-12vo grado

BOARD OF TRUSTEES

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

4. Por favor, califique su satisfacción con nuestras escuelas:

Mark only one oval per row.

	Nada satisfecho	De alguna manera satisfecho	Satisfecho	Muy satisfecho
¿Qué tan satisfecho está con la calidad de instrucción que su hijo recibe de sus maestros?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
¿Qué tan satisfecho está con su escuela al hacerle saber la importancia de la asistencia diaria?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
¿Qué tan satisfecho está con su escuela al involucrar a estudiantes y familias en las actividades escolares?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
¿Qué tan satisfecho está con la seguridad de la escuela de su hijo/a?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
¿Qué tan bien la escuela de su hijo lo mantiene informado sobre los asuntos y próximos eventos?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
¿Qué tan satisfecho está con la calidad de los materiales de instrucción de su hijo?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
¿Qué tan satisfecho está con la condición física de la escuela de su hijo?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
¿Qué tan satisfecho está con el cuidado y la atención que el personal de Hamilton le brinda a su hijo?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. ¿Cómo podemos mejorar nuestras escuelas?

6. ¿Qué cree que es más importante que nuestras escuelas proporcionen a su hijo:

Mark only one oval per row.

	No tan importante	Limitado	Cierta importancia	Muy importante
Entrenamiento de Carrera Agrícola	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Formación de carrera médica	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Posibilidad para que los estudiantes de preparatoria obtengan créditos universitarios	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Artes visuales o escénicas (banda / coro / drama)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Oportunidades para visitar campus universitarios	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Aumento de las horas de biblioteca.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tutoría después de la escuela	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Día escolar o año escolar extendido	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Oportunidades de aprendizaje durante las vacaciones de verano / invierno	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acceso a la tecnología en el hogar.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cada estudiante tener su propia computadora en la escuela	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clase de aprendizaje de habilidades para la vida	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. ¿Hay algún otro programa o interés que pueda sugerir para apoyar a su hijo?



LENN COUNTY
OFFICE of EDUCATION

Glenn County Office of Education

Office of Business Services

Randy Jones, Assistant Superintendent
311 South Villa Avenue • Willows, California 95988
(530) 934-6575 Ext. 3050 FAX (530) 934-6654

February 10, 2020

Jeremy Powell, Superintendent
Hamilton Unified School District
PO Box 488
Hamilton City, CA 95951

Dear Jeremy:

In compliance with the provisions of Education Code Section 42130 et seq., our office has completed its review of the 2019-2020 First Interim budget adopted by the Board. Our office has reviewed the data submitted, including the Criteria and Standards for your district. We commend the board for its action to establish a budget review committee and look forward to the action necessary to create the district's approved cut list as part of its fiscal recovery plan. We remain, however, very concerned about the impact of an anticipated recession resulting in state budget reductions in education funding on the district's solvency. Given the significance of the potential reductions, it is imperative that we continue to work together to clearly understand the district's financial position as of the current point in time.

Based upon the information available for the First Interim report, we concur with the district's qualified self-certification. The reason for this status is due to not meeting the operational or required reserve levels for fiscal years 2020-21 and 2021-22. However, it is crucial the district enact the level of cuts necessary from the fiscal recovery plan to maintain reserves and provide cash for operations to begin the 2020/21 fiscal year. The district is required to maintain the state minimum economic uncertainty reserve at the required level of four percent. Education Code Section 42127.6 requires the county superintendent of schools to notify the district governing board and the Superintendent of Public Instruction in writing if at any time during the fiscal year it is determined that the district is unable to meet its financial obligations for the current or two subsequent fiscal years.

2019-20 First Interim Review

As required by Education Code, our office performs what is commonly referred to as an "AB 1200 Review" of the First Interim data submitted to our office. Per E.C. 42131, the district Governing Board makes a finding of positive, qualified or negative.

"A negative certification shall be assigned to any school district that, based upon current projections, will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year. A qualified certification shall be assigned to any school district that, based upon current projections, may not meet its financial obligations for the current fiscal year or two subsequent fiscal years. A positive certification shall be assigned to any school district that, based upon current projections, will meet its financial obligations for the current fiscal year and subsequent two fiscal years."

"These certifications shall be based upon the financial and budgetary reports required by Section 42130 but may include additional financial information known by the governing board to exist at the time of each certification."

The County Office reviews the data submitted and performs additional testing of the data as we deem necessary. This review covers the 2019-20 First Interim budget as well as the projections for 2020-21 and 2021-22. The County Office is required to issue a letter to the Governing Board by January 15, 2020, that indicates our agreement (or disagreement) with their finding of positive, qualified or negative.

Concerns and Comments

The Cash Flow worksheet projects the general fund will have a positive balance of \$790,269 at June 30, 2020. In addition, the balance is approximately \$295,439 higher than the 2019/20 beginning balance.

The Multiyear Projections form projects 2019-20 combined deficit spending of \$671,443, 2020-21 of \$558,687 and 2021-22 of \$555,501. Unrestricted deficit spending is \$411,414, \$568,251 and \$541,695 respectively. The 2020-21 fiscal year reflects a combined ending fund balance of \$28,413 and a negative combined ending fund balance of \$527,089 for the 2021-22 fiscal year.

It was indicated in the Criteria & Standards (section S8) that labor agreements were settled as of First Interim. Please be aware that Government Code 3540.2(a) requires districts with a qualified or negative interim report give the County Office at least ten working days to review and comment on any proposed collective bargaining agreement and must provide all relevant information.

Enrollment and ADA have increased slightly over the past three years and are not projected to significantly change in the out years.

Summary Statement

We are reminded to be conservative, given the uncertainty of continued economic growth and potential upcoming recession. The district's current fiscal condition requires budget reductions in the 2020-21 and 2021-22 budget years. We recognize the Board will continue taking steps to make the necessary reductions and recommend the district establish and maintain an adopted fiscal recovery plan, which includes a cut list.

We commend the efforts of the Board and district administration as they strive to develop a fiscal plan and viable budgets in these especially challenging fiscal times. Please do not hesitate to contact our office if we can be of assistance and support.

Sincerely,



Randy Jones
Assistant Superintendent of Business Services

CC: Tracey Quarne, County Superintendent of Schools
Board of Trustees
Kristen Hamman, District Business Manager

**Building Fund 21 (Bond) Expenditures for 2019-20
For HUSD Board Meeting February 26, 2020**

PO #	Date	Vendor	Description	Amount
423	9/27/2019	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 802.00
423	10/30/2019	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 1,126.00
423	11/13/2019	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 165.00
423	12/11/2019	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518	\$ 2,969.00
423	1/8/2020	Dannis Woliver Kelley	Legal Fees related to land acquisition - matter ending 518/1103	\$ 807.00
19397	9/27/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 1,057.63
19397	9/27/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 1,445.00
19397	10/16/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 2,960.00
19397	10/23/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 171.62
19397	12/11/2019	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 12,940.58
19397	2/5/2020	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 12,895.93
19397	2/5/2020	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 560.00
19515	9/27/2019	Placeworks Inc.	CEQA Review; expansion project	\$ 4,692.02
19515	10/2/2019	Placeworks Inc.	CEQA Review; expansion project	\$ 5,009.48
19515	11/20/2019	Placeworks Inc.	CEQA Review; expansion project	\$ 9,667.98
19515	11/20/2019	Placeworks Inc.	CEQA Review; expansion project	\$ 14,715.59
20202	9/27/2019	Department of Toxic Substances Control - DTSC	Property Purchase Testing	\$ 14,480.00
20219	9/27/2019	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 5,040.00
20219	9/27/2019	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 4,200.00
20219	11/13/2019	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 4,480.00
20219	12/11/2019	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 3,080.00
20219	1/15/2020	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 2,520.00
20219	2/12/2020	Educational Facilities Program Management LLC	Consulting for HHS Expansion Project	\$ 2,380.00
20247	11/20/2019	Timios Title	Title Report for new property	\$ 400.00
20287	10/9/2019	Robertson Erickson Inc.	Survey for land	\$ 3,250.00
Total expenditures through 2/14/2020				\$ 111,814.83

2018-2019 Bond and Property Related Expenses

PO #	Vendor	Description	Amount	Reimbursable
19-567	California Appraisals	Appraisal for future site	\$ 4,000.00	Yes
19-134	Educational Facilities Program Management LLC	Bond Development & Election	\$34,440.00	Yes
PV#69	Glenn County Elections	Bond Election Fees	\$ 3,466.00	No
19-309	Holdrege & Kull (NV5)	Environmental Site Assessment	\$ 4,600.00	Yes
19-397	Holdrege & Kull (NV5)	Prelim Assessment #032-230-015	\$ 4,060.62	Yes
19-524	HUSD Revolving Fund	New property project	\$ 1,500.00	Yes
19-514	Placeworks Inc.	Title 5 Risk Assessment	\$15,210.00	Yes
19-515	Placeworks Inc.	CEQA Review; Expansion Project	\$ 5,877.75	Yes
18-639	School Works Inc.	Development Fee Study	\$ 6,000.00	No
19-596	Western Valuation Professional	Appraisal - new property	\$3,500.00	Yes
423	Dannis Woliver Kelley	matter # 10518 Property Purchase Negotiation	\$ 6,470	Yes
423	Dannis Woliver Kelley	matter # 10418 2018 Bond Discussions	\$ 1,017	No

Total Amount Expended \$90,140.87

Reimbursable Total \$79,657.87

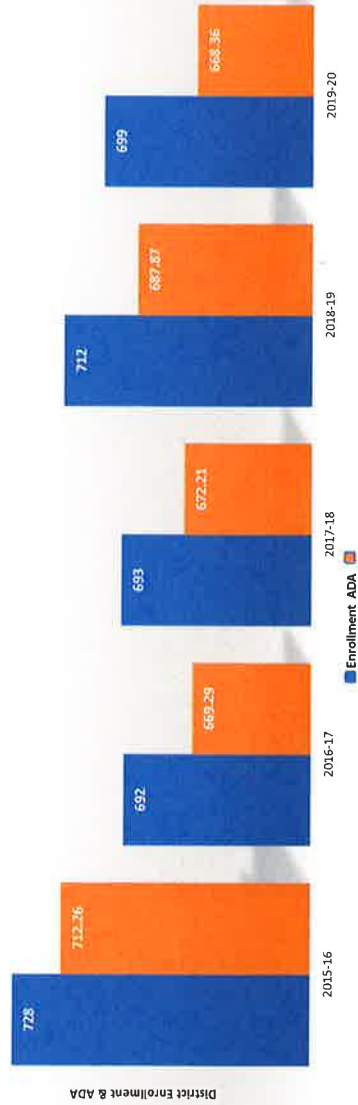
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HUSD ENROLLMENT OVER FIVE YEARS 2015-2019

Year	2015-16	2016-17	2017-18	2018-19	2019-20
1	304 HHS 9 EBHS 415 K-5 6-8	264 HHS 14 EBHS 414 K-5 6-8	269 HHS 12 EBHS 279 K-5 133 6-8	286 HHS 9 EBHS 292 K-5 125 6-8	266 HHS 11 EBHS 269 K-5 153 6-8
Enrollment	728	692	693	712	699
ADA	712.26	649.29	672.21	687.87	648.36

Enrollment and ADA totals above are based on P2 Data Reporting except current year based on current reporting

Enrollment & ADA by School Year



Year	2019-20	2019-20	2019-20	2019-20	2019-20
Reporting Period	8/13-8/30/19	9/3-9/27/19	9/30-10/14/19	11/13/19-01/13/20	01/14-2/19/20
Grade	TK	TK	TK	TK	TK
#STU	11	11	11	11	11
ADA	10.61	10.73	10.73	10.73	10.61
#STU	39	39	39	40	41
ADA	37.56	37.58	37.58	37.58	37.56
#STU	45	47	47	47	46
ADA	45.09	45.23	45.23	45.23	45.09
#STU	42	42	42	41	41
ADA	39.86	39.94	39.94	39.94	39.86
#STU	40	40	40	40	40
ADA	39.11	39.14	39.14	39.14	39.11
#STU	46	47	47	47	48
ADA	45.88	45.86	45.86	45.86	45.88
#STU	59	40	40	42	42
ADA	58.63	39.64	39.64	39.64	39.63
#STU	43	43	43	60	60
ADA	58.48	58.57	58.57	58.57	58.48
#STU	48	48	48	43	45
ADA	42.23	42.30	42.30	42.30	42.23
#STU	68	68	68	48	48
ADA	46.66	46.79	46.79	46.79	46.66
#STU	74	74	74	69	68
ADA	66.34	66.34	66.34	66.34	66.34
#STU	78	79	79	75	76
ADA	71.05	72.05	72.05	72.05	71.05
#STU	53	54	56	56	55
ADA	51.71	51.71	51.71	51.71	51.71
TOTAL	686	691	693	698	699
ADA TOTAL	686.36	670.81	670.81	670.81	648.36

HAMILTON UNIFIED SCHOOL DISTRICT
HAMILTON HIGH SCHOOL SITE EXPANSION-PERMITTING STATUS
BOARD DISCUSSION ITEM
FEBRUARY 26,2020

CURRENT SITE PURCHASE STATUS & TIMELINE-(Defer to Supt. & Legal Counsel)

CDE SITE PERMITTING REQUIREMENTS

DEPARTMENT OF TOXIC SUBSTANCES CONTROL (NV5)

- **Draft Final PEA now completed; submitted to DTSC 2/11/2020. Required 30-day Public Comment Period opened 2/17/2020; closes 3/20/2020. Public Comment hearing scheduled at Board Meeting 2/26/2020. Anticipated completion & approval date: 6/12/2020.**

CALIFORNIA ENVIRONMENTAL QUALITY ACT (PLACEWORKS)

- **CEQA draft final report now being written by consultants; anticipate Initial Study/Mitigated Negative Declaration to District for review early April. Notice of Intent to Adopt and 30 day Public Comment period through May; Board adoption and final Notice of Determination in June 2020.**
- **Consultant's initial Additional Cost Proposal has been renegotiated; now on current agenda for Board review and approval.**

TITLE 5 REPORTS (PLACEWORKS)-

- **Pipeline Safety Study: Research & Report Complete. SUMMARY-No mitigation measures required.**
- **Railway Safety Study: Research & Report Complete. SUMMARY: No special risks or mitigation required.**
- **Dam Inundation Study: Research & Report Complete. SUMMARY: Dam Inundation: No special risks or mitigation required.**

EDUCATIONAL SPECIFICATIONS (iep2)

- **Initial Steering Committee Meeting held 2/11/2020; meetings now being scheduled for site faculty, support staff, administrators, parents, students and community members. Meetings anticipated through April 2020, or later as needed.**

Geological Hazards Studies

- **Proposal solicitation for studies to meet the requirements of the California Department of Education (CDE), School Facilities Planning Division form 4.01, Division of the State Architect (DSA), the California Geological Survey (CGS) Note 48, and the 2016 California Building Code (CBC) currently on hold pending clarification of site negotiation.**

POLICY GUIDE SHEET
For First Reading
HUSD Board Meeting Wednesday, February 26, 2020

Page 1 of 4

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 2121 - Superintendent's Contract

(BP revised)

Policy updated to add professional development as an optional component that may be addressed in the superintendent's contract, consistent with CSBA's Superintendent Contract Template. Section on "Termination of Contract" deletes material related to maximum cash settlement requirements for contracts executed prior to January 1, 2016, since state law limits the term of the contract to a maximum of four years.

BP 3600 - Consultants

(BP revised)

Policy updated to reflect **NEW LAW (AB 5)** which codifies a three-part test, established in *Dynamex Operations West Inc. v. Superior Court of Los Angeles*, to determine whether a person providing services for remuneration should be classified as an employee or an independent contractor. Policy also updates the statement on nondiscrimination to include additional protected categories, and reflects law regarding harassment of or by an independent contractor.

AR 4030 - Nondiscrimination in Employment

(AR revised)

Regulation updated to reflect **NEW LAW (SB 778)** which delays until January 1, 2021 a requirement for districts with five or more employees to provide at least two hours of sexual harassment training to supervisory employees and at least one hour of sexual harassment training to nonsupervisory employees. Regulation also reflects **NEW LAW (AB 9)** which allows complaints of employment discrimination to be filed with the Department of Fair Employment and Housing up to three years after the alleged act.

BP 4033 - Lactation Accommodation

(BP revised)

Policy updated to reflect **NEW LAW (SB 142)** which mandates districts to adopt policy that addresses an employee's right to request lactation accommodation, the process by which the employee makes the request, the district's obligation to respond to the request, and the employee's right to file a complaint with the Labor Commissioner alleging any violation of the right to lactation accommodation. Policy also reflects provisions of SB 142 requiring districts to provide a lactation room or location with prescribed features, prohibiting districts from discriminating or retaliating against an employee who exercises the right to lactation accommodation, and authorizing districts with fewer than 50 employees to seek an exemption from the requirement to provide lactation accommodation if the district demonstrates that the requirement poses an undue hardship.

BP 4151/4251/4351 - Employee Compensation

(BP revised)

Policy updated to clarify that, in determining whether an executive, administrative, or professional employee is exempt from overtime rules, the salary threshold established by state law supersedes the threshold established by federal law (as raised by new federal rule September 24, 2019). Policy also deletes complex information on Internal Revenue Service forms that must be completed by employees who earn compensation over 9 or 10 months but elect to spread salary payments over 12 months, thereby creating "deferred compensation."

POLICY GUIDE SHEET

December 2019

Page 2 of 4

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

(BP revised; AR deleted)

Policy updated to clarify that dismissal of probationary classified employees may be done without cause, delete detailed procedures for disciplinary proceedings, and reflect due process rights that must be granted to permanent employees based on the court decision in *Skelly v. State Personnel Board*. Regulation deleted and districts encouraged to replace or supplement these materials with the rules of their personnel commission.

BP/AR 5116.1 - Intradistrict Open Enrollment

(BP/AR revised)

Policy and regulation updated to delete material related to transfers under the state Open Enrollment Act and federal Program Improvement, as those programs are no longer operational. Policy also reflects **NEW LAW (AB 1127)** which requires districts to approve an intradistrict transfer request for a student who is a victim of bullying, as defined. Optional item added for districts electing to offer intradistrict transfers to all students in a school identified by the California Department of Education (CDE) for comprehensive support and improvement (CSI), in which case priority must be given to the lowest achieving students from low-income families. Regulation revised to clarify timelines for transfers out of schools identified by CDE as "persistently dangerous." For districts that offer transfers out of CSI schools, regulation allows a transfer student the opportunity to remain in the school of enrollment until completing the highest grade offered at that school.

BP/AR 5117 - Interdistrict Attendance

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 1127)** which requires districts to provide transportation assistance to transfer students who are victims of bullying or are children of active duty military parents/guardians, if they are also eligible for free or reduced-priced meals. Regulation updated to reflect provisions of AB 1127 which (1) prohibit consideration of specified characteristics when selecting students for transfer who are victims of bullying or children of active duty military parents/guardians and (2) require a district to accept a transfer out of the district for a victim of bullying if the district has only one school offering the student's grade level.

BP/AR/E 5118 - Open Enrollment Act Transfers

(BP/AR/E deleted)

Policy, regulation, and exhibit deleted since CDE no longer identifies low-achieving schools based on the Academic Performance Index for purposes of developing an Open Enrollment List of schools, in which students had the option to transfer to a higher achieving school within or outside the district.

AR 5125 - Student Records

(AR revised)

Regulation updated to reflect **NEW LAW (AB 711)** which requires districts to update the records of a former student who submits a written request or government-issued documentation of a name and/or gender change. Regulation also revised to reflect current law regarding the timeline for submitting the grade point average of students in grade 12 to the Student Aid Commission for use in the Cal Grant postsecondary financial aid program and the timeline for notifying students and parents/guardians of their right to opt out.

BP/AR 5131.2 - Bullying

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 1127)** which requires a district to approve an intradistrict transfer request for a victim of bullying and, if the district does not have another school with the same grade level, allows a victim of bullying to transfer out of the district. Regulation updated to reflect **NEW LAW (AB 34)**

which requires districts to make specified information on bullying and harassment prevention readily accessible on their web sites beginning in the 2020-21 school year.

POLICY GUIDE SHEET

December 2019

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BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions

(BP/AR revised)

Policy updated to reflect **NEW LAW (SB 233)** which authorizes the board to adopt policy allowing a parent/guardian, but not school personnel, to administer medicinal cannabis in a nonsmokeable, nonvapeable form at a school site to a student who is a qualified patient. Policy explains the conflict between state and federal law and provides options for districts to authorize or not authorize administration of medicinal cannabis at a school site. For districts that choose to authorize medicinal cannabis, policy reflects the components that are mandated to be in policy, including requirements for parents/guardians to provide a written medical recommendation for the student to be administered medicinal cannabis, sign in at the school before administering the cannabis, and remove any remaining cannabis from the school site. Regulation reflects **NEW LAW (AB 743)** which requires districts to accept a physician statement for inhaled asthma medication from a health plan operating under the laws of Mexico that is licensed in California.

BP/AR 6143 - Courses of Study

(BP/AR revised)

Policy updated to include the prohibition against providing any course separately on the basis of specified characteristics or refusing the participation of a student on any such basis. Policy also reflects the requirement to provide a list of courses certified as meeting California college admission criteria (i.e., "a-g" course requirements) to parents/guardians as well as students in grades 9-12. Regulation updates the list of course offerings for grades 7-12 to revise the description of the Bracero program, update the terminology for "foreign language" to "world language" consistent with current state law, reflect **NEW LAW (AB 1595)** which replaces references to "homemaking" with "family and consumer sciences," and delete outdated date for beginning instruction in compression-only cardiopulmonary resuscitation. Regulation also adds requirement, effective in the 2020-21 school year, to provide specified information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the Dream Act application, as appropriate, at least once before grade 12.

BP 6154 - Homework/Makeup Work

(BP revised)

Policy updated to reflect **NEW LAW (AB 982)** which requires that, when a parent/guardian of a student who has been suspended for two or more days requests homework that the student would have otherwise been assigned, teachers must provide such homework.

AR 6174 - Education for English Learners

(AR revised)

Regulation updated to clarify the process for assessment and identification of English learners, including additional notification requirements. Section on "Reclassification/Redesignation" revised to require English learners who are reclassified as fluent English proficient to be monitored for at least four years following their reclassification, consistent with CDE's Federal Program Monitoring instrument. Regulation also adds further information regarding the composition and duties of the school-level and district-level English Learner Advisory Committee.

AR 6175 - Migrant Education Program

(AR revised)

Regulation updated to reflect **NEW LAW (AB 1319)** which requires the immediate enrollment of migrant students even if they have outstanding fees, fines, textbooks, or other items or monies due to the school last attended, do not have clothing normally required by the school, or are unable to produce records normally required for enrollment. Regulation also reflects provision of AB 1319 which grants migrant students the

right to remain in their school of origin, or in a school within the district of origin, regardless of any change in residence of the student.

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BB 9150 - Student Board Members

(BB revised)

Bylaw updated to reflect **NEW LAW (AB 709)** which requires student board members to be appointed to board subcommittees in the same manner as other board members, be invited to attend other functions of the board, and receive all materials received by other board members between open meetings except materials that pertain to closed session items. Bylaw also reflects provisions of AB 709 which clarify that student board members are not considered members of a legislative body for purposes of the Brown Act, authorize the board to award elective course credit for student board member service, and authorize the board to appoint an alternate student board member if the student board member's duties are not being fulfilled.

CSBA Sample Board Policy

Administration

BP 2121(a)

SUPERINTENDENT'S CONTRACT

Note: The following **optional** policy should be modified to reflect district practice.

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent ~~are to~~ **will** work together **as a governance team** to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the ~~need for~~ **value of** stability in district administration, ~~and shall ensure~~ the best use of district resources, ~~and the Board's duty to ensure accountability to the public for the performance of the district's schools.~~

(cf. 0200 - Goals for the School District)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 2120 - Superintendent Recruitment and Selection)

(cf. 4312.1 - Contracts)

(cf. 9000 - Role of the Board)

Note: The following list of contract components is consistent with a template for superintendent contracts developed by CSBA. The annotated template contract with additional context and suggestions is available **through CSBA's web site by contacting legal@esba.org.**

The contract shall be reviewed by the district's legal counsel and may include the following:

1. Term of the contract, which shall be for no more than four years pursuant to Education Code 35031
2. Length of the work year and hours of work
3. Salary, health and welfare benefits, and other compensation for the position, **including a statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board**

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

4. Reimbursement of work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

(cf. 3350 - Travel Expenses)

SUPERINTENDENT'S CONTRACT (continued)

The contract may also address payment for professional dues and activities, the district's provision of cell phones or other technological devices, and the Superintendent's use of his/her a personal vehicle.

(cf. 4040 - Employee Use of Technology)

5. Vacation, illness and injury leave, and personal leaves

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

6. Professional development

6.7. General duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

7.8. Criteria, process, and procedure for annual evaluation of the Superintendent

(cf. 2140 - Evaluation of the Superintendent)

~~8. A statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board~~

9. A statement that there shall be no automatic renewal or extension of the contract, although the Board can enter into a new contract with the Superintendent prior to the expiration of the existing contract

Note: Pursuant to Education Code 35031, if the Governing Board decides not to reemploy the Superintendent, it must ~~notify him/her~~ **provide notification** at least 45 days before the contract expires. If the Board fails to provide the required prior written notice, the Superintendent shall be deemed reemployed for a term of the same length as the one completed, under the same terms and conditions, and with the same compensation.

10. Timeline for providing written notice to the Superintendent if the Board does not wish to enter into a new contract, which shall be at least 45 calendar days in advance of the expiration of the term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in writing and in a timely manner of the requirement to give notice

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

SUPERINTENDENT'S CONTRACT (continued)

Note: See section on "Termination of Contract" below for limitations to maximum cash settlements.

11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date
12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in **his/her the Superintendent's** official capacity in the performance of **employment-related** duties **related to his/her employment**

Note: Pursuant to Government Code 54957, personnel matters related to the appointment or employment of an employee may be discussed in closed session under the "personnel exception." However, Government Code 54957 prohibits the use of closed session for discussion or action on any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline. In San Diego Union v. City Council, a California Court of Appeal held that the "personnel exception" provided in Government Code 54957 does not extend to discussions of salary and compensation.

Notwithstanding Government Code 54957, the Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may only meet in closed session for such purposes with a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The Attorney General's publication The Brown Act: Open Meetings for Local Legislative Bodies, also states that the "labor exception" applies to meeting in closed session to instruct its representatives concerning negotiations with prospective employees. Boards wishing to discuss the Superintendent's salary in closed session under the "labor exception" are encouraged to consult legal counsel before doing so.

In addition, pursuant to Government Code 54956, the Board is prohibited from deliberating on the salary or other compensation of the Superintendent at a special meeting. See BB 9320 - Meetings and Notices and BB 9321 - Closed Session ~~Purposes and Agendas~~.

The following paragraph should be revised to reflect district practice.

The Board may deliberate about terms of the contract in closed session at a regular meeting. However, discussions regarding the salary, salary schedule, or other compensation may occur in the closed session of a regular meeting only between the Board and its designated representative(s), as permitted under Government Code 54957.6 (the "labor exception"), for the purpose of reviewing the Board's position and/or instructing the designated representative(s) prior to or during bona fide negotiations with the current or prospective Superintendent. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

SUPERINTENDENT'S CONTRACT (continued)

The Board may consult with district legal counsel prior to holding a closed session with the designated representative(s) to discuss compensation to be paid to the current or prospective Superintendent.

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

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

Note: Pursuant to Government Code 54953, ~~as amended by SB 1436 (Ch. 175, Statutes of 2016)~~, the Board must, in open session, orally report a summary of the recommendation for final action on the Superintendent's salary or benefits and must make related records available to the public in accordance with the California Public Records Act. Thus, Government Code 54953 limits the Board's ability to approve changes to salary or benefits as part of a consent calendar and instead requires such approval to be a separate agenda item. For identical requirements regarding final action on the salary or benefits ~~or of~~ other district executives, see BP 4312.1 - Contracts.

The Board shall take final action on the Superintendent's contract during an open session of a regularly scheduled Board meeting, and that action shall be reflected in the Board's minutes. At that meeting, prior to taking action, the Board shall orally report a summary of the recommendation for the final action on the Superintendent's salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

Copies of the contract and other public records created or received in the process of developing the recommendation related to the Superintendent's salary, benefits, and other compensation shall be available to the public upon request. (Government Code 53262, 54953, ~~54957.6~~)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Termination of Contract

Note: Pursuant to Government Code 53260, every employee contract must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to ~~his/her~~ the monthly salary multiplied by the number of months left on the contract. For a Superintendent contract, ~~executed prior to January 1, 2016, if the unexpired term is greater than 18 months, this maximum is equal to the monthly salary multiplied by 18. For a Superintendent contract executed on or after January 1, 2016,~~ Government Code 53260 provides that the maximum cash settlement is the monthly salary multiplied by 12. Cash settlements may be less than these maximums. The district must make **contracts of employment, which include the** termination agreements, available to the public upon request. See AR 4117.5/4217.5/4317.5 - Termination Agreements.

BP 2121(e)

Prior to the expiration of the contract, the Board may terminate the Superintendent's employment contract in accordance with law and applicable contract provisions.

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

In such an event, ~~any the maximum~~ cash settlement that the Superintendent may receive upon termination of the contract shall not exceed ~~his/her the Superintendent's~~ monthly salary multiplied by the number of months left on the contract or, ~~if the unexpired term of the contract is more than 18 months and the contract was executed prior to January 1, 2016, no greater than the Superintendent's monthly salary multiplied by 18. For any contract executed on or after January 1, 2016, any cash settlement shall not exceed~~ the Superintendent's monthly salary multiplied by 12, **whichever is less.** (Government Code 53260)

The cash settlement shall not include any noncash items other than health benefits, which may be continued for the same duration of time as covered in the settlement or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, no cash or noncash settlement of any amount shall be provided. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of ~~his/her~~ office or position, ~~he/she the Superintendent~~ shall reimburse the district for payments ~~he/she receives received~~ as paid leave salary pending investigation or as cash settlement upon ~~his/her~~ termination, and for any funds expended by the district in ~~his/her defense~~ **defending the Superintendent** against a crime involving ~~his/her the Superintendent's~~ office or position. (Government Code 53243-53243.4, 53260)

Legal Reference: (see next page)

BP 2121(f)

Legal Reference:

EDUCATION CODE

35031 *Term of employment*

41325-~~41329.3~~ **41328** *Conditions of emergency apportionment*

GOVERNMENT CODE

3511.1-3511.2 *Local agency executives*

6250-6270 *California Public Records Act*

53243-53243.4 *Abuse of office*

53260-53264 *Employment contracts*

54953 *Oral summary of recommended salary and benefits of superintendent*

54954 *Time and place of regular meetings*

54956 *Special meetings*

54957 *Closed session personnel matters*

54957.1 *Closed session, public report of action taken*

54957.6 *Closed sessions regarding employee matters*

UNITED STATES CODE, TITLE 26

105 *Self-insured medical reimbursement plan; definition of highly compensated individual*

UNITED STATES CODE, TITLE 42

300gg-16 *Group health plan; nondiscrimination in favor of highly compensated individuals*

CODE OF FEDERAL REGULATIONS, TITLE 26

1.105-11 *Self-insured medical reimbursement plan*

COURT DECISIONS

San Diego Union v. City Council (1983) 146 Cal.App.3d 947

ATTORNEY GENERAL OPINIONS

57 *Ops. Cal. Atty. Gen.* 209 (1974)

Management Resources:

CSBA PUBLICATIONS

Superintendent Contract Template, 2015

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

California Office of the Attorney General: <https://oag.ca.gov>

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

CONSULTANTS

The Governing Board authorizes the use of consultants **and other independent contractors** to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience, or knowledge. Individuals, firms, or organizations employed as **consultants independent contractors** may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional, or other matters.

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

Note: Internal Revenue Service (IRS) Publication 15-A identifies 20 common-law factors which the IRS uses to determine whether an individual is an employee or an independent contractor.

Labor Code 2750.3, as added by AB 5 (Ch. 296, Statutes of 2019), codifies the three-part "ABC" test established in Dynamex Operations West, Inc. v. Superior Court of Los Angeles to determine whether a person providing services for remuneration should be classified as an employee or an independent contractor. Although Labor Code 2750.3 does not explicitly state whether it applies to public agencies, CSBA recommends that districts adhere to its provisions.

AB 5 also amended Unemployment Insurance Code 606.5 and 621 to incorporate the three-part ABC test from the Dynamex decision. Since public school employers are subject to certain provisions in the Unemployment Insurance Code, districts should apply the three-part ABC test to determine a worker's eligibility for unemployment benefits.

Pursuant to Labor Code 2750.3, a person is considered to be an independent contractor rather than an employee if the person (1) is free from the control and direction of the district in connection with the performance of the work, (2) performs work that is outside the usual course of providing educational services, (i.e. services provided by the person's own independent business and not services that ordinarily would be performed by district employees), and (3) is customarily engaged in an independently established trade, occupation, or business.

Labor Code 2750.3 establishes exceptions to the use of the three-part ABC test, including (1) when a person's status as an employee or independent contractor is defined by the Labor Code, Unemployment Insurance Code, or an applicable wage order of the Industrial Welfare Commission; (2) when a court rules that the three-part test cannot be applied to a particular context; or (3) when specifically exempted within Labor Code 2750.3. Under the second and third scenarios, the determination of whether a person is an employee or independent contractor is then made pursuant to the court's decision in S.G. Borello & Sons, Inc. v. Department of Industrial Relations, which made employment status a fact-dependent ruling based on the extent to which the employer had a right to control the work that was being done. Tutors are potentially excepted from the three-part test in Labor Code 2750.3 if they develop and teach their own curriculum, but not if they teach a curriculum created by a public school or contract with a public school through a referral company.

As this area of law is complex and may alter the legal and financial obligations of the district to particular workers (e.g., eligibility for workers compensation, unemployment and disability insurance benefits, and district health and welfare benefits), legal counsel should be consulted when questions arise regarding the status of those who provide services to the district for remuneration.

As part of the contract process, the Superintendent or designee shall determine, ~~in accordance with Internal Revenue Service guidelines,~~ that the ~~consultant individual, firm, or organization~~ is properly classified as an independent contractor. **A person, firm, or organization shall be considered an employee rather than an independent contractor unless the district is able to demonstrate that all of the following conditions have been met: (Labor Code 2750.3)**

- 1. The person or entity is free from the control and direction of the district in connection with the performance of the work.**
- 2. The person or entity is performing work that is outside the usual course of the district providing educational services.**
- 3. The person or entity is customarily engaged in an independently established trade, occupation, or business of the same nature as the work to be performed.**

Specific statutory exceptions to this analysis for the determination of whether a person, firm, or organization is an independent contractor may apply. (Labor Code 2750.3)

~~District employees who perform extra duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.~~

All consultant contracts shall be brought to the Board for approval.

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

(cf. 4132/4232/4332 - Publication or Creation of Materials)

~~The district shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the district's control.~~

All qualified ~~firms or resource persons~~ **independent contractors** shall be accorded equal opportunity for ~~consultant~~ contracts regardless of **actual or perceived race, creed, color, gender, national or ethnic origin, age or disability, national origin, ancestry, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender**

BP 3600(c)

CONSULTANTS (continued)

identity, gender expression, immigration status, or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 220; Government Code 12940)

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

(cf. 0415 - Equity)

(cf. 3311 - Bids)

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

(cf. 4030 - Nondiscrimination in Employment)

Independent contractors ~~applying for a consultant contract~~ shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend ~~the consultant's employment approval of the contract~~.

Any consultant hired by the district who is subject to the filing requirements in the district's conflict of interest code shall file a Statement of Economic Interests within the time period required by law. (Government Code 87302)

(cf. 9270 - Conflict of Interest)

When employees of a public university, county office of education, or other public agency serve as consultants or ~~resource persons~~ **independent contractors in other capacities** for the district, they shall certify as part of the ~~consultant~~ agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for ~~this~~ **the** district.

Note: Pursuant to Government Code 12940, certain protections afforded to employees are extended to independent contractors; see BP/AR 4030 - Nondiscrimination in Employment. Government Code 12940 also provides that the district may be held liable for sexual harassment committed against employees by nonemployees, including independent contractors, if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

The Board prohibits the harassment of an independent contractor by any district employee or by any other person with whom the independent contractor comes in contact during the course of employment with the district. Additionally, the Board prohibits the harassment of a district employee by an independent contractor. Any complaint of harassment shall be investigated and resolved in accordance with applicable district complaint procedures. (Government Code 12940)

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

Legal Reference: (see next page)

BP 3600(d)

CONSULTANTS (continued)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

10400-10407 Cooperative improvement programs

17596 Limit on continuing contracts

35010 Control of districts; prescription and enforcement of rules

35172 Promotional activities

35204 Contract with attorney

44925 Part-time readers employed as independent contractors

45103 Classified service in districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

12940 Unlawful employment practices

53060 Contract for special services and advice

82019 Designated employee

87302 Conflict of interest code

LABOR CODE

2750.3 ABC three-part test: employees and independent contractors

UNEMPLOYMENT INSURANCE CODE

606.5 Determination of employment status

621 Employer and employee defined

CODE OF REGULATIONS, TITLE 2

18700.3 Consultant

COURT DECISIONS

Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal. 5th 903

S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal. 3d 341

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

15-A Employer's Supplemental Tax Guide

(9/88 10/96) 12/19

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CSBA Sample Administrative Regulation

NONDISCRIMINATION IN EMPLOYMENT

Note: Pursuant to Government Code 11138 and 2 CCR 11023, districts are **mandated** to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to Government Code 12940, protections against discrimination apply to employees, job applicants, persons who serve in ~~an~~ unpaid internship or other limited-duration programs to gain unpaid work experience, volunteers, and independent contractors.

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or **other** person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

(cf. 4032 - Reasonable Accommodation)

Note: Many nondiscrimination laws and regulations require identification of an employee who ~~will be~~ **is** responsible for compliance with the nondiscrimination laws. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability, sex, and age, i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), and the Age Discrimination in Employment Act (29 USC 621-634). The district should fill in the blanks below to designate the responsible employee and contact information.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to ~~coordinate~~ **organize and manage** the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

(position title)

(address)

(telephone number)

(email)

AR 4030(b)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Measures to Prevent Discrimination

Note: Pursuant to Government Code 12940 and 2 CCR 11023, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023 specifies certain requirements to be included in the district's policy. The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated.

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

Note: Pursuant to Government Code 12950, districts are required to post the California Department of Fair Employment and Housing's (DFEH) posters entitled California Law Prohibits Workplace Discrimination and Harassment and Transgender Rights in the Workplace, as provided in item #1. DFEH rules require that these materials be posted electronically and in every location where the district has employees (e.g., district office, hiring office, each school site). These posters and the rules for posting are available on the DFEH web site.

In addition, 2 CCR 11049 requires posting a notice of the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth. **Also sSee AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.**

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically **in a conspicuous location** on computers ~~in a conspicuous location, the for employee use, up-to-date~~ California Department of Fair Employment and Housing (DFEH) posters ~~in regard to~~ **on the prohibition of workplace discrimination and harassment, and the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth** (Government Code 12950; 2 CCR 11013, 11023, 11049)

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

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

AR 4030(c)

NONDISCRIMINATION IN EMPLOYMENT (continued)

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4111/4211/4311 - Recruitment and Selection)

3. Disseminate the district's nondiscrimination policy **and administrative regulation** to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending the policy a copy via email with an acknowledgment return form
 - c. Posting the policy a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy

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

4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

Note: **Optional** item #5 below provides for training regarding the district's discrimination policy and reporting procedures. For requirements specifically pertaining to sexual harassment training, see AR 4119.11/4219.11/4319.11 - Sexual Harassment. Pursuant to Government Code 12950.1, **as amended by SB 778 (Ch. 215, Statutes of 2019)**, ~~if the district has 50 or more employees, it must provide at least two hours of staff development regarding sexual harassment to all supervisory employees within six months of their assumption of a supervisory position and once every two years thereafter. As amended by SB 1343 (Ch. 956, Statutes of 2018), Government Code 12950.1 requires~~ any district that has five or more employees **to must** provide at least two hours of sexual harassment training to supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, ~~2020~~ **2021** and once every two years thereafter.

5. Provide training ~~to employees, volunteers, and interns~~ regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

AR 4030(d)

Note: Pursuant to Government Code 12950.2, as added by SB 1300 (Ch. 955, Statutes of 2018), districts are authorized, but not required, to provide bystander intervention training as provided below.

The district may also provide bystander intervention training to employees ~~that~~ **which** includes information and practical guidance on how to recognize potentially problematic behaviors and **which may** motivates them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce **(2 CCR 11023)**

Complaint Procedure

Note: 2 CCR 11023 **mandates** that a district's policy include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.

Courts have held that ~~an employer may mitigate~~ liability **may be mitigated** for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint). In its June 1999 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, the Equal Employment Opportunity Commission (EEOC) outlines the elements of an effective complaint procedure to include (1) a clear explanation of the process; (2) protection against retaliation; (3) designation of multiple individuals authorized to receive complaints; (4) a mechanism for prompt, thorough, and impartial investigation; (5) assurance of immediate and appropriate corrective action; and (6) information about time frames for filing charges with EEOC or DFEH.

While EEOC's guidance recommends a "prompt" investigation, neither the law nor EEOC delineates a specific time frame for resolution. EEOC's guidance acknowledges that whether an investigation is considered "prompt" may vary depending on the seriousness and complexity of the circumstances and that intermediate measures may be necessary to prevent further harassment during the investigation.

The following section, including the listed timelines, is consistent with EEOC's guidance and should be modified to reflect district practice.

AR 4030(e)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The ~~employee's complainant's~~ direct supervisor may be bypassed in filing a complaint ~~where~~ **when** the supervisor is the subject of the complaint.

The complainant may ~~file a written complaint in accordance with this procedure or may~~ first attempt to resolve the situation informally with the ~~employee's complainant's~~ supervisor **before filing a written complaint.**

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, ~~other~~ **any available** evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be ~~revealed-disclosed~~ as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

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

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

AR 4030(f)

NONDISCRIMINATION IN EMPLOYMENT (continued)

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed **in order to ensure that prevent further incidents are prevented**. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

*(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)*

AR 4030(g)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Other Remedies

Note: Items #1-3 below state the time limits within which ~~employees must file their~~ complaints **must be filed**. EEOC's guidance states that it is important for employers' nondiscrimination policies to contain information about timeframes for filing charges of unlawful discrimination or harassment with EEOC or DFEH. Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the district's complaint investigation. Pursuant to DFEH procedures, DFEH will automatically forward any complaint it has accepted for investigation to EEOC when the matter falls within EEOC's jurisdiction.

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either DFEH or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

Note: **As amended by AB 9 (Ch. 709, Statutes of 2019), Government Code 12960 extends the period of time in which a complaint alleging employment discrimination pursuant to Government Code 12940-12952 may be filed with DFEH, from one year to three years following the alleged discriminatory act(s). Pursuant to Government Code 12960, an employee has one year to file a complaint with DFEH, although that period may be extended under certain circumstances. Districts should consult legal counsel if any questions arise, such as when a person obtains knowledge of the unlawful practice after the expiration of the one-year period.**

1. ~~To file a valid~~ **For filing a** complaint with DFEH **alleging a violation of Government Code 12940-12952**, within ~~one year~~ **three years** of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (**Government Code 12960**)

Note: 42 USC 2000e-5 specifies that a person must file a discrimination complaint with EEOC within 180 days of the alleged discriminatory act. Pursuant to 42 USC 2000e-5, the 180-day timeline for compensation discrimination starts when the discriminatory paycheck is received and that each discriminatory paycheck restarts the timeline for the filing of a complaint.

2. ~~To file a valid~~ **For filing a** complaint ~~directly~~ with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. ~~To file a valid~~ **For filing a** complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

(12/16 3/19) 12/19

Policy Reference UPDATE Service

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CSBA Sample Board Policy

LACTATION ACCOMMODATION

Note: ~~The following optional policy may be revised to reflect district practice.~~ Pursuant to Labor Code 1034, as added by SB 142 (Ch. 720, Statutes of 2019), districts are mandated to develop policy regarding lactation accommodation with specified components, as provided below.

Both federal and state law require that employees be provided reasonable break time and an appropriate location to accommodate their desire to express milk for their infant children. ~~The Patient Protection and Affordable Care Act (P.L. 111-148, 2010) amended 29 USC 207, of the Fair Labor Standards Act (FLSA) to~~ requires employers to provide reasonable break time for nursing ~~mothers employees,~~ but applies only to employees who are not exempt from the overtime pay requirements of the **Fair Labor Standards Act (FLSA) (i.e., classified employees)**. State law (Labor Code 1030-~~1033~~ **1034**) applies to all district employees. Where provisions of the two laws conflict, the statute providing greater protections for employees supersedes. The district should consult legal counsel if questions arise about the application of these laws to a particular employee.

~~The Fair Employment and Housing Commission has determined that, because breastfeeding is an activity intrinsic to females, termination of an employee because she was still breastfeeding after returning to work from pregnancy disability leave was sexual discrimination in violation of Government Code 12940 and 12945 (Chavez v. Acosta-Taees). Government Code 12926 includes breastfeeding or medical conditions related to breastfeeding within the definition of "sex" for purposes of sex discrimination under the California Fair Employment and Housing Act. Furthermore, Additionally, Labor Code 1033, as amended by SB 142, prohibits an employer from discharging or in any manner discriminating or retaliating against an employee for exercising or attempting to exercise any right related to lactation accommodation.~~ Pursuant to Labor Code 1033, violation of Labor Code 1030-~~1033~~ **1034** may result in a citation from the Labor Commissioner and/or a civil penalty.

The district should ensure consistency of this policy with provisions in the district's collective bargaining agreement, if any, related to break times or other employment issues.

The Governing Board recognizes the immediate and long-term health ~~advantages~~ **benefits** of breastfeeding ~~for infants and mothers~~ and desires to provide a supportive environment for any district employee to express milk for ~~her~~ **an** infant child upon ~~her~~ **returning** to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee ~~who chooses~~ **for seeking an accommodation** to express breast milk for ~~her~~ **an** infant child while at work.

(cf. 4030 - Nondiscrimination in Employment)

Note: ~~Although 29 USC 207 limits the length of time that a classified employee is entitled to lactation accommodation to one year after the birth of the child, Labor Code 1030-1033 does not set a specific limit on the infant child's age and therefore provides greater benefits to employees.~~

The district shall provide a reasonable amount of break time to ~~accommodate an employee each time she has a need to express breast milk for her infant child.~~ (Labor Code 1030)

BP 4033(b)

LACTATION ACCOMMODATION (continued)

Note: Labor Code 1030 and 29 USC 207 do not require the district to compensate non-exempt employees for breaks taken for the purpose of expressing milk. However, an employee who uses break time already provided by the district as paid time must be compensated for that break time in the same manner as any other employee. Any additional time beyond the authorized paid break time could be uncompensated, provided the employee is completely relieved from duty during that time. If the district chooses to provide compensation during extended break time, it should modify the following paragraph accordingly. The district also may provide flexible scheduling for those employees who choose to make up for any unpaid break time.

To the extent possible, such break time shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

Note: Labor Code 1031 requires the district to make reasonable efforts to provide an employee with the use of a private room or other location, except a toilet stall, in close proximity to the employee's work area, which may include the place where the employee normally works if the location otherwise meets legal requirements. 29 USC 207, applicable to classified employees, specifies that the location must be shielded from view and free from intrusion from coworkers and the public. A fact sheet issued by the U.S. Department of Labor's (DOL) Wage and Hour Division, Break Time for Nursing Mothers under the FLSA, clarifies that the location provided by the district could be a space temporarily created or converted into a space for expressing milk as long as it is functional and meets all requirements of law.

The DOL has preliminarily interpreted an employee's right to express milk for her infant child to include the ability to safely store the milk (75 Fed. Reg. 244, page 80076). According to the DOL, this might include providing access to a refrigerator or ice chest or allowing the employee to bring an insulated food container to work.

A fact sheet issued by the California Department of Public Health, Minimum Requirements of the California Lactation Accommodation Law, recommends that the location should have the following items: a comfortable chair, small table, electrical outlet, a sink with a safe water source, disinfectant dish soap, and paper towels.

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

Note: Labor Code 1034, as added by SB 142, mandates that the district's policy regarding lactation accommodation include the process by which the employee is to make a lactation accommodation request and the district's obligation to respond to the request. The following paragraph should be modified to reflect the district's process.

~~An e~~Employees are encouraged to **shall** notify ~~their~~ **the employee's** supervisor or other appropriate personnel in advance of their intent to ~~make use of the request an~~ accommodations offered for employees who are nursing mothers. As needed, the supervisor shall ~~The~~ **supervisor shall respond to the request and shall** work with the employee to address ~~make~~ arrangements, ~~and~~ **If needed, the supervisor shall address** scheduling in order to ensure that the employee's essential job duties are covered during the break time.

BP 4033(c)

LACTATION ACCOMMODATION (continued)

Note: Pursuant to Labor Code 1032, all districts are required to grant lactation accommodation except when granting the provides exceptions to the requirement for lactation accommodation when providing such

accommodation would "seriously disrupt" district operations. "Serious disruption" is not defined in the law.

Additionally, Labor Code 1031, as amended by SB 142, 29 USC 207 provides an exceptions for districts with fewer than 50 employees when lactation accommodation would result in "undue hardship" based on significant difficulty or expense in relation to the size, financial resources, nature, or structure of the district. In this case, the exception is limited to districts with fewer than 50 employees and applies to classified employees only. When such a district is able to demonstrate undue hardship, Labor Code 1031 only requires that reasonable efforts be made to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private. Pursuant to Labor Code 1031, the provided room or location may not be a toilet stall.

Regardless of the size of the district, the determination of serious disruption or undue hardship should be made on a case-by-case basis and only in limited, stringent circumstances. The burden of demonstrating why accommodation could not be made, even if on a temporary basis or for less time than requested, would likely fall to the district.

Lactation accommodations may be denied only in limited circumstances shall be granted in accordance with law unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 207)

Note: Labor Code 1034, as added by SB 142, mandates that the district's policy include a statement that the district provide a written response to an employee if the district is unable to comply with the break time or location requirements.

Before ~~an employee's supervisor makes~~ a determination **is made** to deny lactation accommodations **to an employee, he/she the employee's supervisor** shall consult **with** the Superintendent or designee. ~~In any case in which~~ **When** lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

Note: Labor Code 1034, as added by SB 142, mandates that the district's policy regarding lactation accommodation be distributed to employees as provided in the following paragraph.

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

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

BP 4033(c)

LACTATION ACCOMMODATION (continued)

Break Time and Location Requirements

Note: Although 29 USC 207 limits the length of time that a classified employee is entitled to lactation

accommodation to one year after the birth of the child, Labor Code 1030-1033 does not set a specific limit on the infant child's age and therefore provides greater benefits to employees.

The district shall provide a reasonable amount of break time to accommodate an employee each time ~~she~~ **the employee** has a need to express breast milk for ~~her~~ **an infant child**. (Labor Code 1030)

Note: Labor Code 1030 and 29 USC 207 do not require the district to compensate non-exempt employees for breaks taken for the purpose of expressing milk. However, an employee who uses break time already provided by the district as paid time must be compensated for that break time in the same manner as any other employee. Any additional time beyond the authorized paid break time could be uncompensated, provided the employee is completely relieved from duty during that time. If the district **instead** chooses to provide compensation ~~during extended~~ **for such additional** break time, it should modify the following paragraph accordingly. The district also may provide flexible scheduling for those employees who choose to **work extra time** to make up for any **unpaid uncompensated** break time beyond the authorized break time.

To the extent possible, ~~such any~~ **break time granted for lactation accommodation** shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

Note: Labor Code 1031, as amended by SB 142, requires the district to provide an employee with the use of a room or location, other than a bathroom, to express milk in private. This may include the place where the employee normally works if the location otherwise meets legal requirements, as specified below. Labor Code 1031 authorizes the district to designate a temporary location to express milk if the district is unable to provide a permanent location due to operational, financial, or space limitation, as long as the space is in close proximity to the employee's work area, shielded from view, free from intrusion while breast milk is being expressed, and is otherwise compliant with law.

The employee shall be provided ~~the~~ **the use of a private room or location, other than a restroom bathroom, which may be the employee's work area or another location that** which is in close proximity to ~~the employee's her~~ **the employee's** work area. ~~The room or location provided shall and~~ **meets the following requirements:** of (Labor Code 1031; and 29 USC 207), as applicable.

1. **Is shielded from view and free from intrusion while the employee is expressing milk**
2. **Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382**
3. **Contains a place to sit and a surface to place a breast pump and personal items**

BP 4033(e)

LACTATION ACCOMMODATION (continued)

4. **Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump**

5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

Dispute Resolution

Note: The following paragraph is mandated pursuant to Labor Code 1034, as added by SB 142.

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

(cf. 4144/4244/4344 - Complaints)

Legal Reference:

EDUCATION CODE

200-262.4 **Educational equity; p**Prohibition of discrimination on the basis of sex

CIVIL CODE

43.3 **Right of mothers to breastfeed in any public or private location**

GOVERNMENT CODE

12926 Definition of sex; breastfeeding

12940 **Unlawful d**Discriminatory employment practices

12945 **Unlawful d**Discrimination based on pregnancy, childbirth, or related medical conditions

LABOR CODE

~~1030-1033~~ **1034 Lactation accommodation**

6382 Procedure for listing hazardous substances

CODE OF REGULATIONS, TITLE 2

~~11035-11049~~ **11051 Unlawful s**Sex discrimination; pregnancy and related medical conditions

UNITED STATES CODE, TITLE 29

207 **Fair Labor Standards Act; lactation accommodation**

Management Resources: (see next page)

BP 4033(f)

LACTATION ACCOMMODATION (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Rest Periods/Lactation Accommodation, Frequently Asked Questions

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Minimum Requirements of the California Lactation Accommodation Law Lactation Accommodation for Employers

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Lactation Support Program Toolkit

FEDERAL REGISTER

Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 75, No. 244, pages 80073-80079

OFFICE OF THE SURGEON GENERAL PUBLICATIONS

The Surgeon General's Call to Action to Support Breastfeeding, 2011

HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS

The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008

U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS

Frequently Asked Questions- Break Time for Nursing Mothers

Fact Sheet #73: Break Time for Nursing Mothers under the FLSA, rev. April 2018

Fact Sheet #3: Break Time for Nursing Mothers under the FLSA, rev. December 2010

WEB SITES

California Department of Industrial Relations, Division of Labor and Standards Enforcement:

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

California Women, Infants and Children Program: <http://www.wicworks.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Health Resources and Services Administration: <http://www.hrsa.gov>

Office of the Surgeon General: <http://www.surgeongeneral.gov>

U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers:

<http://www.dol.gov/whd/nursingmothers>

(7/11) 12/19

Policy Reference UPDATE Service

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CSBA Sample Board Policy

All Personnel

EMPLOYEE COMPENSATION

BP 4151(a)

4251

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Note: Districts that include provisions related to employee compensation in their collective bargaining agreements should modify or delete the following **optional** policy accordingly.

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

(cf. 3100 - Budget)

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

(cf. 4000 - Concepts and Roles)

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

Note: Education Code 45023 and 45162 require the Governing Board to adopt salary schedules for certificated and classified employees, respectively. For districts operating under a merit system, Education Code 45268 specifies that the personnel commission will recommend a salary schedule for classified employees to the Board for approval and that the Board may not amend the schedule without first giving the commission an opportunity to respond to the amendments.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, **45268**)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for **years of training education level** and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

(cf. 4030 - Nondiscrimination in Employment)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

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

(cf. 4312.1 - Contracts)

BP 4151(b)

4251

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EMPLOYEE COMPENSATION (continued)

Note: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. The Board may also choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments **over the year instead of by the school month**. Education

Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, whether or not the employees are engaged in teaching during the month. Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

~~Pursuant to 26 CFR 1.409A-1, the practice of paying employees who work 10 months per year is a form of "deferred compensation." If the district allows employees to "elect" whether to receive their paychecks in such a manner, then according to the IRS, such employees must submit written election forms to the district in order to avoid any additional tax on the deferred compensation. If the district requires employees to receive their paychecks in such a manner without offering them an option, then the employees do not need to complete election forms, but the district must develop a written document describing how the employees will be paid, including the dates, schedule, and amounts of payment.~~

Education Code 45048 and 45165 provide specific timelines for issuing salary payments depending on the frequency of payments. If payments are not made in a timely manner, the district is required to pay the employee interest on the unpaid amount.

The following paragraph may be revised to reflect the payroll schedule determined by the Board.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

Note: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at all work sites. The poster that must be used by state and local governments is available on the web site of the U.S. Department of Labor's Wage and Hour Division.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

Note: Pursuant to the ~~federal Fair Labor Standards Act (FLSA)~~ (29 CFR 553.20) **and Labor Code 510**, employees who are not specifically exempted by law must receive overtime pay at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of 40 hours per work week. Furthermore, ~~state law~~ (Labor Code 510) entitles employees to an overtime pay rate after working eight hours in one day, unless an alternative **work week** schedule allowed by law is approved. **Pursuant to Labor Code 510, if an employee works more than 12 hours per work day or more than eight hours on the seventh consecutive day of work, the employee must be paid twice the regular salary.**

BP 4151(c)
4251
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EMPLOYEE COMPENSATION (continued)

~~Pursuant to 29 CFR 541.0-541.710, employees are exempt from the FLSA overtime rules if they are executive, administrative, or professional staff, as defined, and their salary is at or above the salary level established in 29 CFR 541.600, as amended by 81 Fed. Reg. 32391. This salary level will automatically be updated every~~

three years beginning January 1, 2020 according to the method specified in 29 CFR 541.607. Because the federal salary limit qualifying for exemption is higher than the California salary test, the federal limit prevails. **On September 24, 2019, the U.S. Department of Labor issued a final rule (29 CFR 541.600) raising the federal salary threshold for this exemption. However, the threshold is higher in California and thus state law prevails.** Pursuant to Labor Code 515, executive, administrative, or professional employees are exempt from the FLSA overtime rules if they are executive, administrative, or professional staff, as defined, and their monthly salary is at least twice the state minimum wage for full-time employment. **Furthermore, the salary threshold is not affected by any local minimum wage that is higher than the state minimum wage.**

~~When calculating the overtime rate of pay, 29 USC 207 requires that all remuneration for employment paid to or on behalf of the employee, with specified exclusions, be considered as part of the employee's regular rate of pay. In Flores v. City of San Gabriel, the appeals court ruled that cash payments made in lieu of benefits must be included in the calculation.~~

Overtime pay requirements are **also** not applicable to school administrators or teachers in elementary or secondary schools under specific exemptions in 29 USC 213 and 29 CFR 541.303. Pursuant to 29 CFR 541.303 and 541.600, teachers do not need to meet the salary level requirement to be exempt from overtime rules. 29 CFR 541.204 provides that, to be exempt from overtime rules, administrators must either meet the salary level requirement or be compensated on a salary basis that is at least equal to the entrance salary for teachers in the administrator's school ~~to be exempt from overtime rules.~~

A-d District employees shall be paid an overtime rate of not less than one and one-half times ~~his/her~~ **their** regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week, **or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.** However, employees shall be exempt from overtime rules if they are employed as teachers or school administrators or if they qualify as being employed in an executive, administrative, or professional capacity and are paid a ~~fixed salary at or above the salary level established by federal regulations~~ **monthly salary that is at least twice the state minimum wage for full-time employment.** (Labor Code 510, **515**; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

Note: The following **optional** paragraph is for use by districts that allow employees to take compensatory time off in lieu of overtime compensation as authorized by 29 USC 207 and 29 CFR 553.20-553.25. Time off in lieu of overtime compensation is allowed only if provided for in a collective bargaining agreement or other agreement and must be provided at the rate of at least one and one-half hours for each hour of overtime work.

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff.

BP 4151(d)
4251
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EMPLOYEE COMPENSATION (continued)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided ~~he/she~~ **the employee** has not accrued compensatory time in excess of

the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt district operations. (29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

(cf. 3580 - District Records)

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

Legal Reference: (see next page)

BP 4151(e)
4251
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EMPLOYEE COMPENSATION (continued)

Legal Reference:

EDUCATION CODE

45022-45061.5 Salaries, especially:
45023 Availability of salary schedule
45028 Salary schedule for certificated employees
45160-45169 Salaries for classified employees
45268 Salary schedule for classified service in merit system districts
GOVERNMENT CODE
3540-3549 Meeting and negotiating, especially:
3543.2 Scope of representation
3543.7 Duty to meet and negotiate in good faith
LABOR CODE
226 Employee access to payroll records
232 Disclosure of wages
510 Overtime compensation; length of work day and week; alternative schedules
515 Overtime exemption for administrative, executive, and professional employees
CODE OF REGULATIONS, TITLE 8
11040 Wages and hours; definitions of administrative, executive, and professional employees
UNITED STATES CODE, TITLE 26
409A Deferred compensation plans
UNITED STATES CODE, TITLE 29
201-219 Fair Labor Standards Act, especially:
203 Definitions
207 Overtime
213 Exemptions from minimum wage and overtime requirements
CODE OF FEDERAL REGULATIONS, TITLE 26
1.409A-1 Definitions and covered plans
CODE OF FEDERAL REGULATIONS, TITLE 29
516.4 Notice of minimum wage and overtime provisions
516.5-516.6 Records
541.0-541.710 Exemptions for executive, administrative, and professional employees
553.1-553.51 Fair Labor Standards Act; applicability to public agencies
COURT DECISIONS
Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421

Management Resources:

WEB SITES

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

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

School Services of California, Inc.: <http://www.sscal.com>

U.S. Department of Labor, Wage and Hour Division: <https://www.dol.gov/whd>

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CSBA Sample Board Policy

Classified Personnel

BP 4218.1(a)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM)

Note: The following **optional** policy is for use by districts that have incorporated the merit system for classified employees pursuant to Education Code 45240-45320. For procedures applicable to districts that have not incorporated the merit system, see BP/AR 4218 - Dismissal/Suspension/Disciplinary Action.

Pursuant to Education Code 45260-45261, in a merit system district, the personnel commission has authority to prescribe rules for the efficiency of the classified service, including rules pertaining to demotions, transfers, and dismissals of classified employees. The following policy may be replaced by and/or supplemented with the personnel commission rules.

~~The following policy is subject to collective bargaining and may be deleted or revised by any district whose collective bargaining agreement covers classified employee dismissal, suspension, and other disciplinary action. If a negotiated collective bargaining agreement contains different provisions for employee discipline, those negotiated agreements would take precedence over this policy and the accompanying administrative regulation for those employees covered by the collective bargaining agreement.~~

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4000 - Concepts and Roles)

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

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

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

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

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4200 - Classified Personnel)

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 4030 - Nondiscrimination in Employment)

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

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

A probationary classified employee may be dismissed **without cause by the Superintendent or designee** at any time prior to the expiration of the probationary period.

BP 4218.1(b)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM) (continued)

(cf. 4216 - Probationary/Permanent Status)

Note: Education Code 45302 provides that no permanent classified employee can be demoted or removed except for reasonable cause designated by rule of the personnel commission. See the accompanying administrative regulation.

Any permanent classified employee designated as a permanent employee shall be subject to disciplinary action only for cause as specified in administrative regulation suspension, demotion, involuntary reassignment, or dismissal only for one or more of the causes designated by rule of the personnel commission. (Education Code 45302, 45304)

Procedures for Disciplinary Proceedings

Note: The following section paragraph should be revised to reflect district practice and/or rules of the personnel commission. In Skelly v. State Personnel Board, the California Supreme Court held that permanent public employees have a property right to continued public employment and that due process is required before any punitive disciplinary action, such as termination, suspension, or demotion, may be taken against such employees. These procedural rights include notice of the proposed materials upon which the action is based and the right to respond, either orally or in writing, to the individual recommending that discipline be imposed. These procedural rights are designed to protect an employee against wrongful discipline without necessitating a full evidentiary hearing.

In addition, pursuant to Education Code 45307 45306, an employee for whom disciplinary action is recommended may request a hearing before the personnel commission. The personnel commission may modify the disciplinary action, but may not make the action more stringent than was approved by the Governing Board. If the personnel commission sustains the employee's appeal, it may order all or part of the full compensation from the time of suspension, demotion, or dismissal and may establish other terms and conditions for the employee's reinstatement (e.g., compensation of the employee's expenses in pursuit of the appeal, transfer of the employee, expunction of the disciplinary action from the employee's personnel file).

When such serious disciplinary action is being contemplated against an employee, the district shall adhere to disciplinary procedures developed by the personnel commission. Due process shall be afforded to the employee, including proper notice, an opportunity for the employee to meet with a designated district official ("Skelly officer") or to respond in writing to the charges, and an opportunity to appeal the district's decision with the personnel commission in accordance with Education Code 45305-45307. If the matter is addressed in a hearing before the personnel commission, the decision of the personnel commission shall be final.

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

BP 4218.1(c)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM) (continued)

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

If a timely request is submitted, the hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The parties shall be notified of the time and place of the hearing.

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

(cf. 9321 - Closed Session)

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

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

Note: Pursuant to Education Code 45305, a permanent classified employee in a merit system district may appeal the Governing Board's decision to the personnel commission within 14 days after receipt of written notice for a suspension, demotion, or dismissal. See the accompanying administrative regulation.

As amended by AB 2234 (Ch. 996, Statutes of 2018), Education Code 45312 requires the personnel commission to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Egregious misconduct is defined as immoral conduct leading to an allegation of a sex offense pursuant to Education Code 44010, a controlled substance offense pursuant to Education Code 44011, or child abuse or neglect pursuant to Penal Code 11165.2-11165.6. In conducting hearings on such matters, the administrative law judge must comply with Education Code 44990-44994, as added by AB 2234, pertaining to the testimony of minor witnesses.

An employee may appeal the Board's decision to the personnel commission in accordance with Education Code 45305-45307. The decision of the personnel commission shall be final. (Education Code 45306)

BP 4218.1(d)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM) (continued)

However, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. The

ruling of the administrative law judge shall be binding on the district and the employee.
(Education Code 45312)

Legal Reference:

EDUCATION CODE

35161 *Delegation of powers and duties*
44009 *Conviction of specified crimes*
44010 *Sex offense*
44011 *"Controlled substance offense" defined*
44031 *Personnel file*
44940 *Leave of absence; employee charged with mandatory or optional leave of absence offense*
44940.5 *Compulsory leave of absence*
44990-44994 *Testimony of minor witnesses at dismissal or suspension hearings*
45101 *Definitions (including "disciplinary action," "cause")*
45109 *Fixing of duties*
45123 *Employment after conviction of sex or narcotics offense*
45124 *Dismissal of sexual psychopath*
45202 *Transfer of accumulated sick leave and other benefits following dismissal*
45240-45320 *Merit system, classified employees, especially:*
45302-45307 *Suspension, dismissal, or other disciplinary action; classified employees*

CODE OF CIVIL PROCEDURE

1286.2 *Grounds for vacating decision of arbitrator*

GOVERNMENT CODE

11500-11529 *Administrative adjudication*
12900-12996 *Fair Employment and Housing Act*
54957 *Brown Act open meeting laws; closed session*

HEALTH AND SAFETY CODE

11054 *Schedule I; substances included*
11055 *Schedule II, substances included*
11056 *Schedule III, substances included*
11357-11361 *Marijuana*
11363 *Peyote*
11364 *Opium*
11370.1 *Possession of controlled substances with a firearm*

PENAL CODE

187 *Murder*
667.5 *Sex offenders*
830.32 *Peace officers employed by district*
1192.7 *Violent or serious felony*
11165.2-11165.6 *Child abuse or neglect, definitions*

VEHICLE CODE

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

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

Legal Reference continued: (see next page)

BP 4218.1(e)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM) (continued)

Legal Reference: (continued)

COURT DECISIONS

California School Employees Association v. Bonita Unified School District (2008) No. B200141
California School Employees v. Livingston Union School District (2007) 149 Cal.App 4th 391
CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr 830
Skelly v. State Personnel Board (1975) 15 Cal. 3d 194
California School Employees Association v. Personnel Commission (1970) 3 Cal.3d 139

Management Resources:

CALIFORNIA SCHOOL PERSONNEL COMMISSIONERS ASSOCIATION PUBLICATIONS
Merit Rules and Regulations: CSPCA Recommended Personnel Policies and Procedures Manual for
California School Merit Systems, 2014
WEB SITES
California School Personnel Commissioners Association: <https://meritsystem.org>

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CSBA Sample Administrative Regulation

Classified Personnel

AR 4218.1(a)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM)

Note: The following optional administrative regulation is for use by districts that have incorporated the merit system for classified employees pursuant to Education Code 45240-45320 and should be revised for consistency with the rules of the personnel commission.

Causes for Disciplinary Action

Note: In merit system districts, causes for suspension or dismissal of classified employees are those designated by rule of the personnel commission and those specified in Education Code 45303 (advocacy of communism). The following section may be revised to include a list of causes designated by the personnel commission.

Pursuant to Education Code 45267, districts must not continue to employ anyone who has been convicted of a specified sex offense, controlled substance offense, or violent or serious offense as defined, with specified exceptions for employees who have been rehabilitated or had their conviction reversed or the charges dismissed. Also see AR 4112.5/4212.5/4312.5 - Criminal Record Check.

A permanent classified employee may be subject to suspension without pay for up to 30 days, demotion, involuntary reassignment, or dismissal for one or more of the causes designated by the personnel commission. (Education Code 45302, 45304)

Initiation and Notification of Charges

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

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. (Education Code 45116)

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

In addition, the notice shall advise the employee of the right to appeal and the timeline and procedure for doing so.

Request for Hearing

Note: The following section, including the timeline for the employee's request of a Board hearing on the disciplinary action, may be revised to reflect district practice.

AR 4218.1(b)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM) (continued)

Within the time period specified in the notice of the recommendation of disciplinary action, which shall be no more than five working days, a permanent classified employee may submit to the Superintendent or designee a request for a hearing on the charges.

In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

Employment Status Pending a Hearing

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

Compulsory Leave of Absence

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44940, 45304)

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

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357, 11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols. (Education Code 44940)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings.

AR 4218.1(c)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM) (continued)

However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal. (Education Code 44940, 44940.5)

Note: Pursuant to Education Code 44940.5, while on compulsory leave, the employee may receive full salary if a suitable bond or other acceptable security is provided as a guarantee that the employee will repay the leave period salary if convicted of the charges or upon failure to return to district service. If the employee is acquitted or the charges are dismissed, the district must reimburse the employee for the cost of the bond upon return to service in the district. If an employee who does not furnish a bond or other security is acquitted or the charges are dismissed, the district must pay the salary for the time spent on leave upon return to service.

Education Code 44940.5 specifies that, if the charges against an employee are dismissed upon successful completion of a drug diversion program and the employee returns to service, the employee may elect to receive payment for the accrued leave and differential pay for the length of the employee's leave of absence.

During the period of compulsory leave, the employee shall be compensated in accordance with Education Code 44940.5.

Appeal to the Personnel Commission

Note: The following section may be revised to reflect appeal procedures established by the personnel commission. Pursuant to Education Code 45307, the personnel commission may modify the disciplinary action, but may not make the action more stringent than was approved by the Board. If the personnel commission sustains the employee's appeal, it may order all or part of the full compensation from the time of suspension, demotion, or dismissal and may establish other terms and conditions for the employee's reinstatement (e.g., compensation of the employee's expenses in pursuit of the appeal, transfer of the employee, expunction of the disciplinary action from the employee's personnel file).

Any permanent classified employee who has been suspended, demoted, or dismissed may appeal to the personnel commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges. (Education Code 45305)

Upon request of the employee, the personnel commission or a hearing officer designated by the personnel commission shall conduct a hearing. The employee shall be entitled to appear in person at the hearing and may be represented by legal counsel. (Education Code 45306)

The decision of the personnel commission shall be final. The district shall notify the personnel commission in writing when it has fully complied with the decision. (Education Code 45306, 45307)

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CSBA Sample Board Policy

Students

BP 5116.1(a)

INTRADISTRICT OPEN ENROLLMENT

Note: Education Code 35160.5 **mandates** that ~~governing boards~~ **the Governing Board** establish an open enrollment policy within the district for residents of the district. This requirement does not apply to districts with only one school or with schools that do not serve any of the same grade levels.

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities **and resources**. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5116.2 - Involuntary Student Transfers)
(cf. 5117 - Interdistrict Attendance)

Note: Education Code 35160.5 **mandates** that the district's intradistrict open enrollment policy contain the following provision.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Note: The following list of intradistrict enrollment priorities should be modified to reflect district practice. Districts must establish priority for circumstances under which the district is required by state or federal law to offer intradistrict enrollment opportunities (items #1-3 4 below). Anticipated need for these transfers should be considered in determining capacity of district schools for other intradistrict transfers allowed by the district pursuant to items #4-6 5-7 below.

~~The Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6316 which had required districts to offer intradistrict transfers to all students in Title I schools identified for program improvement in the first year or beyond. The district may, but is not required to, offer such transfers beginning in the 2016-17 school year. Districts that choose to offer such transfers may expand the following list accordingly.~~

BP 5116.1(b)

INTRADISTRICT OPEN ENROLLMENT (continued)

The Superintendent or designee shall grant priority **for the enrollment of a student in a district school** ~~to any district student to attend another district school, including a charter school, outside of his/her~~ **the student's attendance area, if the student** as follows:

Note: Education Code 48350-48361 allow a student attending an "open enrollment" school, as identified by the Superintendent of Public Instruction, to transfer to another school that has a higher Academic Performance Index (API), either within the district or in another district. For details regarding such transfers, see BP/AR 5118 - Open Enrollment Act Transfers. However, the California Department of Education (CDE) did not produce an Open Enrollment Act list for the 2016-17 school year due to the suspension of the API. The CDE has posted the 2015-16 Open Enrollment Act list on its web site for use in the 2016-17 school year, but cautions that the list is based on the results of 2013 state assessments developed under prior state content standards and that the assessment results of schools on that list may have improved.

1. ~~Any student enrolled in a district school that has been identified on the state's Open Enrollment Act list (Education Code 48354)~~

~~(cf. 5118 - Open Enrollment Act Transfers)~~

2.1. ~~Any student~~ **Is** enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

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

3.2. ~~Any student who is~~ **Is** a victim of a violent crime while on school grounds (20 USC 7912)

Note: Education Code 46600, as amended by AB 1127 (Ch. 781, Statutes of 2019), requires a district to approve an intradistrict transfer request for a student who is a victim of bullying, as defined in Education Code 48900.

If the school requested is at maximum capacity and no other district school offers the student's grade level, the student may request an interdistrict transfer and the transfer may not be prohibited by the district; see BP 5117 - Interdistrict Attendance and AR 5131.2 - Bullying.

3. ~~Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)~~

~~If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school. (Education Code 46600)~~

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

~~(cf. 5131.2 - Bullying)~~

BP 5116.1(c)

INTRADISTRICT OPEN ENROLLMENT (continued)

Note: Item #4 is for use by any district whose board has elected, pursuant to 20 USC 6311, to provide the option for intradistrict transfer to all students in a school identified by the California Department of Education (CDE) for comprehensive support and improvement; see BP 0520.1 - Comprehensive and Targeted Support and Improvement. If the Board allows student transfers on this basis, priority must be given to the lowest achieving students from low-income families, as determined by the district for

the purpose of allocating funds to schools pursuant to 20 USC 6313(a)(3). The district may revise item #4 to reflect the criteria used by the district to identify the lowest achieving students.

4. **Is currently enrolled in a district school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)**

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

Note: Education Code 35160.5 permits, but does not require, the district's policy to include any or all of the following priorities. Items #4-6 5-7 below are **optional** and should be deleted or modified to reflect enrollment priorities in the district.

Education Code 35160.5 makes no provision related to the duration of any transfer granted pursuant to items #4-6 5-7. See the accompanying administrative regulation.

- 4.5. **Upon a finding that Is experiencing** special circumstances ~~exist~~ that might be harmful or dangerous to the student in the current attendance area. ~~Special circumstances include, including, but are~~ not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)
- a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, **or a social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor**
 - b. A court order, including a temporary restraining order and injunction
- 5.6. **Is a Any sibling of a another** student already ~~in attendance in~~ **attending** that school
- 6.7. ~~Any student whose~~ **Has a** parent/guardian ~~is assigned to that school as his/her~~ **whose** primary place of employment **is that school**

BP 5116.1(d)

INTRADISTRICT OPEN ENROLLMENT (continued)

Application and Selection Process

Note: ~~Education Code 48354 requires the district to give priority for enrollment to students residing in the district before admitting students seeking to transfer from an open enrollment school outside of the district. In order to accurately determine the number of slots available for interdistrict transfers, the district should set an~~

application window for parents/guardians to apply for intradistrict open enrollment that precedes the district's application window under the Open Enrollment Act. For language regarding the application window under the Open Enrollment Act, see BP/AR 5118—Open Enrollment Act Transfers.

The district should specify the intradistrict open enrollment application window, if any, in the blank provided in the following paragraph.

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law **and Board policy**, applications for intradistrict open enrollment shall be submitted between _____ (*insert application window dates*) _____ of the school year preceding the school year for which the transfer is requested.

Note: Education Code 35160.5 **mandates** that the district's intradistrict open enrollment policy contain all the elements listed in the remainder of this section.

Education Code 35160.5 requires districts to calculate capacity in a nonarbitrary manner using student enrollment and available space. The law does not provide a specific formula for the calculation, but the district may want to include unique factors specific to the school to calculate available space, such as class size reduction requirements and space needs for specialized programs. The district may modify the following paragraph to include the specific formula for calculating school capacity for schools within the district.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Note: Pursuant to Education Code 35160.5, the district must use a random, unbiased process (e.g., a lottery) to select students for intradistrict open enrollment when requests for admission exceed the capacity of the school. The California Attorney General (85 Ops. Cal. Atty. Gen. 95 (2002)) has opined that a "first come, first served" selection policy does not constitute a random, unbiased process.

An exception in Education Code 35160.5 gives districts the authority to maintain appropriate racial and ethnic balances across district schools. However, in Crawford v. Huntington Beach Union High School District, a California appellate court held that a district's intradistrict enrollment policy which contained a racial and ethnic balance component as authorized by Education Code 35160.5 was unconstitutional. According to the court, the constitutional provisions added by Proposition 209 prohibit a district from adopting a policy containing different admission criteria on the basis of race. Because of the legal uncertainty surrounding this issue, the following paragraph does not reflect the provisions of Education Code 35160.5 relative to racial and ethnic balance. The district should consult legal counsel regarding any policy or regulation dealing with maintenance of racial or ethnic balance.

BP 5116.1(e)

INTRADISTRICT OPEN ENROLLMENT (continued)

Except for **the enrollment** priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine **who which students** shall be admitted whenever **the-a district** school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, ~~except that~~ **However**, existing entrance criteria **may be used** for **enrolling students in** specialized schools or programs, ~~may be used~~ provided that the criteria are uniformly applied to all applicants. **In addition**, ~~a~~Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

Transportation

Note: The following section **is optional and** may be revised to reflect district practice. ~~Districts that do not provide transportation should delete this section.~~

~~Pursuant to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016) and its Public School Choice FAQs, districts must continue to set aside Title I, Part A funds for transportation costs for students who transferred out of program improvement schools prior to the 2016-17 school year and for students who the district chooses to allow to transfer in the 2016-17 school year. In accordance with the CDE's transition plan and the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016), any student who transferred under this option prior to the 2016-17 school year must be allowed to remain in the school of enrollment until he/she completes the highest grade offered in the school; see the accompanying administrative regulation.~~

~~The district is not obligated to provide transportation for students who are transferring pursuant to the Open Enrollment Act. The district also is not obligated to provide transportation for students who are victims of violent criminal offenses or those who wish to transfer out of "persistently dangerous" schools pursuant to 20 USC 7912. If a district chooses to make transportation available to such students, it may use certain federal funds (e.g., Title IV, Part A, and Title V, Part A) to cover the costs. When a district chooses to provide transportation, U.S. Department of Education Guidance (Unsafe School Choice Option) clarifies that the district is not obligated to continue providing or paying for transportation after the school is no longer designated as "persistently dangerous."~~

In addition, pursuant to 20 USC 6311, the district may use up to five percent of its Title I allocation to pay for the transportation of students who transferred out of a school identified by CDE for comprehensive support and improvement.

~~Except as required for students who transferred out of a Title I program improvement school,~~ **In general**, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

BP 5116.1(f)

INTRADISTRICT OPEN ENROLLMENT (continued)

Note: Pursuant to Education Code 46600, as amended by AB 1127, the district must provide transportation assistance to a student who is eligible for free or reduced-price meals and receives an intradistrict transfer as a result of being a victim of bullying. The district may, but is not required to, provide transportation assistance to any other student who is a victim of bullying.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying. (Education Code 46600)

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

~~48350-48361 Open Enrollment Act~~

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

7912 Transfers from persistently dangerous schools

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops. Cal. Atty. Gen. 95 (2002)

Management Resources: (see next page)

BP 5116.1(g)

INTRADISTRICT OPEN ENROLLMENT (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act - Update #8, July 14, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016
Unsafe School Choice Option, May 2004

WEB SITES

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

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

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

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CSBA Sample Administrative Regulation

Students

AR 5116.1(a)

INTRADISTRICT OPEN ENROLLMENT

Note: The following administrative regulation addresses intradistrict transfers for victims of a violent criminal offense and students in a "persistently dangerous" school pursuant to 20 USC 7912 and other intradistrict open enrollment options authorized by Education Code 35160.5. For interdistrict transfers under the Open Enrollment Act pursuant to Education Code 48350-48361, see BP/AR 5118 - Open Enrollment Act Transfers.

Transfers for Victims of a Violent Criminal Offense

Note: 20 USC 7912 requires the state to establish and implement a policy requiring that any student who becomes a victim of a violent criminal offense while on school grounds be provided an option to transfer to another district school, including a charter school; see the accompanying Board policy. 20 USC 7912 does not specify which offenses constitute a "violent criminal offense" for purposes of the victim transfer option. According to the California Department of Education (CDE), districts should consider the specific circumstances of the incident on a case-by-case basis, as specified below. The following two paragraphs are consistent with the CDE's guidance.

U.S. Department of Education (USDOE) Guidance, Unsafe School Choice Option, suggests that districts should notify parents/guardians of the transfer option "generally within 14 days" after the determination that the student has been a victim of a violent offense. ~~In making this offer, the Guidance encourages districts to take into account the needs and preferences of the affected student and parents/guardians.~~ A sample parent/guardian notification letter is available on the CDE's web site.

Within a reasonable amount of time, not to exceed 14 **calendar** days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and ~~his/her~~ parent/guardian in making the offer. If the parent/guardian elects to transfer ~~his/her child the student~~, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Note: 20 USC 7912 requires the state to establish and implement a policy requiring that all students attending a "persistently dangerous" school be provided an option to transfer to a safe school within the district, including a charter school; see the accompanying Board policy. Pursuant to 5 CCR 11992 and 11993, a school is designated as "persistently dangerous" based on the number of nonstudent firearms violations and the number of student expulsions pursuant to specified Education Code sections over a period of three consecutive years.

AR 5116.1(b)

INTRADISTRICT OPEN ENROLLMENT (continued)

USDOE Guidance, Unsafe School Choice Option, provides that a district with one or more schools identified as "persistently dangerous" must, in a timely manner, notify parents/guardians about the school's designation and offer the opportunity to transfer. **Although the law does not specify a timeline for the notice, the Guidance provides an example of 10 school days from the time the district learns of the school's identification as "persistently dangerous."**

According to the USDOE Guidance, districts should complete transfers of students as quickly as possible, and must offer students who attend persistently dangerous schools the opportunity to transfer to a safe school at least 14 calendar days before the start of the school year. Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously. CDE

~~suggests that transfers of students out of a "persistently dangerous" school generally be completed within 30 school days of notification of the school's designation. According to CDE, "timely notification" to parents/guardians should be made within 10 school days and a timely offer of transfer within 20 school days from the time the district learns of the designation, although these two notifications may be combined. Timelines in the following two optional paragraphs may~~ **Timelines in the following section should be revised to reflect district practice.**

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," ~~the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications~~ **intradistrict transfers shall be granted as follows:**

1. Within 10 days of receipt of the notification from CDE, ~~the Superintendent or designee shall provide parents/guardians of students attending the school with notice of the school's designation. Along with this notification, or at least 14 calendar days before the start of the school year, the Superintendent or designee shall provide a list of other district schools to which any student of the school that is designated as persistently dangerous may transfer.~~
- ~~2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child~~

(cf. 0450 - Comprehensive Safety Plan)

2. Parents/guardians who desire to transfer their child out of a ~~"persistently dangerous"~~ **the** school shall provide a written ~~request~~ **request response** to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. ~~The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.~~
3. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. ~~The Superintendent or designee shall notify the parents/guardians of the assigned school.~~

AR 5116.1(c)

INTRADISTRICT OPEN ENROLLMENT (continued)

4. For students whose parents/guardians accept the offer, the transfer shall ~~generally be made within 30 school days of receiving the notice of the school's designation from the CDE~~ **be made as quickly as possible.** If the parents/guardians decline the assigned school, the student may remain in ~~his/her~~ **the** current school.

Note: USDOE Guidance, Unsafe School Choice Option, advises that the district can determine whether transfers will be temporary or permanent, but transfers must remain in effect as long as the student's original school is identified as persistently dangerous. The following **optional** paragraph reflects USDOE suggestions

as to factors that might be considered in determining whether the transfer should be permanent and may be revised to reflect district practice.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

Note: USDOE Guidance, Unsafe School Choice Option, encourages, but does not require, districts to develop a transfer program with a neighboring district. The following paragraph is **optional**.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Attendance)

Other Intradistrict Open Enrollment

Note: The following section provides **optional** procedures for intradistrict enrollment pursuant to Education Code 35160.5 and may be revised to reflect district practice.

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.

Note: Because Education Code 35160.5 requires the use of a lottery process, openings which occur later during the year should be filled only by applicants whose names are drawn in the lottery. Late applicants should not be added to the waiting list, but should instead wait for a subsequent lottery.

2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a

AR 5116.1(d)

INTRADISTRICT OPEN ENROLLMENT (continued)

random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.

3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.

4. Approved applicants must confirm their enrollment within 10 school days.

Note: ~~The Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required districts to offer intradistrict transfers to all students in Title I schools identified for program improvement (PI). In accordance with the USDOE's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016) and the CDE's Every Student Succeeds Act – Update #8 any student who previously transferred under this option must be allowed to remain in the school of enrollment until he/she completes the highest grade offered in the school, as provided below.~~

~~The USDOE's Frequently Asked Questions and the CDE's transition plan provide that districts may, at their discretion, continue to offer intradistrict transfers to any additional eligible students; see the accompanying Board policy. Districts that choose to offer such transfers may revise the following paragraph to reflect district practice. The USDOE and CDE resources do not expressly address whether students who transfer in such cases must be allowed to remain in the school of enrollment until the highest grade at the school. For consistency with previous years and with provisions in 20 USC 6311 pertaining to any transfers granted to students in schools identified for "comprehensive support and improvement" beginning in the 2018-19 school year, it is recommended that districts allow any student who transfers with the opportunity to subsequently stay in the school of enrollment.~~

~~The following paragraph is for use by districts that offer intradistrict transfers to students enrolled in a school that has been identified by CDE for comprehensive support and improvement. See the accompanying Board policy.~~

Any student who, ~~prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement~~ **is granted a transfer out of a school that had been identified by CDE for comprehensive support and improvement** shall be allowed to remain in the school of enrollment until ~~he/she completes~~ **completing** the highest grade offered at that school. **(20 USC 6311)**

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

Note: The following paragraph is **optional**. Education Code 35160.5 makes no provision related to the duration of any transfer granted pursuant to Education Code 35160.5. Thus, it appears to be within the district's discretion to determine whether students who do not reside within a school's attendance area should be required to reapply for open enrollment each year. However, Education Code 35160.5 specifies that a student currently residing within a school's attendance area cannot be displaced by another student transferring from outside the attendance area.

AR 5116.1(e)

INTRADISTRICT OPEN ENROLLMENT (continued)

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. ~~5118 - Open Enrollment Act Transfers~~)

2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by ~~the~~ CDE

(cf. 5145.6 - Parental Notifications)

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CSBA Sample Board Policy

Students

BP 5117(a)

INTERDISTRICT ATTENDANCE

Note: The Education Code provides a number of options under which a district may enroll a student whose parent/guardian does not reside within district boundaries. Under an "interdistrict attendance permit" or "reciprocal agreement" pursuant to Education Code 46600-46610, a student may attend school in a different district when both the district of residence and the district of proposed attendance agree (Option 1 below). Alternatively, pursuant to Education Code 48300-48317, the Governing Board may declare the district to be a "school district of choice" willing to accept a specific number of interdistrict transfers into the district

through a random selection process (Option 2 below). In order to maintain the integrity of the random selection process, it is recommended that a school district of choice not also accept transfers under the interdistrict attendance permit option except when extraordinary circumstances exist, as provided in Option 2 below. Districts that wish to use both sources of authority should consult legal counsel.

In addition, pursuant to Education Code 48204, a district may authorize a student whose parent/guardian is employed within district boundaries to attend a school in the district (Allen bill transfer); see AR 5111.1 - District Residency.

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

(cf. 5111.1 - District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

OPTION 1: Interdistrict Attendance Agreements and Permits

Note: The following section is for use by districts that have entered into an agreement with one or more other districts to accept student transfers through interdistrict attendance permits pursuant to Education Code 46600-46610. Districts selecting this option should also select Option 1 in the accompanying administrative regulation.

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

Note: Education Code 46600 requires that the interdistrict attendance agreement specify the terms and conditions under which individual permits may be granted or denied. In addition, pursuant to Education Code 46600, students who have been granted an interdistrict attendance permit must be allowed to continue to attend the school without having to reapply unless the agreement between the two districts contains specific agreed-upon standards for reapplication; see the accompanying administrative regulation. Districts also may include in the agreement the agreed-upon standards for revocation of students' interdistrict attendance. Examples of conditions that may result in revocation include falsification of information stated on the permit application, unsatisfactory attendance, continual disruption, or poor academic achievement.

BP 5117(b)

INTERDISTRICT ATTENDANCE (continued)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed ~~to~~ **upon** by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Note: Pursuant to Education Code 46600, it is the responsibility of the superintendent or designee of the district of residence, subject to board policies of the district of residence and terms of the agreement, to issue an individual permit verifying the district's approval of an interdistrict transfer out of the district. The permit shall become valid when endorsed by the board's designee in the district of proposed enrollment.

See the accompanying administrative regulation for procedures to follow when the permit is denied.

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

OPTION 2: School District of Choice Program

Note: The following section is for use by districts that elect to participate in the school district of choice program pursuant to Education Code 48300-48317. Pursuant to Education Code 48301, such a district must register as a school district of choice with the Superintendent of Public Instruction and County Board of Education before enrolling students under this option. Districts selecting this option should also select Option 2 in the accompanying administrative regulation.

The Board has designated the district as a "school district of choice" and shall accept students who reside within other California school districts who wish to attend a district school.

The Board shall, by resolution, annually establish the number of students who will be accepted into the district through this program based on recommendations by the Superintendent or designee as to the number of transfer students the district will be able to accept and the schools, grades, and programs that will be able to accept the students. Once established, the district shall accept all students who apply to transfer into the district until the district is at maximum capacity, as required pursuant to Education Code 48301.

Note: Education Code 48301 requires a random, unbiased process for selecting students who will be admitted through the school district of choice program and prohibits consideration of certain characteristics and factors in making the selections. Pursuant to Education Code 48301, family income may only be considered to the extent necessary to determine enrollment priority pursuant to Education Code 48306; see the accompanying administrative regulation.

Students shall be admitted to district schools through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based upon the student's academic or athletic performance, physical condition, proficiency in

BP 5117(c)

INTERDISTRICT ATTENDANCE (continued)

English, any of the individual characteristics set forth in Education Code 200, or family income. (Education Code 48301)

If the number of transfer applications exceeds the number of transfers the Board has elected to accept, approval for transfer shall be determined by a random drawing held in public at a regularly scheduled Board meeting. (Education Code 48301)

Note: Because the school district of choice program requires a random selection process, it is recommended that participating districts not admit students through the interdistrict attendance permit process described in

Option 1 above except under extraordinary circumstances. Such circumstances might include approving interdistrict attendance permits for students who are victims of an act of bullying. Such students are given priority for interdistrict attendance permits pursuant to Education Code 46600; see the accompanying administrative regulation.

Because the district admits students in accordance with the school district of choice program, the Superintendent or designee shall not admit students based on individual interdistrict attendance permits pursuant to Education Code 46600-46610 except under extraordinary circumstances.

The Superintendent or designee shall keep an accounting of all requests for admittance **through the school district of choice program** and a record of their disposition, including, but not limited to, all of the following: (Education Code 48313)

1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial
2. The number of students transferred into and out of the district pursuant to this program
3. The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, and the district of residence for each student transferred into or out of the district pursuant to this program
4. The number of students transferred into or out of the district pursuant to this program who are classified as English learners or students with disabilities

Note: Education Code 48311 authorizes, but does not require, a school district of choice to provide transportation to participating students to the extent that the district provides transportation assistance to other students. See section on "Transportation" below. Item #5 may be deleted by districts that do not provide transportation.

5. As applicable, the number of students described in items #3 and 4 above who are provided transportation assistance to a district school or program, and the total number of students provided transportation assistance, pursuant to the school district of choice program

BP 5117(d)

INTERDISTRICT ATTENDANCE (continued)

The Superintendent or designee shall report to the Board, at a regularly scheduled meeting, the information specified in items #1-5 above. No later than October 15 of each year, the Superintendent or designee shall provide the same information for the current school year, as well as information regarding the district's status as a school district of choice in the upcoming school year, to each geographically adjacent school district, the county office of education, and the Superintendent of Public Instruction. (Education Code 48313)

The district's compliance with specified program requirements shall be reviewed as part of the annual district audit conducted pursuant to Education Code 41020. (Education Code 48301)

(cf. 3460 - Financial Reports and Accountability)

Transportation

Note: The following **optional** section is for use by all districts and should be revised to reflect district practice. Districts are not required to provide transportation or transportation assistance to students admitted under an interdistrict attendance permit pursuant to Education Code 46600-46610, **except that Education Code 46600, as amended by AB 1127 (Ch. 781, Statutes of 2019), requires the district of enrollment to provide transportation assistance to a student who is eligible for free or reduced price meals and is either a child of an active military duty parent/guardian or a victim of an act of bullying, as defined in Education Code 48900.**

Pursuant to Education Code 48311, a school district of choice is authorized, but not required, to provide transportation assistance to the extent that the district otherwise provides transportation assistance to students.

Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600. (Education Code 46600)

(cf. 3553 - Free and Reduced Price Meals)

~~The district shall not provide transportation beyond any school attendance area.~~ Upon **In addition, upon** request of a student's parent/guardian, the Superintendent or designee may authorize transportation for ~~an~~ **any** interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

Legal Reference: (see next page)

BP 5117(e)

INTERDISTRICT ATTENDANCE (continued)

Legal Reference:

EDUCATION CODE

8151 Apprentices, exemption from interdistrict attendance agreement

41020 Annual district audits

46600-46610 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48317 Student attendance alternatives, school district of choice program

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals; enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

48985 Notices to parents in language other than English

52317 Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

ATTORNEY GENERAL OPINIONS

87 Ops. Cal. Atty. Gen. 132 (2004)

84 Ops. Cal. Atty. Gen. 198 (2001)

COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County (2011) 192

Cal. App. 4th 234

Crawford v. Huntington Beach Union High School District (2002) 98 Cal. App. 4th 1275

ATTORNEY GENERAL OPINIONS

87 Ops. Cal. Atty. Gen. 132 (2004)

84 Ops. Cal. Atty. Gen. 198 (2001)

Management Resources:

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

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CSBA Sample Administrative Regulation

Students

AR 5117(a)

INTERDISTRICT ATTENDANCE

OPTION 1: Interdistrict Attendance Agreements and Permits

Note: The following option is for use by districts that have entered into an agreement with one or more other school districts to accept transfers through the "interdistrict attendance permit" or "reciprocal agreement" process pursuant to Education Code 46600-46610. (See Option 1 in the accompanying Board policy.) In 87 Ops. Cal. Atty. Gen. 132 (2004), the Attorney General opined that districts could not charge students a fee for processing applications for interdistrict attendance.

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

Note: Pursuant to Education Code 46600.2, as added by AB 2826 (Ch. 550, Statutes of 2018), districts are required to post on their web sites, in a manner accessible to the public without a password, the procedures and timelines regarding a request for an interdistrict transfer permit.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
 - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.

AR 5117(b)

INTERDISTRICT ATTENDANCE (continued)

- b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Note: Education Code 46600 requires districts to give priority for interdistrict attendance permits to a student who is a victim of an act of bullying, as provided below. For this purpose, Education Code 48900(r) defines

bullying to include, but not be limited to, bullying committed by means of an electronic act directed specifically toward the student; see AR 5144.1 - Suspension and Expulsion/Due Process.

Priority for interdistrict attendance shall be given to a student who has been determined, **through an investigation** by ~~staff of~~ either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5131.2 - Bullying)

Note: As amended by AB 1127 (Ch. 781, Statutes of 2019), Education Code 46600 requires districts to ensure that students who are victims of bullying or are children of active duty military parents/guardians be selected through an unbiased process that prohibits consideration of specified characteristics.

Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are admitted through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Education Code 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status. (Education Code 46600)

In addition, the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

Note: Optional items #1-11 below should be revised and/or deleted to reflect district practice.

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries

AR 5117(c)

INTERDISTRICT ATTENDANCE (continued)

(cf. 5148 - Child Care and Development)

2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel

(cf. 6159 - Individualized Education Program)

3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance

4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
5. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school
6. To allow a high school senior to attend the same school attended as a junior, even if the student's family moved out of the district during the junior year
7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district
8. When the student will be living out of the district for one year or less
9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.12 - District School Attendance Review Board)

10. When there is valid interest in a particular educational program not offered in the district of residence
11. To provide a change in school environment for reasons of personal and social adjustment

Note: In 84 Ops.Cal.Atty.Gen. 198 (2001), the Attorney General opined that a lack of school facilities is a justifiable reason for denial of the interdistrict attendance permit request. However, according to the Attorney General, once the student is admitted, the district may not later deny the student continued attendance at a district school because of overcrowding. Although Attorney General opinions are not binding on the courts, they are generally afforded deference in the court when there is no specific statutory or case law to the contrary. The following paragraph is based on this Attorney General opinion.

AR 5117(d)

INTERDISTRICT ATTENDANCE (continued)

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

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

Note: Education Code 46600.2, as added by AB 2826, establishes the following timelines for notifying a student's parents/guardians of the district's final decision regarding the interdistrict transfer request.

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

Note: Education Code 46600.2, ~~as added by AB 2826~~, requires a district that denies a request for an interdistrict transfer to give written notice to the parent/guardian of the right to appeal to the County Board of Education.

Pursuant to Education Code 46601, parents/guardians may submit their appeal to the County Board within 30 calendar days of the district's final denial of the permit. The County Board then has 30 calendar days, unless extended by an additional five school days for good cause, to make its determination as to whether the student should be allowed to attend the district of proposed enrollment and the applicable period of attendance. However, Education Code 46601 allows a class 1 county (i.e., a county with a 1994-95 average daily attendance (ADA) of 500,000 or more for all districts in the county), until July 1, 2023, 60 calendar days to make its determination.

Pursuant to Education Code 46602, if the County Board determines that the student should be permitted to attend the district of proposed enrollment, the district shall admit the student without delay.

If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

(cf. 5145.6 - Parental Notifications)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

AR 5117(e)

INTERDISTRICT ATTENDANCE (continued)

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any student entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

OPTION 2: School District of Choice Program

Note: The following section is for use by districts that elect to participate in the school district of choice program pursuant to Education Code 48300-48317. (See Option 2 in the accompanying Board policy.)

The Superintendent or designee shall communicate with parents/guardians regarding transfer opportunities under the school district of choice program. Communications sent to parents/guardians shall be available in all languages for which translations are required pursuant to Education Code 48985, shall be factually accurate, and shall not target particular neighborhoods or individual parents/guardians on the basis of a child's actual or perceived academic or athletic skill or any other personal characteristic. (Education Code 48301, 48980)

The Superintendent or designee shall also make public announcements regarding district schools, programs, policies, and procedures, including transportation options if applicable, during the enrollment period. (Education Code 48312)

Note: The following **optional** paragraph reflects Education Code 48302, which encourages districts to hold informational meetings as described below, and may be revised to reflect district practice.

AR 5117(f)

INTERDISTRICT ATTENDANCE (continued)

The Superintendent or designee may hold informational meetings on the district's current educational programs, so that parents/guardians can provide input to the district on methods to improve current programs and make informed decisions regarding their children's education. (Education Code 48302)

The process for student transfers into the district under the school district of choice program, including, but not limited to, any applicable form, the timeline for a transfer, and an explanation of the selection process, shall be posted on the district's web site. (Education Code 48301)

(cf. 1113 - District and School Web Sites)

Parents/guardians shall submit applications for interdistrict attendance to the district office before January 1 of the school year preceding the school year for which the student is

requesting to be transferred. The application deadline may be waived upon agreement between the district and the student's district of residence. (Education Code 48308)

The application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48308)

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

Note: Pursuant to Education Code 48305, if the district chooses to use existing entrance criteria for specialized schools or programs, then the criteria must be uniformly applied. The following **optional** paragraph is for use by districts that choose to use existing entrance criteria.

Any existing entrance criteria for specialized schools or programs shall be uniformly applied to all applicants. (Education Code 48305)

The district may deny a transfer into the district under the school district of choice program if the transfer would require the district to create a new program to serve that student, except that the district shall not reject the transfer of a student with disabilities or an English learner. (Education Code 48303)

Whenever the number of transfer applications exceeds the number of interdistrict transfers that may be accepted as annually determined by the Governing Board, students accepted for transfer shall be selected by a random drawing held in public at a regularly scheduled Board meeting before February 15 of the school year preceding the school year for which the transfer is sought. (Education Code 48301)

Priority for transfer under the school district of choice program shall be granted as follows: (Education Code 48306)

AR 5117(g)

INTERDISTRICT ATTENDANCE (continued)

1. First priority shall be given to siblings of students already in attendance in the district.
2. Second priority shall be given to students eligible for free or reduced-price meals.

(cf. 3553 - Free and Reduced Price Meals)

3. Third priority shall be given to children of military personnel.

No later than February 15 of the school year preceding the school year for which the student is requesting to be transferred, the Superintendent or designee shall notify the parent/guardian in writing whether the application has been provisionally accepted or rejected or of the student's position on any waiting list. (Education Code 48308)

If a student's application for transfer is accepted, the Superintendent or designee shall so notify the student's district of residence no later than February 15 of the school year preceding the school year for which the student is requesting to be transferred. (Education Code 48308)

The number of students accepted for transfer into the district, by school and grade level, shall be reported to the district of residence on or before February 15. (Education Code 48308)

If a student's application is denied, the Superintendent or designee shall notify the student's parents/guardians that the number of students requesting to transfer exceeded the district's capacity and that the student was not selected during the random drawing. Such determination shall be accurately recorded in the minutes of the Board meeting at which the determination was made. (Education Code 48308)

(cf. 9324 - Minutes and Recordings)

For a student whose parent/guardian was relocated by the military less than 90 days prior to the submission of the application, the district shall make a final decision to accept or reject the application within 90 days of its receipt. If the student's application has been submitted less than 90 days prior to the beginning of the school year, then the district shall accept or deny the application before the school year begins. Upon acceptance, the student may immediately enroll in a district school. (Education Code 48308)

Vacancies may be filled from the waiting list until May 1 of the school year preceding the school year for which students are requesting to be transferred. (Education Code 48308)

The final number of students enrolled in the district through the school district of choice program, by school and grade level, along with the names of the students, shall be reported to the district of residence on or before May 2. (Education Code 48308)

AR 5117(h)

INTERDISTRICT ATTENDANCE (continued)

Students admitted through the school district of choice program are deemed to have fulfilled district residency requirements pursuant to Education Code 48204. (Education Code 48301)

(cf. 5111.1 - District Residency)
(cf. 5116.1 - Intradistrict Open Enrollment)

Final acceptance of the transfer is applicable for one school year and shall be renewed automatically each year unless the Board, by adoption of a resolution, withdraws from participation in the program and no longer accepts transfer students from other districts. (Education Code 48308)

Note: The following paragraph may be revised by districts that do not maintain high schools.

Even if the district withdraws from participation in the program, students who attended or received a notice of acceptance into the district before the Board's resolution of withdrawal

shall be permitted to attend school in the district, and admitted high school students may continue attending school in the district until they graduate from high school. (Education Code 48307, 48308)

The district may accept any completed coursework, attendance, and other academic progress credited to an accepted student by any district(s) the student has previously attended and may grant academic standing to the student based upon the district's evaluation of the student's academic progress. (Education Code 48309)

(cf. 6146.3 - Reciprocity of Academic Credit)

The district may revoke a student's enrollment if the student is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

Transfers Out of the District

Note: The following **optional** section is for use by all districts.

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

Note: Pursuant to Education Code 46600, as amended by AB 1127, the district cannot prohibit a transfer out of the district for a victim of bullying if the district has only one school offering the student's grade level and thus is unable to grant an intradistrict transfer.

If the district is unable to provide an intradistrict transfer to a student who is a victim of an act of bullying, as defined in Education Code 46600, the district shall not prohibit

AR 5117(i)

INTERDISTRICT ATTENDANCE (continued)

the student from transferring out of the district if the district of proposed enrollment approves the application for transfer. (Education Code 46600)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

Note: Even if a district has not designated itself as a school district of choice, it has the authority pursuant to Education Code 48307 to limit the number of students transferring out of the district into other districts that have designated themselves as school districts of choice. A district with an ADA of more than 50,000 may annually limit the number of such transfers to one percent of its current year estimated ADA. A district with an ADA of 50,000 or less may limit the number of such transfers to three percent of its current estimated ADA and may limit the maximum number of such transfers for the duration of the program to 10 percent of the ADA for that period. In Walnut Valley Unified School District v. Superior Court of Los Angeles County, the appellate court held that the 10 percent cap on outbound transfers "for the duration of the program" should be based on the district's ADA over the entire life of the district of choice program (i.e., from the program's

inception in 1994 until the present day). The district may revise item #1 to reflect the applicable percentage in Education Code 48307 based on its ADA.

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

(cf. 3100 - Budget)

Note: Item #3 is **optional** and should be revised to reflect district practice. Education Code 48307 authorizes the district to prohibit a transfer out of the district under the school district of choice program if the Board determines that the transfer would negatively impact a court-ordered desegregation plan, a voluntary desegregation plan, or the racial and ethnic balance of the district. Education Code 48307 provides that denial of transfers on the basis of a voluntary desegregation plan or the racial and ethnic balance of the district must be consistent with the constitutional provisions added by Proposition 209 in 1996 (California Constitution, Article 1, Section 31). It is recommended that districts consult legal counsel before adopting policy to allow denial of transfers on either of these bases.

3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
 - a. A court-ordered desegregation plan
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31

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INTERDISTRICT ATTENDANCE (continued)

- c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Students

BP 5118(a)

OPEN ENROLLMENT ACT TRANSFERS

Note: The Open Enrollment Act (Education Code 48350-48361) provides students enrolled in one of the 1,000 "low-achieving" schools identified by the Superintendent of Public Instruction with the option to enroll in a higher-achieving school. However, because the Academic Performance Index has been suspended, the list of schools has not been updated since the 2015-16 school year and is based on the results of 2013 state assessments developed under prior state content standards.

The following optional policy and accompanying administrative regulation are for use by all districts since even districts without a school on the Open Enrollment List may receive applications from students attending a school on the list in a neighboring district.

The Governing Board desires to offer enrollment options in order to provide children with opportunities for academic achievement that meet their diverse needs. Such options shall also be provided to children

~~who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.~~

~~Whenever a student is attending a district school on the Open Enrollment List as identified by the Superintendent of Public Instruction, he/she may transfer to another school within or outside of the district, as long as the school to which he/she is transferring has a higher Academic Performance Index. (Education Code 48354, 48356)~~

~~Note: It is unclear whether the Open Enrollment Act grants students who are attending an open enrollment school the right to transfer to another school within the district as well as outside of the district. In order to avoid conflict with the statute authorizing intradistrict open enrollment, the following policy and administrative regulation require students who wish to transfer to another district school to use the district's policy and procedures created pursuant to Education Code 35160.5; see BP/AR 5116.1 Intradistrict Open Enrollment. The following **optional** sentence should be modified to reflect district practice.~~

~~A parent/guardian whose child is attending a district school on the Open Enrollment List and who wishes to have his/her child attend another school within the district shall apply for enrollment using BP/AR 5116.1 Intradistrict Open Enrollment.~~

~~(cf. 5116.1 Intradistrict Open Enrollment)~~

~~(cf. 5117 Interdistrict Attendance)~~

~~Note: Education Code 48354 and 48356 require districts to establish a period of time for resident student enrollment and for accepting transfer applications. In establishing timelines for transfer applications under the Open Enrollment Act, the district should consider how these timelines will align with timelines for other student enrollment options. Education Code 48354 requires the district to give priority for enrollment to students residing in the district; thus, districts must first admit those students, as well as students applying for intradistrict transfers, before admitting students from an open enrollment school outside of the district. See BP/AR 5111 Admission, AR 5111.1 District Residency, and BP/AR 5116.1 Intradistrict Open~~

BP 5118(b)

OPEN ENROLLMENT ACT TRANSFERS (continued)

~~Enrollment. In order to accurately predict the number of slots that may be available, the timelines for accepting transfer applications under the Open Enrollment Act should also be consistent with the district's timelines for interdistrict attendance permits; see BP/AR 5117 Interdistrict Attendance.~~

~~However, the timelines specified in Education Code 48354 and 48357 for Open Enrollment Act transfers may conflict with the deadlines for these other attendance options. Education Code 48354 specifies that these transfer applications must be submitted by January 1 of the preceding school year. Education Code 48357 requires the district to notify parents/guardians within 60 days whether their application for a transfer from an open enrollment school has been accepted or rejected. Therefore, if a parent/guardian submits a transfer application on October 1, the district would need to provide notification of the application's status by December 1, even though the enrollment period for residents might still be open and the district would not yet know how many slots would be available for transfers at a specific school.~~

~~One way for a district to comply with these inconsistent statutory provisions is for the Governing Board to waive the January 1 deadline for receipt of all transfer applications, as authorized by Education Code 48354, and create an application window for submission of applications. Such an application window will result in~~

the 60-day deadline for notification of an application's status to fall after the district's deadline by which residents need to enroll their children, allowing residents to receive enrollment priority as required by law.

Districts should specify the transfer application window, if any, in the blank provided in the following paragraph. Because Education Code 48361 specifies that a discretionary decision by the Board regarding the district's administration of the program may only be overturned if the Board acted in an arbitrary and capricious manner, these timelines should be rationally related to the timelines for other intradistrict and interdistrict transfers.

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between _____ (insert application window dates) _____ of the preceding school year for which the transfer is requested.

(cf. 5111.1 District Residency)

Note: Education Code 48355 authorizes the district of residence or the district of enrollment to limit the number of students transferring out of or into the district if the Board determines that the transfer would negatively impact a court ordered or voluntary desegregation plan or the racial and ethnic balance of the district. However, in *Crawford v. Huntington Beach Union High School District*, an appellate court held that a district's intradistrict enrollment policy which contained a racial and ethnic balance component pursuant to Education Code 35160.5 was unconstitutional. According to the court, the constitutional provisions added by Proposition 209 prohibit a district from adopting a policy containing different admission criteria on the basis of race. Because of the legal uncertainty surrounding this issue, the following paragraph does not reflect the provisions of Education Code 48355 relative to racial and ethnic balance. Districts should consult legal counsel as necessary. The following optional paragraph is for use by districts with a court ordered or voluntary desegregation plan.

BP-5118(e)

OPEN ENROLLMENT ACT TRANSFERS (continued)

The Board may deny a transfer out of or into the district upon a determination by the Board that the transfer would negatively impact a court ordered or voluntary desegregation plan in accordance with Education Code 48355.

Standards for Rejection of Transfer Applications

Note: Education Code 48356 authorizes the district of enrollment to adopt specific written standards for rejection of a transfer application which may include a consideration of the capacity of a program, class, grade level, or school building or any adverse financial impact that may result from the transfer. The law is unclear whether a district may also consider students' discipline history when evaluating transfer applications. Districts that wish to consider disciplinary history should consult legal counsel.

Because Education Code 48361 specifies that a discretionary decision by the Board regarding the district's administration of the program may only be overturned if a court finds that the Board acted in an arbitrary and capricious manner, it is recommended that the standards be included in a Board adopted policy and be supported by data specific to the district's capacity and financial situation as well as any specific findings by

~~the Superintendent or designee. Items #1-2 below are examples only. The district should be careful to modify the following section to delete any standards that are not applicable and modify or add any specific district standards, as appropriate. Legal counsel should also be consulted.~~

~~Pursuant to Education Code 48356, the Board has adopted the following standards for acceptance and rejection of transfer applications submitted by a parent/guardian of a student attending a school in another district on the Open Enrollment List. The Superintendent or designee shall apply these standards in accordance with Board policy and administrative regulation and shall ensure that the standards are applied uniformly and consistently.~~

~~As applicable, the Superintendent or designee may deny a transfer application under any of the following circumstances:~~

- ~~1. Upon a determination that approval of the transfer application would negatively impact the capacity of a program, class, grade level, or school building, including:~~
 - ~~a. The class or grade level exceeding the district's limits pursuant to the state Class Size Reduction Program or the Morgan/Hart Class Size Reduction Program for Grades 9-12~~
 - ~~b. The site, classroom, or program exceeding the maximum student teacher ratio specified in the district's collective bargaining agreement~~
 - ~~c. The site or classroom exceeding the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document~~
 - ~~d. The class or grade level exceeding capacity pursuant items #a-#c above in subsequent years as the student advances to other grade levels at the school~~

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OPEN ENROLLMENT ACT TRANSFERS (continued)

~~(cf. 6151 - Class Size)~~

~~(cf. 7110 - Facilities Master Plan)~~

- ~~2. Upon a determination that approval of the transfer application would have an adverse financial impact on the district, including:~~
 - ~~a. The hiring of additional certificated or classified staff~~
 - ~~b. The operation of additional classrooms or instructional facilities~~
 - ~~c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students~~

Appeal Process for Denials of Transfer Applications

Note: Education Code 48361 specifies that a discretionary decision by the Board regarding the district's administration of the program may be overturned if a court finds that the Board acted in an arbitrary and capricious manner. In order to help ensure that any rejection of a transfer application was not arbitrary, it is recommended that the district adopt a process that allows parents/guardians to appeal the Superintendent's or designee's denial to the Board.

The following section is **optional** and should be modified to reflect district practice.

A parent/guardian may appeal the district's denial of a transfer application to the Board by filing a written request of appeal with the Superintendent or designee within 10 days of the receipt of the written notification of denial. In addition, a parent/guardian who believes he/she has been subject to discrimination may file an appeal using the district's Uniform Complaint Procedures.

(cf. 1312.3—Uniform Complaint Procedures)

The Board shall schedule an appeal hearing as soon as practicable at a regular or special meeting of the Board. At the hearing, the parent/guardian shall have the right to present oral or written evidence, rebut district evidence, and question any district witnesses. Unless the parent/guardian requests that the hearing be held in open session, the hearing shall be held in closed session in order to protect the privacy of students in accordance with law.

(cf. 9321—Closed Session Purposes and Agendas)

The Board shall make its decision by the next regularly scheduled meeting and shall send its decision to all concerned parties. The Board's decision shall be final.

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OPEN ENROLLMENT ACT TRANSFERS (continued)

Program Evaluation

Note: Education Code 48359 encourages each district to collect data regarding the number of requests granted, denied, or withdrawn; the number of students who transfer out of and into the district; the race, ethnicity, gender, socioeconomic status, and district to and from which students are transferring; and the number of students classified as English learners or identified as individuals with disabilities transferring out of and into the district.

The following **optional** paragraph is consistent with Education Code 48359 and requires the Superintendent or designee to collect data regarding enrollment patterns to determine the space available at specific schools.

The Superintendent or designee shall collect data regarding the number of students who transfer out of the district pursuant to the Open Enrollment Act. He/she also shall collect data regarding the number of students who apply to transfer into the district, the number of requests granted, denied, or withdrawn, and the district schools and programs receiving applications.

When the Superintendent or designee anticipates that a particular school will receive a large number of transfer applications, he/she shall study the enrollment pattern at that school in order to anticipate future resident enrollment at the school and at the district schools into which those students would normally matriculate.

The Superintendent or designee shall regularly report to the Board regarding the implementation of this program.

Legal Reference: (see next page)

BP 5118(f)

OPEN ENROLLMENT ACT TRANSFERS (continued)

Legal Reference:

EDUCATION CODE

200 Prohibition of discrimination

35160.5 District policies, rules, and regulations

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48915 Expulsion, particular circumstances

48915.1 Expelled individuals: enrollment in another district

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

FAMILY CODE

6500-6552 Caregivers

CODE OF REGULATIONS, TITLE 5

4700-4703 Open Enrollment Act

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

ATTORNEY GENERAL OPINIONS

87 Ops. Cal. Atty. Gen. 132 (2004)

84 Ops. Cal. Atty. Gen. 198 (2001)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal. App. 4th 1275

Management Resources:

WEB SITES

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

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

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Students

AR 5118(a)

OPEN ENROLLMENT ACT TRANSFERS

Definitions

District of enrollment means the district, other than the district in which the student's parent/guardian resides, in which the parent/guardian intends to enroll his/her child. (Education Code 48352)

District of residence means the district in which the parent/guardian of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code 48200. (Education Code 48352)

(*cf.* 5111.1 – District Residency)

Open enrollment school means a "low-achieving" school identified by the Superintendent of Public Instruction (SPI) pursuant to Education Code 48352 and 5 CCR 4701. (Education Code 48352; 5 CCR 4701)

Transfer Applications into a District School

Note: Education Code 48354 requires a district to give priority for enrollment to students residing in the district; see the accompanying Board policy.

Enrollment priority shall be available to students who reside within this district. No student who resides within a school's attendance area or who is currently enrolled in a school shall be displaced by a student who is transferring pursuant Education Code 48350-48361 or 5 CCR 4700-4703. (Education Code 48354, 48356)

Applications shall be submitted within the deadlines established by Board policy.

However, the application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48354)

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

The parent/guardian's application may request enrollment of his/her child in a specific school or program. Requests for admission to a magnet school or program designed to serve gifted and talented students shall be subject to the usual admission requirements established by the district for district students. Except for such specialized admission requirements, the Superintendent or designee shall not consider the student's previous academic achievement, athletic performance, physical condition, English language proficiency, family income, or any of the prohibited bases for discrimination listed in Education Code 200. (Education Code 48354, 48356)

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

(cf. 6172 - Gifted and Talented Student Program)

AR 5118(b)

OPEN ENROLLMENT ACT TRANSFERS (continued)

Students applying for open enrollment transfers shall be assigned priority for approval as follows: (Education Code 48356)

1. First priority for the siblings of students who already attend the desired school
2. Second priority for students transferring from a program improvement school ranked in decile 1 on the Academic Performance Index (API)

If the number of students who request a particular school exceeds the number of spaces available at that school, the Superintendent or designee shall conduct a lottery, in the group priority order identified in items #1 and #2 above, to select students at random until all of the available spaces are filled. (Education Code 48356)

Within 60 days of receiving the application, the Superintendent or designee shall provide written notification to the parent/guardian and the student's district of residence as to whether the application has been accepted or rejected. If the application has been rejected, the notice shall state the reasons for the rejection. If the application has been approved, the notification shall specify the particular school site and the school's address to which the student has been admitted. (Education Code 48357; 5 CCR 4702)

Terms of Approval

The Superintendent or designee shall ensure that the school to which the student is transferring has a higher API than the school in which the student was previously enrolled. (Education Code 48356)

The parent/guardian shall enroll his/her child on or before the first day of instruction or within 14 calendar days of receipt of the district's notice of approval of the application, whichever is later. If the parent/guardian fails to enroll his/her child within this timeframe, the district may decline to enroll the student. (5 CCR 4703)

Upon enrollment, the district shall grant the student any credits toward graduation that he/she received from his/her district of residence. The student shall be eligible for graduation from district schools upon completion of state and district graduation requirements. (Education Code 48358)

(cf. 6143—Courses of Study)

(cf. 6146.1—High School Graduation Requirements)

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

Note: 5 CCR 4702 specifies that once admitted to a school, the student shall not be required to reapply for enrollment to that school, regardless of whether his/her school of residence remains on the Open Enrollment List.

A student admitted to a district school through this process shall be deemed to have fulfilled district residency requirements pursuant to Education Code 48204 and shall not be required to reapply for enrollment in that school, regardless of whether his/her school of residence remains on the Open Enrollment List. (Education Code 48356; 5 CCR 4702)

AR 5118(e)

OPEN ENROLLMENT ACT TRANSFERS (continued)

Note: 5 CCR 4702 specifies that the district of enrollment may allow the student to matriculate to a middle or high school in the district without having to reapply, regardless of whether the middle or high school in the student's district of residence is on the Open Enrollment List. Thus, unified districts, districts with elementary and middle schools, and districts with middle and high schools should be careful to ensure that the terms of approval and notification to parents/guardians clearly specify whether the approval of the transfer application extends to other school(s) in the district to which the student would matriculate or whether the student must reapply if he/she wishes to enroll in those schools upon completion of the course of study at the school to which he/she was originally admitted. **The following optional paragraph requires the student to reapply and should be modified to reflect district practice.**

Once admitted, a transfer student who wishes to matriculate into a district middle or high school or transfer to another district school shall reapply for admission to the new school pursuant to the requirements of Board policy and administrative regulation.

Parents/guardians are responsible for transporting their children to school.

Transfers out of District Schools on the Open Enrollment List

Note: The following optional section is for use by districts with schools on the Open Enrollment List pursuant to Education Code 48352. Districts without schools on the list may delete this section.

Education Code 48354 requires the district of residence to notify parents/guardians of students attending a school on the Open Enrollment List of their option to transfer to another school within the district or to a school in another district. Pursuant to 5 CCR 4702, this notice must be provided on the first day of instruction or, if the California Department of Education has not posted the list by the first day of instruction, within 14 calendar days after the posting of the list. It is anticipated that the Open Enrollment List will be posted in September of each year. See the accompanying Exhibit for a sample notification.

Upon identification by the California Department of Education (CDE) that a district school is on the Open Enrollment List, the Superintendent or designee shall notify the parents/guardians of each student enrolled in the school of the option to transfer. This notice shall be provided by the first day of instruction. However, if the CDE has not notified the district whether a school is on the list by the first day of instruction, the notification shall be provided no later than 14 calendar days after the Open Enrollment List is posted on the CDE's web site. (Education Code 48354; 5 CCR 4702)

(cf. 5145.6 Parental Notifications)

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Policy Reference UPDATE Service

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CSBA Sample

Exhibit

Students

E 5118(a)

OPEN ENROLLMENT ACT TRANSFERS

Note: Pursuant to Education Code 48354, if a school is identified by the Superintendent of Public Instruction for the Open Enrollment List, the district must notify parents/guardians of students attending the school of their option to transfer to a higher performing school. Pursuant to 5 CCR 4702, this notice must be provided on the first day of instruction or, if the California Department of Education has not posted the Open Enrollment List by the first day of instruction, within 14 calendar days of the posting of the list.

The following exhibit provides a sample parental notification when a school has been placed on the Open Enrollment List. This letter should be modified to reflect district practice.

OPTION TO TRANSFER

{Date}

To the parents/guardians of students at _____ School:

The purpose of this letter is to inform you that our school has been identified by the California Department of Education (CDE) as an Open Enrollment school for the _____ school year.

Why is our school on the Open Enrollment List?

The Open Enrollment Act, which became law in the spring of 2010, requires the CDE to annually create a list of 1,000 schools ranked by their Academic Performance Index (API). A school's API is a number that ranges from 200 to 1,000 and is calculated using the results for each school's students on statewide tests. The state has set 800 as the API target for all schools to meet. Schools that fall short of 800 are required to meet annual growth targets until that goal is achieved. Annual API growth targets will vary for each school.

For more information about how the Open Enrollment List is created, please visit the CDE's web site: <http://www.cde.ca.gov/sp/ee/op>.

What right does a parent have to request a transfer?

All parents/guardians of students attending a school on the Open Enrollment List have the option to request a transfer of their child to another school in this district or in another California district. The school to which your child transfers must have a higher API than the school your child is leaving. Our school's API is _____.

The following district schools are available to accept transfers: *[List schools with space available and higher API scores.]*

E 5118(b)

OPEN ENROLLMENT ACT TRANSFERS (continued)

If you would like to transfer your child to one of the schools listed above, please contact that school for information about applying for intradistrict open enrollment. Information about the performance and academic achievement of each available school is enclosed.

If you would like to transfer your child to a school in another district, you must contact that school district for information regarding their application procedures and timelines. To find a school with a higher API, go to the CDE's website: <http://api.cde.ca.gov/reports>.

Parents/guardians are responsible for providing transportation to and from the new school.

We will keep you updated and informed about opportunities to discuss plans for our school. If you have questions, need additional information on how you can get involved in our school improvement efforts,

or would like to discuss the school's instructional program, please feel free to call me and/or visit the school.

Sincerely,

[Name of Principal]

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CSBA Sample Administrative Regulation

Students

AR 5125(a)

STUDENT RECORDS

Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication

technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Note: Guidance issued by the U.S. Department of Education (USDOE) and U.S. Department of Health and Human Services clarifies that a student's immunization and health record maintained by the district is a "student record" subject to the Family Educational Rights and Privacy Act (FERPA). ~~Also see BP/AR 5141.6 - School Health Services.~~

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of ~~his/her~~ **the employee's** duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; ~~5 CCR 430~~; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

Note: USDOE guidance, (~~Balancing Student Privacy and School Safety~~), clarifies that records created by the district's law enforcement unit, such as student images appearing on security videotapes, are not considered student records under FERPA as long as the records are created for a law enforcement purpose.

3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

AR 5125(b)

STUDENT RECORDS (continued)

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family

Note: Pursuant to 34 CFR 99.3, the definition of "personally identifiable information" includes a personal identifier such as a student's social security number. Education Code 49076.7 prohibits districts from collecting or soliciting social security numbers, or the last four digits of social security numbers, from students or their parents/guardians unless otherwise required to do so by state or federal law. If a social security number is collected under such circumstances, it must be classified as personally identifiable information and is subject to the restrictions related to access or de-identification of records specified in 34 CFR 99.30-99.39 and this administrative regulation.

4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)

AR 5125(c)

STUDENT RECORDS (continued)

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Note: Education Code 49063 requires districts to include the criteria for defining "legitimate educational interest" and "school officials and employees" in their annual notification; see section "Notification of Parents/Guardians" below.

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose **official** duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require ~~him/her to have~~ access to **information contained in** student records.

Note: 34 CFR 99.31 defines "school officials and employees" for purposes of determining who may be given personally identifiable information from student records, as provided below. In 73 Fed. Reg. 74815 (2008), USDOE stated that local agencies are in the best position to determine the types of parties who may serve as school officials. Examples cited include school transportation officials (including bus drivers), school nurses, practicum and fieldwork students, unpaid interns, consultants, contractors, volunteers, and other outside parties providing institutional services and performing institutional functions, provided that each of the requirements in 34 CFR 99.31 has been met.

School officials and employees are officials or employees, **including teachers**, whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require ~~that they have~~ access to student records. (34 CFR 99.31)

Note: Pursuant to Education Code 49076, the district may allow any "contractor or consultant" with whom it has a formal written agreement to access information in student records without parent/guardian consent, when the contractor or consultant has a "legitimate educational interest" in that information. However, contrary to 34 CFR 99.31, Education Code 49076 prohibits release of student records to volunteers.

AR 5125(d)

STUDENT RECORDS (continued)

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced ~~to him/her~~ by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to **his/her the student's** records and grant consent for the release of records (34 CFR 99.3, 99.5)

Note: Pursuant to Education Code 56041.5, all the rights accorded to the parent/guardian of a student with disabilities, including the right to access student records, are transferred to the student **when he/she reaches at** 18 years of age except when the student has been declared incompetent under state law.

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

Note: Education Code 49076 and 34 CFR 99.31 require that access to relevant records be given to parents/guardians of a dependent child, defined by 26 USC 152 as one who lives with **his/her a** parent/guardian for more than half the taxable year, **meets the specified age requirements**, has not provided more than half of **his/her one's** own support during that year, and has not filed a joint tax return with a spouse.

AR 5125(e)

STUDENT RECORDS (continued)

1. Parents/guardians of **a student age 18 or older who is** a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; ~~34 CFR 99.31~~)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)

4. Members of a school attendance review board (SARB) **appointed pursuant to Education Code 48321** who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.12 - District School Attendance Review Board)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Note: 34 CFR 99.34 requires the district to make a reasonable attempt to notify the parent/guardian or adult student when the district discloses certain information as described in the following paragraph. However, if the district includes a statement in its annual parental notification that the district may forward education records under **these such** circumstances, it is not obligated to individually notify parents/guardians or adult students. The following **optional** paragraph may be deleted by districts that include such a statement in their annual parental notification. See section below entitled "Notification of Parents/Guardians."

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at **his/her the** last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Note: Item #6 below is for use by districts that maintain high schools. Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants and will have their grade point average (GPA) submitted to the Student Aid Commission, unless they opt out or are permitted under Commission rules to submit test scores in lieu of the GPA. Education Code 69432.9 requires that the report be submitted

AR 5125(f)

STUDENT RECORDS (continued)

on a standardized form provided by the Commission. Pursuant to Education Code 69432.92, the Commission may also require that districts submit verification of high school graduation or its equivalent for all students who graduated in the prior academic year, except for students who have opted out.

Education Code 49432.9 requires that parents/guardians be notified that their child's GPA will be forwarded unless they opt out within the time period specified in the notice. This notification could be included in the annual parental notification issued pursuant to Education Code 48980.

6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when **requested required**, verification of high school

graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when students opt out ~~or~~ are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

No later than ~~October 15~~ **January 1** each year, the Superintendent or designee shall notify each student in grade ~~12~~ **11**, and ~~his/her~~ **the student's** parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission **by October 1** unless ~~he/she~~ **the student** opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

7. Federal, state, and local officials, as needed for an audit, ~~or~~ **evaluation of**, or compliance ~~with, activity related to~~ a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

Note: Pursuant to Education Code 49076, county placing agencies authorized to assess the effectiveness of a state or federally funded program on behalf of federal, state, or local officials and agencies may be allowed access to student records. Education Code 49076 also authorizes districts, county offices of education, and county placing agencies to develop cooperative agreements to facilitate confidential access to and exchange of student information by email, facsimile, electronic format, or other secure means, provided the agreement complies with the requirements of 34 CFR 99.35.

8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)

AR 5125(g)

STUDENT RECORDS (continued)

9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)
11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)
12. Any probation officer, district attorney, or counsel of record for a ~~minor~~ student **who is a minor** for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor ~~student~~ a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

Note: SB 233 (Ch. 829, Statutes of 2017) amended Education Code 49069.3 and 49076 to make certain types of records related to foster youth, including records related to attendance, discipline, online communications, and Section 504 plans, accessible to specified agencies and individuals.

AR 5125(h)

STUDENT RECORDS (continued)

14. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms

established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district (Education Code 49069.3)

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

(cf. 6173.1 - Education for Foster Youth)

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

16. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility **in accordance with state or tribal law** for the care and protection of a student, provided that **the individual is authorized by the agency or organization to receive the records and the information requested** is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal

AR 5125(i)

STUDENT RECORDS (continued)

conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; ~~34 CFR 99.1-99.67~~)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records

to another public school district **in California or any other state** or to a California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code **49061**, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

Discretionary Access

At ~~his/her discretion~~, the **discretion of the** Superintendent or designee, **information** may be released ~~information~~ from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

AR 5125(j)

STUDENT RECORDS (continued)

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

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations **in order to carry out their accrediting functions** (Education Code 49076; 34 CFR 99.31)
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)
 - a. The study is conducted in a manner that does not permit personal identification of **students or** parents/guardians ~~and students~~ by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)
5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

Note: Education Code 49076 includes "contractors" and "consultants," as defined in the section "Definitions" above, among the categories of individuals to whom a student's personally identifiable information may be disclosed under certain circumstances. Unlike 34 CFR ~~99.34~~ **99.31**, however, Education Code 49076 prohibits disclosure of such information to volunteers and other parties.

AR 5125(k)

STUDENT RECORDS (continued)

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract **with by** the district, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

Note: Items #7 and 8 below are for use by districts that maintain high schools.

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or ~~his/her~~ **the student's** parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31, ~~99.36~~)
8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the ~~provisions of~~ **limits set by** 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR ~~99.31~~, 99.37)

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

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

De-identification of Records

Note: 20 USC 1232(g) and Education Code 49076 authorize the district to release student records for specified purposes (e.g., to federal and state officials conducting program audits or to organizations conducting studies) without parent/guardian consent after the removal of all "personally identifiable information" as defined in the section entitled "Definitions" above and provided that the district has made a reasonable determination that a student's identity will not be personally identifiable through single or multiple releases. Education Code 49074 further authorizes the district to provide de-identified statistical data to public or private agencies, postsecondary institutions, or **educational** research organizations when such actions would be "in the best educational interests of students."

AR 5125(l)

STUDENT RECORDS (continued)

34 CFR 99.31 lists objective standards under which districts may release information from de-identified records. These standards are applicable to both requests for individual, redacted records and requests for statistical information from multiple records.

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether

through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; **20 USC 1232g**; 34 CFR 99.31)

Process for Providing Access to Records

Note: Education Code 49069 **mandates** procedures for notifying parents/guardians of the location of student records if not centrally located. The following paragraph may be expanded to include notification procedures.

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians **and adult students** shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

Note: 5 CCR 431 **mandates** districts to establish written procedures to ensure the security of student records. The following three paragraphs reflect this mandate and should be modified to reflect any specific physical, technological, or administrative controls developed by the district.

34 CFR 99.31 requires districts to use "reasonable methods" to (1) ensure that school officials, employees, and outside contractors obtain access to only those records, both paper and electronic, in which they have a legitimate educational interest and (2) identify and authenticate the identity of parents/guardians, students, school officials, and any other party to whom the district discloses personally identifiable information from education records. In addition, 34 CFR 99.31 specifies that a district which does not use physical or technological access controls (e.g., a locked file cabinet or computer security limiting access) must ensure that its administrative policy for controlling access is effective and remains in compliance with the "legitimate educational interest" requirement.

The Analysis to Comments and Changes (73 Fed. Reg. 237, page 74817) suggests a balance of physical, technological, and administrative controls to prevent unauthorized access and to ensure that school officials do not have unrestricted access to the records of all students. The Analysis also clarifies that the reasonableness of the method depends, in part, on the potential harm involved. For example, high-risk records, such as social security numbers or other information that could be used for identity theft, should receive greater and more immediate protection.

AR 5125(m)

STUDENT RECORDS (continued)

In addition, as a condition of participation in an interagency data information system (e.g., California Longitudinal Pupil Achievement Data System), Education Code 49076 requires that the district develop security procedures or devices by which unauthorized personnel cannot access data in the system and procedures or devices to secure privileged or confidential data from unauthorized disclosure.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative **policy** controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

Note: 34 CFR 99.30 specifies information that must be included in the parent/guardian consent form, as provided below. The provisions in the following two paragraphs are required pursuant to the California Attorney General's model policy developed pursuant to Education Code 234.7, ~~as added by AB 699 (Ch. 493, Statutes of 2017)~~. See the Office of the Attorney General's publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues.

When required by law, ~~the a student's~~ parent/guardian **or an adult student** shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian **or adult student**, the district shall provide ~~him/her~~ a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian **or adult student** refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Note: Education Code 49069 and 5 CCR 431 **mandate** that the district adopt procedures for granting parent/guardian requests to inspect, review, and obtain copies of records.

Within five business days following the date of request, ~~a parent/guardian or other~~ **the** authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Note: Education Code 49069 **mandates** procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to include specific procedures for persons to request and receive the assistance of certificated personnel.

AR 5125(n)

STUDENT RECORDS (continued)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

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

The custodian of records shall also make an entry in the log regarding any request for record(s) that was denied and the reason for the denial.

Note: Although Education Code 49064 does not require the district to record access by individuals specified in items #1-5 below, the district may consider recording access by all individuals as part of the reasonable administrative controls required by 34 CFR 99.31; see section above entitled "Process for Providing Access to Records."

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest

Note: Pursuant to Education Code 234.7, as added by AB 699 (Ch. 493, Statutes of 2017), any request for student **records information** by a law enforcement agency for the purpose of enforcing immigration laws

AR 5125(o)

STUDENT RECORDS (continued)

must be reported to the Superintendent and the Board; see the accompanying Board policy. Therefore, it is recommended that the custodian of records make an entry in the log regarding any such requests, as provided in item #6 below.

6. Law enforcement personnel seeking to enforce immigration laws

The log shall be **accessible open to inspection** only **to by** the parent/guardian, adult student, dependent adult student, ~~student who is age 16 years or older or who has completed the 10th~~

~~grade~~, custodian of records, and certain state or federal officials **specified in Education Code 49064**. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

Note: Education Code 49069 **mandates** that the district adopt procedures for granting parent/guardian requests for copies of student records pursuant to Education Code 49065.

To provide copies of any student record, the district **may shall** charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

(cf. 3260 - Fees and Charges)

Changes to Student Records

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

(cf. 5125.3 - Challenging Student Records)

No additions **or change except routine updating** shall be made to a student's record after high school graduation or permanent departure, **other than routine updating, unless required by law or with** ~~without~~ prior consent of the parent/guardian or adult student. (**Education Code 49062.5, 49070**; 5 CCR 437)

~~A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.~~

Note: AB 711 (Ch. 179, Statutes of 2019) added Education Code 49062.5 and amended Education Code 49070 to require districts to update a student's or former student's records to change the student's name and/or gender, as specified below.

AR 5125(p)

STUDENT RECORDS (continued)

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to reflect the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. The

district is not required to modify records that the former student has not requested for modification or reissuance. (Education Code 49062.5)

(cf. 5145.3 - Nondiscrimination/Harassment)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)

- 1. The date of the request**
- 2. The date the requested records were reissued to the former student**
- 3. A list of the records that were requested by and reissued to the former student**
- 4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender**
- 5. The name of the employee who completed the request**
- 6. The current and former names and/or genders of the student**

Any former student who submits a request to change the legal name or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 5125.3 - Challenging Student Records.

Retention and Destruction of Student Records

Note: 5 CCR 431 mandates that the district establish written policies and procedures regarding the signing and dating of anecdotal information, as specified below.

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

AR 5125(q)

STUDENT RECORDS (continued)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

- 1. Legal name of student**
- 2. Date and place of birth and method of verifying birth date**

(cf. 5111 - Admission)

3. Sex of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given **towards graduation**

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

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

AR 5125(r)

STUDENT RECORDS (continued)

2. A log identifying persons or **agencies organizations** who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and **evidence of actions necessary to establish** eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)

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

5. Language training records

(cf. 6174 - Education for English Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or **denial prohibition** of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 - State Academic Achievement Tests)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program **and their usefulness ceases**, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings

AR 5125(s)

STUDENT RECORDS (continued)

2. Standardized test results older than three years

3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns

5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of ~~his/her~~ rights regarding student records, including **the a parent/guardian's** right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below. Once the record is received, the Superintendent or designee must inform the student's teachers of the acts; see AR 4158/4258/4358 - Employee Security.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in ~~his/her~~ **the student's** suspension or expulsion. (Education Code 48201)

(cf. 4158/4258/4358 - Employee Security)
(cf. 5119 - Students Expelled From Other Districts)

Note: Pursuant to Education Code 49068, a district is required to transfer a copy of a student's records to another school in which the student is enrolled or intends to enroll within 10 school days of receiving a request for the records. However, this would not affect a situation where a more restrictive timeline is required. For example, a district is required to transfer the records of a student who is a foster youth to the new school within two business days, pursuant to Education Code 48853.5.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record

AR 5125(t)

STUDENT RECORDS (continued)

within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records

AR 5125(u)

STUDENT RECORDS (continued)

4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so

7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49078 **49085**, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

Note: Pursuant to 34 CFR 99.34, if the district's annual parental notification contains the information described in **optional** item #13 below, the district does not need to attempt to individually notify a parent/guardian or adult student when the district discloses an education record to officials of another school, school system, or postsecondary institution (see item #5 in the list of persons/agencies with legitimate educational interests in the section entitled "~~Persons Granted Access~~ **Access for Limited Purpose/Legitimate Educational Interest**" above).

13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

Note: The following paragraph reflects the Attorney General's model policy developed pursuant to Education Code 234.7.

AR 5125(v)

STUDENT RECORDS (continued)

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

Student Records from Social Media

Note: The following **optional** section is for use by districts that have adopted a program, pursuant to Education Code 49073.6, to gather or maintain any information obtained from students' social media activity

that pertains directly to school safety or student safety. Districts that adopt such a program, as specified in the accompanying Board policy, must comply with the requirements described below. Districts that have not adopted such a program should delete the following section.

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from ~~his/her~~ **the student's** social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or ~~his/her~~ **the student's** parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
 - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or ~~his/her~~ **the student's** parent/guardian

AR 5125(w)

STUDENT RECORDS (continued)

- b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Students

BP 5131.2(a)

BULLYING

Note: Education Code 234.4, as added by AB 2291 (Ch. 491, Statutes of 2018), mandates districts to adopt, on or before December 31, 2019, procedures for preventing acts of bullying, including cyberbullying. The

following policy and accompanying administrative regulation contain sample procedures that fulfill this mandate and may be revised to reflect district practice.

In addition, Education Code 234.1 and federal law **mandate** that the Governing Board adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and ensuring the protection of complainants from retaliation. Also see BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate.

In its October 2010 Dear Colleague Letter: Harassment and Bullying, the U.S. Department of Education Office for Civil Rights (OCR) clarified that misconduct that falls under a district's general anti-bullying policy may also trigger responsibilities under one or more federal or state antidiscrimination laws if the bullying is on the basis of race, color, national origin, sex, sexual orientation, gender identity or expression, age, disability, and/or another legally protected category. Federal law requires the district to take immediate and appropriate action to investigate or otherwise determine what occurred and, if it finds that unlawful discrimination did occur, take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

OCR's October 2014 Dear Colleague Letter: Responding to Bullying of Students with Disabilities points out that any bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education and must be remedied under the federal Individuals with Disabilities Education Act. As necessary, the school may need to convene the student's individualized education program (IEP) team to determine whether the student's needs have changed as a result of the bullying and, if so, revise the IEP to ensure that the student continues to receive appropriate special education and related services.

Thus, while this policy is intended to prevent and address all types of bullying incidents among students, when "discriminatory bullying" is committed and the bullying is sufficiently serious to create a hostile educational environment for the alleged victim or to otherwise deny or limit the student's educational benefits and services, including denial of a free appropriate public education, the alleged victim must be afforded the protections specified under relevant state and/or federal law.

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

BP 5131.2(b)

BULLYING (continued)

Note: Because bullying and its effects extend beyond the school environment, collaboration among a variety of community agencies and organizations that serve youth may be helpful in preventing and responding to bullying. For further information about building a collaborative, see CSBA's publications Safe Schools: Strategies for Governing Boards to Ensure Student Success and Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement.

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

Note: Education Code 32282 encourages districts to include bullying prevention policies and procedures in their comprehensive safety plan; see BP 0450 - Comprehensive Safety Plan. In addition, Education Code 52060-52077 require the Board to adopt and annually update a local control and accountability plan which includes, among other specified state priorities, goals for addressing school climate; see BP/AR 0460 - Local Control and Accountability Plan. Pursuant to Education Code 52060, school climate should be measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

Note: Pursuant to Education Code 234.1, districts are required to adopt a process for receiving and investigating complaints involving unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) based on specified characteristics. Pursuant to 5 CCR 4600-4633, the uniform complaint procedures (UCP) must be used for this purpose. In addition, federal regulations require districts to adopt procedures providing for prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25).

Although some bullying incidents may not fall within the provisions of Education Code 234.1 or federal civil rights regulations, CSBA strongly recommends that districts use the UCP to investigate all bullying incidents (whether discriminatory or nondiscriminatory) to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of an actual or perceived membership in a legally protected class. Those bullying incidents found to involve discrimination based on the results of the investigation would then be resolved using the

BP 5131.2(c)

BULLYING (continued)

UCP. When a bullying incident is determined to be nondiscriminatory, it should be resolved through the appropriate disciplinary process. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with AR 1312.3 - Uniform Complaint Procedures.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Education Code 46600, as amended by AB 1127 (Ch. 781, Statutes of 2019), requires a district to approve an intradistrict transfer request for a victim of bullying. If there is no available school for an intradistrict transfer, the district cannot prohibit the student's interdistrict transfer. See BP/AR 5116.1 - Intradistrict Open Enrollment and AR 5117 - Interdistrict Attendance.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: (see next page)

BP 5131.2(d)

BULLYING (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

46600 Student transfers

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

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

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

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Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

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California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

Management Resources continued: (see next page)

BP 5131.2(e)

BULLYING (continued)

Management Resources: (continued)

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

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

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex, Race, Color and National Origin, and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

California Office of the Attorney General: <http://oag.ca.gov>

Center on Great Teachers and Leaders: <https://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <https://casel.org>

Common Sense Media: <http://www.commonsensemedia.org>

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

Partnership for Children and Youth: <https://www.partnerforchildren.org>

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

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CSBA Sample Administrative Regulation

Students

AR 5131.2(a)

BULLYING

Note: Education Code 234.4, as added by AB 2291 (Ch. 491, Statutes of 2018), mandates districts to adopt, on or before December 31, 2019, procedures for preventing acts of bullying, including cyberbullying. The following administrative regulation may be revised to reflect district practice.

Definitions Examples of Prohibited Conduct

Note: The following section reflects definitions and examples of bullying and cyberbullying contained in the California Department of Education's (CDE) Bullying Module and may be revised to reflect district practice.

Education Code 48900 defines "bullying," including bullying via an electronic act, for purposes of establishing grounds for suspension or expulsion. See AR 5144.1 - Suspension and Expulsion/Due Process. In addition, Penal Code 653.2 makes it a crime to distribute another person's personally identifiable information electronically with the intent to place that person in reasonable fear of the person's own or a family member's safety and for the purpose of imminently causing harassment or injury by a third party.

Bullying is an ~~unwanted~~, aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and ~~may~~ involves a **single severe act** or repetition or potential repetition of a deliberate act. **Bullying includes, but is not limited to, any act described in Education Code 48900(r).**

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6163.4 - Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: **An act** that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: **An act** that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm

AR 5131.2(b)

BULLYING (continued)

3. Social/relational bullying: **An act** that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: **An act** such as sending demeaning or hateful text messages or emails, ~~sending~~ **spreading** rumors by email or by posting on social networking sites, or posting ~~or~~ **sharing** embarrassing photos, videos, web site, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

2. Providing **information** to students, through student handbooks, **district and school web sites and social media**, and other age-appropriate means, ~~information~~ about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as ~~classrooms~~, playgrounds, hallways, restrooms, and cafeterias

Note: ~~Although Pursuant to Education Code 234.1, the district must requires the district to~~ adopt a policy requiring school personnel who witness acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against ~~a students based on the actual or perceived status of the student belonging to a protected class~~ to take immediate steps to intervene when it is safe to do so. ~~It, it~~ is recommended that districts apply this policy equally to all students; ~~also~~. Also see AR 5145.3 - Nondiscrimination/Harassment.

5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

AR 5131.2(c)

BULLYING (continued)

Staff Development

Note: Education Code 32283.5, ~~as amended by AB 2291~~, requires districts to make available annually, to certificated staff and all other employees who have regular interaction with students, the CDE's online Bullying Module described below.

The Superintendent or designee shall **annually make available to all certificated staff and to other employees who have regular interaction with students** the California Department of Education's **(CDE)** online training module on the dynamics of bullying and cyberbullying, ~~which includes~~ **including** the identification of bullying and cyberbullying and the implementation of

strategies to address bullying, ~~available annually to all certificated staff and to other employees who have regular interaction with students.~~ (Education Code 32283.5)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Pursuant to Education Code 234.7, districts are **mandated** to adopt policy, equivalent to that developed by the Attorney General, which requires the provision of staff training with the components specified below.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Information and Resources

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts to make specified information on bullying and harassment prevention readily accessible on their web sites beginning in the 2020-21 school year. The following list reflects, but does not reproduce in exact form, all the items specified in Education Code 234.6.

AR 5131.2(d)

BULLYING (continued)

The Superintendent or designee shall post on the district's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

Note: Education Code 215 mandates that any district serving students in grades 7-12 adopt a policy on student suicide prevention, intervention, and postvention; see BP/AR 5141.52 - Suicide Prevention. As amended by AB 1767 (Ch. 694, Statutes of 2019), Education Code 215 mandates policy on suicide prevention, intervention, and postvention for grades K-6 by 2020-21 school year. Districts that do not maintain any of grades K-6 should modify item #1 accordingly.

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6

(cf. 5141.52 - Suicide Prevention)

2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8

3. Title IX information included on the district's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6

4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media

6. A link to statewide resources, including community-based organizations, compiled by the CDE pursuant to Education Code 234.5.

7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

(cf. 1113 - District and School Web Sites)

AR 5131.2(e)

BULLYING (continued)

Student Instruction

Note: California content standards related to student education about bullying and violence prevention (e.g., recognizing the characteristics of bullying, examining the effects of bullying on others, demonstrating what to say and do when witnessing bullying) are addressed within the health education content standards adopted by the State Board of Education.

47 USC 254 mandates districts that receive e-rate discounts to adopt a policy which addresses educating students about appropriate online behavior, including the interaction with other individuals on social networking web sites and in chat rooms, as well as providing information about cyberbullying awareness and response. See BP 6163.4 - Student Use of Technology for language implementing this mandate.

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character/~~values education~~ **development**, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)

Note: Education Code 234.7 requires districts to educate students about the negative impact of bullying based on actual or perceived immigration status or religious beliefs and customs. The following paragraph reflects the California Attorney General's model policy developed pursuant to Education Code 234.7, contained in the Office of the Attorney General's publication Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, and has been expanded to include education about the impact of bullying based on any other individual characteristic.

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Note: The remainder of this section reflects recommendations in CDE's Bullying Module and may be revised to reflect district practice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing of Complaints

AR 5131.2(f)

BULLYING (continued)

Note: The following reporting process may be revised to reflect district practice.

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

(cf. 1312.3 - Uniform Complaint Procedures)

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.

Note: Districts have the authority to monitor student use of the district's Internet system and to conduct individual searches of student accounts if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12 - Search and Seizure and BP/E 6163.4 - Student Use of Technology.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

Discipline/Corrective Actions

Note: Pursuant to Education Code 48900-48900.4, "bullying" is a ground for suspension or expulsion; see AR 5144.1 - Suspension and Expulsion/Due Process.

The courts have generally upheld discipline for off-campus student conduct that poses an identifiable threat to the safety of other students, staff, or school property or presents a risk of substantial disruption of school activities, provided that the district is able to document the impact or disruption that the conduct has, or could be expected to have, on school activities (e.g., Wynar v. Douglas County School District, Lavine v.

AR 5131.2(g)

BULLYING (continued)

Blaine School District). The court in J.C. v. Beverly Hills Unified School District found that the district would be able to discipline a student for a video recorded off campus and posted on YouTube, but that the discipline imposed on this particular student was not justified since the district did not present evidence of specific facts that led school officials to predict that the video would cause substantial disruption (e.g., the video was not violent or threatening nor did it lead to any confrontations between the students).

Consistent with these interpretations, Education Code 48900 defines bullying by means of an electronic act to include creation or transmission originating on or off the school site. Thus, for purposes of determining whether the conduct may be subject to suspension or expulsion, the act does not necessarily need to have been committed while at school, while coming to or from school, or during a school-sponsored activity. Nevertheless, the act needs to satisfy the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference

with the student's academic performance, or causing substantial interference with the student's ability to participate in or benefit from school services, activities, or privileges).

When the conduct does not rise to the level specified in Education Code 48900, the district may implement interventions other than suspension or expulsion to address the bullying. For further information, see CSBA's policy brief [Cyberbullying: Policy Considerations for Boards](#). Also see BP 5131 - Conduct and BP 5145.2 - Freedom of Speech/Expression.

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5116.2 - Involuntary Student Transfers)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

Support Services

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

AR 5131.2(h)

BULLYING (continued)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

~~*(cf. 5141.52 - Suicide Prevention)*~~

(5/19) 12/19

Policy Reference UPDATE Service

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CSBA Sample Board Policy

Students

BP 5141.21(a)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Note: The following **optional** policy and accompanying administrative regulation apply to the administration of medication to students pursuant to Education Code 49414, **49414.1**, 49414.3, 49414.5, 49423, and 49423.1 and the permissive guidelines in 5 CCR 600-611. Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), ~~authorizes districts to make emergency naloxone hydrochloride or another opioid antagonist available to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose.~~

~~Education Code 49414.7, which authorized trained, unlicensed school personnel to administer medication to students with epilepsy suffering from seizures, was repealed on its own terms effective January 1, 2017. Although the procedures in Education Code 49414.7 are no longer required, health providers may train~~

~~unlicensed school personnel to administer medication, including emergency anti-seizure medication,~~
Pursuant to the general authority in Education Code 49423 and 5 CCR 600-611, as interpreted by the California Supreme Court in American Nurses Association v. Torlakson, health providers may train unlicensed school personnel to administer medication, including emergency anti-seizure medication.

This policy and regulation do not address situations in which a district might be engaged in a collaborative arrangement with another entity for the provision of school health services to students; see BP/AR 5141.6 - School Health Services.

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should ~~have an opportunity~~ **be able** to participate in the educational program.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

(cf. 5141.24 - Specialized Health Care Services)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Note: 5 CCR 604 authorizes a parent/guardian to administer medication to ~~his/her~~ a child or designate an individual to administer the medication, as specified below. In addition, California law allows students to carry and self-administer medication needed for the treatment or management of certain medical conditions, when the district has received a written request from the student's parent/guardian and written authorization from the student's authorized health care provider, as specified in the accompanying administrative regulation. Students have legal authorization to self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine for anaphylactic reactions pursuant to Education Code 49423,

BP 5141.21(b)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

and inhaled asthma medication pursuant to Education Code 49423.1. Pursuant to 5 CCR 605, districts may choose to allow students to carry and self-administer other types of medication beyond those specifically authorized by the Education Code.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing ~~a parents/guardians~~ to administer medication to ~~his/her~~ **their** child at school, designate other individuals to do so on ~~his/her~~ **their** behalf, and, with the ~~child's~~ **student's** authorized health care provider's approval, request the district's permission for ~~his/her~~ **child** ~~the student~~ to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 - Visitors/Outsiders)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 6116 - Classroom Interruptions)

The Superintendent or designee shall make **available** epinephrine auto-injectors **available** at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

Note: The following **optional** paragraph is for use by any district that, at its discretion, chooses to make emergency naloxone hydrochloride or other opioid antagonist available at its schools for the purpose of providing emergency medical aid, pursuant to Education Code 49414.3, ~~as added by AB 1748 (Ch. 557, Statutes of 2016)~~. In choosing to make such medications available, the district should be aware of the possibility of increased liability and should consult legal counsel accordingly.

The ~~Board authorizes the~~ Superintendent or designee ~~to shall~~ make **available** naloxone hydrochloride or another opioid antagonist available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.3)

Note: Although federal law (21 USC 812, 844) prohibits the possession of cannabis, even by medical users, state law allows persons under the age of 18 to use and possess cannabis for medical use. Pursuant to Education Code 49414.1, as added by SB 223 (Ch. 699, Statutes of 2019), the Governing Board is authorized to adopt a policy that allows parents/guardians to administer medicinal cannabis to their child at school. Education Code 49414.1 does not permit or require school personnel to administer medicinal cannabis.

Option 1 is for use by districts that choose to adopt a policy allowing parent/guardian administration of medicinal cannabis at school. Because of the conflict between state and federal law, districts considering adoption of such policy should consult legal counsel regarding possible ramifications.

BP 5141.21(c)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Education Code 49414.1 authorizes the Board to subsequently amend or rescind the policy for any reason, including, but not limited to, if the district is at risk of, or has lost, federal funding as a result of the policy.

Option 2 is for use by districts that choose to prohibit the administration of medicinal cannabis at school.

OPTION 1: The parent/guardian of a student who is a qualified patient pursuant to Health and Safety Code 11362.7-11362.85 may administer medicinal cannabis, excluding medicinal cannabis or cannabis products in a smokeable or vapeable form, to the student at a school site. School personnel are not authorized to administer medicinal cannabis to a student. (Education Code 49414.1)

Note: If the Board chooses Option 1, Education Code 49414.1, as added by SB 223, mandates that the policy include the following requirements.

Before administering medicinal cannabis at a school site, the parent/guardian shall provide to the principal or designee a valid written medical recommendation for the student to be given medicinal cannabis, which shall be kept on file at the school. The parent/guardian shall sign in at the school site before administering the medication, and shall not administer the medication in a manner that disrupts the educational environment or exposes other students. After the parent/guardian administers the medication, the parent/guardian shall remove any remaining medicinal cannabis from the school site. (Education Code 49414.1)

OPTION 2: Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

Note: The following **optional** paragraph may be revised to reflect district practice. The U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention recommend that a district's emergency and disaster preparedness plan include procedures for dealing with medical emergencies, such as a pandemic flu outbreak or public disaster.

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Administration of Medication by School Personnel

Note: Various provisions of state law allow districts to train nonmedical district employees (i.e., those who

BP 5141.21(d)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

do not possess a medical license) to provide medical assistance to students at school when a credentialed school nurse or other licensed individual is unavailable. For example, Education Code 49414, 49414.3, 49414.5, 49423, and 49423.1 specifically authorize the use of trained, unlicensed school employees to administer medications to students suffering from allergic reactions, opioid overdose, severe hypoglycemia, or asthma. Moreover, in American Nurses Association v. Torlakson, the California Supreme Court held that, as with other prescription medications, state law permits trained, unlicensed school personnel to administer insulin to students where a physician has determined that unlicensed school personnel may safely and appropriately administer the medication. The medication must be administered in accordance with a written health care provider statement and parental consent.

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by

unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (~~Education Code 49414, 49414.3, 49414.5, 49423, 49423.1~~)

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference: (see next page)

BP 5141.21(e)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Legal Reference:

EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.3 Emergency medical assistance; administration of medication for opioid overdose

49414.5 Providing school personnel with voluntary emergency training

49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:
2726 Authority not conferred
2727 Exceptions in general
3501 Definitions
4119.2 Acquisition of epinephrine auto-injectors
4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist

HEALTH AND SAFETY CODE

11362.7-11362.85 Medicinal cannabis

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 21

812 Schedules of controlled substances

844 Penalties for possession of controlled substance

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

American Nurses Association v. Torlakson, (2013) 57 Cal.4th 570

Management Resources:

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to

Pupils with Diabetes, May 2006

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

Management Resources continued: (see next page)

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ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

Management Resources: (continued)

WEB SITES

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

American Diabetes Association: <http://www.diabetes.org>

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

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Students

AR 5141.21(a)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Note: The following administrative regulation reflects requirements for the administration of medication to students on a continuing medication regimen or in emergency medical situations at school or a school-related activity. The district should consult legal counsel as necessary to ensure that all legal requirements are met.

~~Education Code 49414.7, which authorized trained, unlicensed school personnel to administer anti-seizure medication to students with epilepsy, repealed on its own terms effective January 1, 2017. However, districts may choose to continue to train unlicensed school personnel to administer anti-seizure medication under~~
Pursuant to the general authority in Education Code 49423 and 5 CCR 600-611, as interpreted by the California Supreme Court in American Nurses Association v. Torlakson, health providers may train unlicensed school personnel to administer medication, including emergency anti-seizure medication. Such administration must be contingent upon a physician's written authorization for unlicensed personnel to

administer the medication to the particular student. The district may revise the following regulation to reflect any district requirements related to the administration of such medication.

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Note: Education Code 49414, as amended by AB 1386 (Ch. 374, Statutes of 2016), defines "epinephrine auto-injector" as follows:

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

AR 5141.21(b)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

(cf. 5141.23 - Asthma Management)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Note: Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), provides the following definition of "opioid antagonist." See section "Emergency Medication for Opioid Overdose" below for requirements for districts that choose to provide opioid antagonists to school nurses or other designated school personnel to administer to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

Opioid antagonist means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

Notifications to Parents/Guardians

Note: Pursuant to Education Code 48980, districts must notify parents/guardians, at the beginning of each school year, of their rights and responsibilities (see section "Parent/Guardian Responsibilities" below) under Education Code 49423 pertaining to the administration of medication by school employees and self-administration of epinephrine by students. Though notification is not required for self-administration of any medication other than epinephrine, it is recommended that the annual notification include other medications to facilitate implementation by school personnel.

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

AR 5141.21(c)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Note: The following paragraph is **optional**.

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

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

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

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

Note: Education Code 49423 and 5 CCR 600 authorize districts to administer prescribed medication only upon receipt of written statements from the student's authorized health care provider and parent/guardian. Appropriate statements must be received before students are allowed to carry and self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine pursuant to Education Code 49423, or asthma medication pursuant to Education Code 49423.1. Districts may choose to allow students to carry and self-administer other types of medication beyond those authorized by the Education Code. If so, the district should modify the following section accordingly. See the accompanying Board policy.

1. ~~Providing Submitting the~~ parent/guardian ~~written statement~~ and ~~the~~ authorized health care provider's ~~written statements~~ each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician, and updating the information when needed. (Education Code 49480)

Note: Pursuant to 5 CCR 606, the district is authorized to establish rules for the delivery and storage of medication on a school site.

3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

AR 5141.21(d)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Parent/Guardian Statement

Note: 5 CCR 603 authorizes the district to establish specific requirements regarding the parent/guardian's written statement. The following list should be modified to reflect the district's requirements.

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary,

regarding the health care provider's written statement or any other questions that may arise with regard to the medication

3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands ~~the his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility~~ to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands ~~that he/she may~~ **the right to** terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that ~~his/her child~~ **the student** be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

AR 5141.21(e)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to ~~his/her child~~ **the student**, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

Health Care Provider Statement

Note: Education Code 49423 and 49423.1 and 5 CCR 602 list items that the authorized health care provider's written statement must contain, as specified in items #1-5 below. Districts that request additional information in the statement should modify the following list accordingly.

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)
2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)
4. If a parent/guardian has requested that ~~his/her child~~ **the student** be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)

Note: Items #6-8 below may be revised to reflect district practice.

6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

AR 5141.21(f)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

(continued)

7. Possible side effects of the medication
8. Name, address, telephone number, and signature of the student's authorized health care provider

Note: Pursuant to Education Code 49423.1, as amended by AB 743 (Ch. 101, Statutes of 2019), districts must accept a written statement pertaining to inhaled asthma medication from a physician or surgeon who is contracted with a prepaid health plan operating under the laws of Mexico that is licensed as a health care service plan in California pursuant to Health and Safety Code 1351.2 .

For self-administration of inhaled asthma medication, the district shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and

Spanish, and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

District Responsibilities

Note: The following section should be modified to reflect district practice.

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered

Note: 5 CCR 601 specifies items that districts may, but are not required to, include in the medication log, as provided in item #4 below.

4. Maintain for each student a medication log which may:

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ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

- a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
- b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

Note: 5 CCR 601 specifies items that may be included in the medication record, as detailed below. In addition, 5 CCR 607 authorizes the district to establish policies regarding documentation of medication, including the maintenance of the medication record.

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained

(cf. 5125 - Student Records)

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

(cf. 5148.2 - Before/After School Programs)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take his/her the medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

Note: 5 CCR 609 authorizes the district to establish policies regarding unused, discontinued, or outdated medication.

AR 5141.21(h)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance
14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to

administer the medication in accordance with authorized health care provider's written statement

Emergency Epinephrine Auto-Injectors

Note: Education Code 49414 requires districts to provide epinephrine auto-injectors to school nurses or other employees who volunteer and receive training, which they may use to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction.

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

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

Note: Education Code 49414 specifies topics to be included in training for employees who volunteer to be trained in the use of epinephrine auto-injectors. Education Code 49414 requires the Superintendent of Public Instruction (SPI), in consultation with specified agencies and organizations, to review the minimum standards for the training at least every five years. These standards are available on the California Department of Education's **(CDE)** web site.

AR 5141.21(i)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Education Code 49414 specifies the type of epinephrine auto-injectors that must be provided to each school and the district personnel authorized to obtain the prescriptions. The following paragraphs may be revised to reflect the position(s) assigned to fulfill this responsibility and the grade levels maintained by the district.

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in ~~his/her~~ **the employee's** personnel file. (Education Code 49414)

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

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

(cf. 3290 - Gifts, Grants and Bequests)

AR 5141.21(j)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

(cf. 3580 - District Records)

Emergency Medication for Opioid Overdose

Note: The following section is **optional**. Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), authorizes, but does not require, districts to make emergency naloxone hydrochloride or another opioid antagonist available to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. Districts that choose to provide the medication must meet specified requirements as provided below. Such districts may revise the following section to indicate the grade levels at which such medication will be available (e.g., at secondary schools only).

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind ~~his/her the~~ offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on ~~his/her the~~ offer to volunteer and that there will be no retaliation against any employee for rescinding ~~his/her the~~ offer to volunteer. (Education Code 49414.3)

Note: Pursuant to Education Code 49414.3, the training provided to designated school personnel must be based on standards adopted by the SPI in consultation with specified agencies and organizations. The SPI is required to review those standards at least once every five years. Required topics of the training include (1)

AR 5141.21(k)

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

techniques for recognizing symptoms of an opioid overdose; (2) standards and procedures for the storage, restocking, and emergency use of the medication; (3) basic emergency follow-up procedures; and (4) recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation. In addition, ~~the~~ CDE is required to include on its web site a clearinghouse for best practices in training nonmedical personnel to administer an opioid antagonist to students.

The principal or designee may designate one or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during ~~his/her~~ regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3)

A school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist for each school from an authorized physician and

surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer and retained in ~~his/her~~ **the employee's** personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Instruction

BP 6143(a)

COURSES OF STUDY

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

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

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

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

The district shall not provide any course separately on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability or require or refuse participation by any of its students on any such basis. (5 CCR 4940)

(cf. 0415 - Equity)

(cf. 5145.3 - Nondiscrimination/Harassment)

Elementary Grades

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

BP 6143(b)

COURSES OF STUDY (continued)

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

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

Secondary Grades

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

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

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

The district shall offer all otherwise qualified students in grades 7-12 a course of study that prepares them, upon graduation from high school, to meet the requirements and prerequisites for admission to California public colleges and universities and to attain entry-level employment skills in business or industry. (Education Code 51228)

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

(cf. 6141.5 - Advanced Placement)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6178 - Career Technical Education)

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

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

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

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

BP 6143(c)

COURSES OF STUDY (continued)

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

Legal Reference: (see next page)

COURSES OF STUDY (continued)

Legal Reference:

EDUCATION CODE

33319.3 *Driver education; CDE materials on road rage*

33540 *Government and civics instruction in interaction with government agencies*

48980 *Parental notifications:*

51202 *Instruction in personal and public health and safety*

51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*

51204 *Course of study designed for student's needs*

51204.5 *Social science instruction; history of California; contributions of various groups*

51210-51212 *Course of study for grades 1-6*

51220-51229 *Course of study for grades 7-12*

51241 *Exemption from physical education*

51911-51921 *Comprehensive health education*

51930-51939 *Comprehensive sexual health and HIV/AIDS prevention instruction*

51940 *Curriculum for brain and spinal cord injury prevention*

60040-60052 *Requirements for instructional materials*

66204 *Certification of high school courses as meeting university admission criteria*

HEALTH AND SAFETY CODE

11032 *Definitions of dangerous drugs*

CODE OF REGULATIONS, TITLE 5

4940 *Nondiscrimination; course access*

10020-~~10049~~ 10043 Automobile driver education and training
10060 Physical education program
UNITED STATES CODE, TITLE 20
~~6101~~ 6111-6251 School-to-Work Opportunities Act of 1994

Management Resources:

WEB SITES

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

American Health Association: <https://www.heart.org>

American Red Cross, Hands-Only CPR: <https://www.redcross.org/take-a-class>

California Career Resource Network: <http://www.californiacareers.info>

California Colleges.edu: <http://www.californiacolleges.edu>

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

California State University, Admission Requirements: http://www.csumentor.edu/planning/high_school

University of California, a-g Course Submissions: <http://www.ucop.edu/a-g>

~~Guide/ag/course_submissions~~ <https://hs-articulation.ucop.edu/guide/update-your-a-g-list/submitting-courses>

University of California, List of Approved a-g Courses:

<http://www.universityofcalifornia.edu/admissions/freshman/requirements> <https://hs-articulation.ucop.edu/agcourselist>

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CSBA Sample Administrative Regulation

Instruction

AR 6143(a)

COURSES OF STUDY

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

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

Grades 1-6

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

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

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

1. English: knowledge and appreciation of language and literature, and the skills of speaking, reading, listening, spelling, handwriting, and composition (Education Code 51210)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Mathematics: concepts, operational skills, and problem solving (Education Code 51210)

(cf. 6142.92 - Mathematics Instruction)

3. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, including instruction in: (Education Code 51210)

- a. The history, resources, development, and government of California and the United States

Instruction shall include the early history of California and a study of the role and contributions of men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic,

AR 6143(b)

COURSES OF STUDY (continued)

political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5, 60040)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

- b. The development of the American economic system, including the role of the entrepreneur and labor
- c. The relations of persons to their human and natural environments
- d. Eastern and western cultures and civilizations
- e. Contemporary issues
- f. The wise use of natural resources

(cf. 6142.5 - Environmental Education)

4. Science: biological and physical aspects, with emphasis on experimental inquiry and the place of humans in ecological systems (Education Code 51210)

(cf. 6142.93 - Science Instruction)

5. Visual and performing arts: instruction in dance, music, theatre, and visual arts aimed at developing aesthetic appreciation and creative expression (Education Code 51210)

(cf. 6142.6 - Visual and Performing Arts Education)

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

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

6. Health: principles and practices of individual, family, and community health, including instruction at the appropriate grade levels and subject areas in: (Education Code 51202, 51210)

AR 6143(c)

COURSES OF STUDY (continued)

- a. Personal and public safety and accident prevention, including instruction in emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available

(cf. 6142.8 - Comprehensive Health Education)

- b. Fire prevention
- c. The protection and conservation of resources, including the necessity for the protection of the environment
- d. Venereal disease

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

- e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body

(cf. 5131.6 - Alcohol and Other Drugs)

Note: The following item is **optional** pursuant to Education Code 51202.

f. Violence as a public health issue

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

(cf. 6142.7 - *Physical Education and Activity*)

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

8. Violence awareness and prevention

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

9. Career awareness exploration

(cf. 6178 - *Career Technical Education*)

AR 6143(d)

COURSES OF STUDY (continued)

Grades 7-12

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

Courses of study for grades 7-12 shall include the following:

(cf. 6146.1 - *High School Graduation Requirements*)

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

(cf. 6162.52 - *High School Exit Examination*)

1. English: knowledge and appreciation of literature, language, and composition, and the skills of reading, listening, and speaking (Education Code 51220)

(cf. 6142.91 - *Reading/Language Arts Instruction*)

2. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, with instruction in: (Education Code 51220)

- a. The history, resources, development, and government of California and the United States, including instruction in:

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

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

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

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

AR 6143(e)

COURSES OF STUDY (continued)

- (3) The Vietnam War, including the "Secret War" in Laos and role of Southeast Asians in that war
- (4) The Bracero program, ~~under which temporary contract laborers were imported pursuant to,~~ **in which there was a 1942 agreement between the United States and Mexico authorizing the temporary migration of laborers to the United States**

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

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

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

- c. The development of the American economic system, including the role of the entrepreneur and labor
- d. The relations of persons to their human and natural environments, including the wise use of natural resources (Education Code 51221)

(cf. 6142.5 - Environmental Education)

- e. Eastern and western cultures and civilizations

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

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

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

AR 6143(f)

COURSES OF STUDY (continued)

- 3. **Foreign World** language(s): understanding, speaking, reading, and writing, beginning not later than grade 7 (Education Code 51220)

(cf. 6142.2 - World/Foreign Language Instruction)

- 4. Physical education: with emphasis on physical activities conducive to health and vigor of body and mind, as required by Education Code 51222 (Education Code 51220)

(cf. 6142.7 - Physical Education and Activity)

- 5. Science: physical and biological aspects; emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems; appropriate applications of the interrelation and interdependence of the sciences (Education Code 51220)

(cf. 6142.93 - Science Instruction)

- 6. Mathematics: mathematical understandings, operational skills, and problem-solving procedures; algebra (Education Code 51220, 51224.5)

(cf. 6142.92 - Mathematics Instruction)

7. Visual and performing arts: dance, music, theatre, and visual arts, with emphasis upon development of aesthetic appreciation and creative expression (Education Code 51220)

(cf. 6142.6 - Visual and Performing Arts Education)

Note: The reference to "homemaking" within Education Code 51220, as amended by AB 1595 (Ch. 543, Statutes of 2019), has been changed to "family and consumer sciences."

8. Applied arts: consumer ~~and homemaking~~ **education, family and consumer sciences** education, industrial arts, general business education, or general agriculture (Education Code 51220)
9. Career technical/vocational-technical education: in the occupations and in the numbers appropriate to the personnel needs of the state and community served and relevant to the career desires and needs of students (Education Code 51220)

(cf. 6178 - Career Technical Education)

AR 6143(g)

COURSES OF STUDY (continued)

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

~~Education Code 51934, as amended by AB 329 (Ch. 398, Statutes of 2015), requires that comprehensive sexual health education include information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking. In addition, pursuant to Education Code 51225.36, as added by SB 695 (Ch. 424, Statutes of 2015), districts that require a course in health education for high school graduation must include instruction in sexual harassment and violence with specified components.~~

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

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

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

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

11. Personal and public safety, accident prevention and health, including instruction in: (Education Code 51202, 51203)
- a. Emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation (CPR) when appropriate equipment is available

Note: The following paragraph is for use by districts that require a course in health education for high school graduation; see BP 6146.1 - High School Graduation Requirements. Pursuant to Education Code 51225.6, as added by AB 1719 (Ch. 556, 2016), such districts are required to include instruction in performing compression-only cardiopulmonary resuscitation (CPR), as described below, ~~beginning in the 2018-19 school year~~. Such instruction must be based on national evidence-based emergency cardiovascular care guidelines for the performance of compression-only CPR, such as those developed by the American Heart Association or the American Red Cross, and must include hands-on practice in compression-only CPR. ~~Before the start of the 2017-18 school year, On its web site, the CDE is required to provide guidance on how to implement this requirement, including, but not limited to, who may provide instruction.~~

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

~~Beginning in the 2018-19 school year, i~~Instruction shall be provided in compression-only CPR **based on national guidelines and shall include**

AR 6143(h)

COURSES OF STUDY (continued)

~~hands-on practice. Such instruction shall be based on national evidence-based guidelines and shall include hands-on practice in compression-only CPR.~~ (Education Code 51225.6)

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 6142.8 - Comprehensive Health Education)

Note: The following two items are **optional** pursuant to Education Code 51202.

- f. Prenatal care

g. Violence as a public health issue

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

12. Violence awareness and prevention

Note: Item #13 is **optional**. Education Code 51226.7, as added by AB 2016 (Ch. 327, Statutes of 2016), as amended by AB 114 (Ch. 413, Statutes of 2019), requires the **SBE State Board of Education** to adopt a model curriculum in ethnic studies by March 31, ~~2020~~ 2021 and encourages districts to offer a course in ethnic studies based on that model curriculum as an elective course in social sciences or English language arts in at least one grade level during grades 9-12. At their discretion, districts may choose to offer a course in ethnic studies prior to the availability of the model curriculum.

13. Ethnic studies

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

In addition, the course of study for grade 7 and/or 8 may include parenting skills and education, including, but not limited to, child growth and development, parental

AR 6143(i)

COURSES OF STUDY (continued)

responsibilities, household budgeting, child abuse and neglect issues, personal hygiene, maintenance of healthy relationships, teen parenting issues, and self-esteem. (Education Code 51220.5)

(cf. 5146 - Married/Pregnant/Parenting Students)

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

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

1. Vehicle Code provisions and other relevant state laws
2. Proper acceptance of personal responsibility in traffic
3. Appreciation of the causes, seriousness, and consequences of traffic accidents
4. Knowledge and attitudes necessary for the safe operation of motor vehicles
5. The safe operation of motorcycles

6. The dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle
7. The rights and duties of a motorist **pertaining as they pertain** to pedestrians and the rights and duties of pedestrians **pertaining as they pertain** to traffic laws and traffic safety

Certification of College Preparatory Courses

Note: The following **optional** section is for use by districts that maintain grades 9-12 and may be revised to reflect district practice. Among the criteria for admission to the University of California (UC) or California State University system is a requirement that students satisfactorily complete 15 units of specified courses ("a-g" courses). In order to qualify as an "a-g" course, the course must first be submitted to and approved by UC. The district or school should develop course descriptions using the templates provided by UC and submit them through UC's online system.

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

~~According to the Frequently Asked Questions on UC's web site, UC considers the principal to be the certifying agent of the school, although the district's curriculum coordinator or an assistant principal or head counselor from the school may be assigned this responsibility.~~ The following paragraph may be revised to reflect the position in the district or school(s) that is responsible for submitting and updating "a-g" courses.

AR 6143(j)

COURSES OF STUDY (continued)

The Superintendent or designee shall identify **district** courses **that may qualify for designation as "a-g" college preparatory courses, including courses** in history-social science, English, mathematics, laboratory science, languages other than English, visual and performing arts, career technical education, and college preparatory electives. ~~that may qualify for designation as "a-g" college preparatory courses. He/she~~ **The Superintendent or designee shall submit course information any necessary information regarding each identified course** to the University of California (UC) for **"a-g" designation, including, but not necessarily limited to, the course title, subject area, grade level(s), unit value, a brief course description, prerequisites and co-requisites, texts and supplemental instructional materials used in the course, whether the school is seeking designation of the course as an honors course, and whether the course is classified as a career technical education or regional occupational program course.** ~~He/she also shall electronically submit updates to UC whenever course content changes or a course will not be offered in a particular year.~~

Notification and Information to Students in Grades 9-12

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

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

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

Note: The UC maintains a searchable web site that lists certified "a-g" courses for all regular California public high schools; see the management resources in the accompanying Board policy.

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

AR 6143(k)

COURSES OF STUDY (continued)

Note: Education Code 51225.8 requires districts, beginning with the 2020-21 school year, to provide specified information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the Dream Act application, as appropriate, at least once before grade 12. At the district's discretion, the information provided may be disseminated through in-class instruction, an existing program, family information sessions, group or individual sessions with school counselors, or other appropriate means.

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

(cf. 5145.6 - Parental Notifications)

(cf. 6164.2 - Guidance/Counseling Services)

(11/11 10/16) 12/19

Policy Reference UPDATE Service

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CSBA Sample Board Policy

Instruction

BP 6154(a)

HOMEWORK/MAKEUP WORK

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

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time and assist students in developing good study habits. Homework shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

Note: The following **optional** paragraph may be revised to specify the average number of minutes of homework that may be expected per day at each grade level, or the district may adopt an administrative regulation that contains such guidelines.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

(cf. 6011 - Academic Standards)

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives.

(cf. 4131 - Staff Development)

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

Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, **learn to work independently**, and develop good personal study habits.

BP 6154(b)

HOMEWORK/MAKEUP WORK (continued)

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines ~~also~~ shall **also** be included in student and/or parent/**guardian** handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. When a student repeatedly fails to complete ~~his/her~~ homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

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

Note: The following paragraph should be revised to reflect district practice. Pursuant to Education Code 8482.3, before-school and after-school programs operated under the After School Education and Safety Program (Education Code 8482-8484.65) and/or the federal 21st Century Community Learning Center program (Education Code 8484.7-8484.9; 20 USC 7171-7176) are required to include an educational and literacy component in which tutoring or homework assistance is provided in language arts, mathematics, history-social science, computer training, and/or science. If the district offers a before-school or after-school program under the 21st Century High School After School Safety and Enrichment for Teens program for grades 9-12 (Education Code 8420-8428; 20 USC 7171-7176), the program must include an academic assistance program, which may include homework assistance. See AR 5148.2 - Before/After School Programs. In addition, some districts offer a supervised study hall elective which high school students can take instead of other electives.

To further support students' homework efforts, the Superintendent or designee may establish and maintain ~~telephone help lines~~ **electronic forums**, provide access to school library media centers and technological resources, and/or provide before-school and after-school programs where students can receive homework assistance from teachers, volunteers, and/or student tutors. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

- (cf. 1240 - Volunteer Assistance)
- (cf. 1700 - Relations between Private Industry and the Schools)
- (cf. 3541 - Transportation Routes and Services)
- (cf. 5148 - Child Care and Development)
- (cf. 5148.2 - Before/After School Programs)
- (cf. 6112 - School Day)
- (cf. 6142.4 - Service Learning/Community Service Classes)
- (cf. 6163.1 - Library Media Centers)

BP 6154(c)

HOMEWORK/MAKEUP WORK (continued)

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

Makeup Work

Note: Pursuant to Education Code 48205, students who miss school work because of an excused absence must be given full credit for makeup work satisfactorily completed within a reasonable period of time. State law does not require districts to give full credit for makeup work following an unexcused absence. However, CSBA's governance brief Research-Supported Strategies to Improve the Accuracy and Fairness of Grades recommends that student absence be dealt with separately from determining students' academic understanding and progress. Thus, the following paragraph provides for full credit to be awarded for satisfactory completion of makeup work regardless of the reason for the absence, an approach which is consistent with BP/AR 5121 - Grades/Evaluation for Student Achievement. Also see BP/AR 5113.1 - Chronic Absence and Truancy for strategies to address excessive excused and/or unexcused absences. The district may revise the following paragraph to reflect district practice, provided that it ensures compliance with Education Code 48205.

Students who ~~miss school work~~ **are absent from school** shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the

teacher, the assignments and tests shall be ~~reasonably~~ equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

(cf. 5113 - Absences and Excuses)

The Superintendent or designee shall notify parents/guardians that no student may have ~~his/her~~ a grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

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

(cf. 5145.6 - Parental Notifications)

Suspended Students

Note: Education Code 48913.5, as added by AB 982 (Ch. 779, Statutes of 2019), requires that when a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework.

When a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is

BP 6154(c)

HOMEWORK/MAKEUP WORK (continued)

later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (Education Code 48913.5)

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

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

Legal Reference:

EDUCATION CODE

8420-8428 21st Century High School After School Safety and Enrichment for Teens

8482-8484.65 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

48205 Absences for personal reasons

48913 Completion of work missed by suspended student

48913.5 Homework assignments for suspended students

48980 Parental notifications
UNITED STATES CODE, TITLE 20
7171-7176 21st Century Community Learning Centers

Management Resources:

CSBA PUBLICATIONS

Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief,
July 2016

WEB SITES

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

California State PTA: <http://www.capta.org>

(2/99 12/16) 12/19

Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6174(a)

EDUCATION FOR ENGLISH LEARNERS

Definitions

English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and

who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

Native speaker of English means a student who has learned and used English at home from early childhood and English has been the primary means of concept formation and communication. (Education Code 306)

Identification and Assessments

Note: Education Code 52164.1 and 5 CCR 11307 require the district to administer a home language survey to all enrolled students. A sample home language survey form in English and Spanish is available on the California Department of Education's (CDE) web site.

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307, **11518.5**)

AR 6174(b)

EDUCATION FOR ENGLISH LEARNERS (continued)

Note: When the home language survey indicates that a student's proficiency in English should be tested, Education Code 313 requires the district to administer a state assessment of English language proficiency. The English Language Proficiency Assessments for California (ELPAC) are used for initial identification of language proficiency and subsequently for annual assessment of language proficiency.

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). **Prior to administering the ELPAC, the Superintendent or designee shall notify the student's parent/guardian in writing that the student will be administered the initial ELPAC.** (Education Code 313, 52164.1; 5 CCR 11518.5)

~~Each year after a student is identified as an English learner and until the student is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the~~

student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

Note: 5 CCR 11518.35 specifies "universal tools" that may be used with all students in ELPAC administration, and "designated supports" and "accommodations" that may be used with students with disabilities when specified in their individualized education program or Section 504 plan.

The Individuals with Disabilities in Education Act (20 USC 1412) requires that students with disabilities be included in all state assessments, including the ELPAC as appropriate. Pursuant to 5 CCR 11518.30, students with the most significant cognitive disabilities who cannot participate in the assessment, even with appropriate accommodations, must be given an alternate assessment of English proficiency. 34 CFR 200.16 provides that, if an English learner with a disability is unable to take the assessment with accommodations, the state accountability system must include the student's score on any part(s) of the test for which it is possible to assess the student (i.e., speaking, reading, listening, writing).

Pursuant to Education Code 56305, CDE has developed a manual, California Practitioners' Guide for Educating English Learners with Disabilities, which provides guidance on identifying, assessing, supporting, and reclassifying English learners with disabilities.

Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and 5 CCR 11518.5-11518.35.

(cf. 6159 - Individualized Education Program)

(cf. 6162.51 - State Academic Achievement Tests)

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

AR 6174(c)

EDUCATION FOR ENGLISH LEARNERS (continued)

Note: The remainder of this section specifies notifications that must be sent to parents/guardians regarding assessment results and available programs for English learners. CDE has developed sample notification letters, available on its web site in multiple translations, to notify parents/guardians of the initial identification of a student as an English learner or as initially fluent English proficient and to notify them of the results of an annual assessment.

Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to their parents/guardians must be written in English and in the primary language and may be answered by the parent/guardian in either language.

Based on the initial assessment, the student shall be classified either as initially fluent in English proficient or as an English learner. The Superintendent or designee shall notify the student's parent/guardian, in writing, of the results of the ELPAC initial assessment within 30 calendar days after the student's date of initial enrollment, or, if administered prior to the student's initial date of enrollment, up to 60 calendar days prior to such enrollment, but not before July 1 of the school year of the student's initial enrollment. The notice shall indicate whether the student met the ELPAC initial assessment criterion

for proficiency and include the district's contact information for use if the parent/guardian has questions or concerns regarding the student's classification. (5 CCR 11518.5)

Each year after a student is identified as an English learner and until the student is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The Superintendent or designee shall notify parents/guardians of their child's results on the **summative assessment of the** ELPAC within 30 calendar days following receipt of the results from the test contractor or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Education Code 52164.1; 5 CCR 11518.15)

(cf. 5145.6 - Parental Notifications)

Note: The following paragraph is for use by districts that receive federal funds under either Title I or Title III for services to English learners, and may be adapted for use by other districts. Pursuant to Education Code 440 and 20 USC 6312, districts receiving Title I or Title III funds are required to provide parents/guardians with notification of their child's identification as an English learner and placement in a language acquisition program.

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of the student's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for

AR 6174(d)

EDUCATION FOR ENGLISH LEARNERS (continued)

program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
 - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction

- b. The manner in which the program will meet the educational strengths and needs of the student
- c. The manner in which the program will help the student develop English proficiency and meet age-appropriate academic standards for grade promotion and graduation
- d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
- e. ~~Where~~ **When** the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

Note: Education Code 313.2 requires that the notice contain information in regard to (1) whether the student is a long-term English learner, or English learner at risk of becoming a long-term English learner, and (2) the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help them develop English proficiency and achieve academic standards. Districts may send an alternate notice if the definitions of long-term English learners and those at risk of becoming long-term English learners used by the district are broader than those defined in Education Code 313.1, the notice states that the definitions utilized by the district are broader, and the notice contains the information specified in item #4 below.

- 4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the

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EDUCATION FOR ENGLISH LEARNERS (continued)

- manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
- 5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
- 6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
- 7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

Language Acquisition Programs

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 enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. Each school is required to follow the process even when the district provides the language acquisition program at another school site. The following section includes the components of the process required by 5 CCR 11311 and may be expanded to reflect district practice.

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.

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EDUCATION FOR ENGLISH LEARNERS (continued)

3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
 - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program
 - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals

- c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators
- d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

- 1. A description of the programs provided, including structured English immersion
- 2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
- 3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
- 4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the

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EDUCATION FOR ENGLISH LEARNERS (continued)

appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals

- 5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
- 6. The process to request establishment of a language acquisition program not offered at the school
- 7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

Reclassification/Redesignation

The district shall ~~continue to~~ provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers and academic deficits in other areas of the core curriculum. ~~until they:~~ (5 CCR 11302)

1. ~~Demonstrate English language proficiency comparable to that of the district's average native English language speakers~~
2. ~~Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers~~

Reclassification/Redesignation

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

Note: Education Code 313 and 52164.6 and 5 CCR 11303 require that the district's reclassification process include, at a minimum, the criteria specified in items #1-4 below. Additional guidance is available on CDE's web site. The district may expand the following list to reflect any additional criteria it has established.

The procedures used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

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EDUCATION FOR ENGLISH LEARNERS (continued)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

Note: Pursuant to Education Code 313.3, as added by AB 1808 (Ch. 32, Statutes of 2018), CDE is required to develop, by June 30, 2020, a standardized teacher observation protocol for use in evaluating a student's English language proficiency, as required by item #2 below, as well as professional development tools to train teachers on the use of the protocol.

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student
3. Parent/guardian involvement, including:
 - a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate

- b. Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process

Note: Pursuant to Education Code 313, the fourth criterion requires comparison of student performance on an objective assessment of basic skills that provides an empirically established range of performance of English proficient students of the same age. A letter from CDE to district superintendents (Reclassification Guidance for 2017-18) dated April 28, 2017 clarifies that the Smarter Balanced Summative Assessment may be used as a local measure of the fourth criterion, or districts may select another local assessment. CDE correspondence, which is available on its web site, provides examples of appropriate measures ~~and is available on CDE's web site.~~

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

The student's language proficiency assessments, the participants in the reclassification process, and any decisions regarding reclassification shall be retained in the student's permanent record. (5 CCR 11305)

(cf. 5125 - Student Records)

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

Note: ~~The following optional paragraph may be revised to reflect district practice. Pursuant to 20 USC 6841, districts receiving federal Title III funding are required to report to CDE the number and percentage of English learners, including English learners with a disability, meeting state academic~~

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EDUCATION FOR ENGLISH LEARNERS (continued)

~~standards for each of four years after they are no longer receiving services under Title III. In the Federal Program Monitoring process, CDE reviews whether the district monitors the progress of reclassified students for a minimum of four years to ensure correct classification and placement of reclassified students and the provision of additional academic support as needed. Districts that do not receive Title III funding may revise the following paragraph to reflect district practice.~~

The Superintendent or designee shall monitor students for at least ~~two~~ **four** years following their reclassification to **ensure correct classification and placement and to** determine whether any additional academic support is needed.

Advisory Committees

Note: The following section should be revised to reflect district practice. Pursuant to 5 CCR 11308, a ~~parent/guardian~~ **an advisory committee on programs and services for English learners** is required for any district with over 50 English learners and for each school with over 20 English learners. Duties of the advisory committees are specified in **Education Code 52176 and 5 CCR 11308.**

~~A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level~~ **school-level English Learner Advisory Committee (ELAC) shall be established** when there are more than 20 English learners at the school. Parents/guardians of English learners, **elected by parents/guardians of English learners at the school**, shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. **The school may designate for this purpose an existing school-level advisory committee provided that it meets these criteria for committee membership.** (Education Code 52176; 5 CCR 11308)

The ELAC shall be responsible for assisting in the development of a schoolwide needs assessment, recommending ways to make parents/guardians aware of the importance of school attendance, and advising the principal and school staff in the development of a detailed master plan for English learners for the individual school and submitting the plan to the Governing Board for consideration for inclusion in the district master plan. (Education Code 52176)

Note: Pursuant to 5 CCR 11308, each school-level English Learning Advisory Committee (ELAC) is entitled to elect at least one member to the District English Learner Advisory Committee (DELAC). If there are more than 30 ELACs in the district, the district may use a system of proportional or regional representation. The following paragraph may be revised to reflect district practice.

When the district has more than 50 English learners, the Superintendent or designee shall establish a District English Learner Advisory Committee (DELAC), the majority of whose membership shall be composed of parents/guardians of English learners who are not employed by the district. Alternatively, the district may use a subcommittee of

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EDUCATION FOR ENGLISH LEARNERS (continued)

an existing districtwide advisory committee on which parents/guardians of English learners have membership in at least the same percentage as English learners represent of the total number of students in the district. (Education Code 52176)

Note: 5 CCR 11308 delineates the duties of the DELAC, as provided below. The list of DELAC duties on the CDE's web site omits item #5, administration of the annual language census.

~~The district's English language advisory committee~~ **DELAC shall advise the Governing Board on at least the following tasks: (5 CCR 11308)**

- 1. ~~The development of a~~ Developing a district master plan** for education programs and services for English learners, taking into consideration the school site plans for English learners
- 2. ~~The~~ Conducting a districtwide needs assessment on a school-by-school basis**

3. ~~Establishment of~~ **Establishing** a district program, goals, and objectives for programs and services for English learners
4. ~~Development of~~ **Developing** a plan to ensure compliance with applicable teacher or **instructional** aide requirements
5. ~~Administration of~~ **Administering** the annual language census
6. ~~Review of~~ **Reviewing** and **commenting** on the district's reclassification procedures
7. **Reviewing and commenting on the required written parental notifications**

(cf. 0420 - School Plans/Site Councils)
 (cf. 1220 - Citizen Advisory Committees)
 (cf. 5020 - Parent Rights and Responsibilities)
 (cf. 6020 - Parent Involvement)

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

LCAP Advisory Committee

Note: The following section is applicable if the district's student enrollment includes at least 15 percent English learners, with at least 50 students who are English learners. Education Code 52063 requires that such districts establish an English learner parent advisory committee to review and comment on the district's

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EDUCATION FOR ENGLISH LEARNERS (continued)

local control and accountability plan; see BP 0460 - Local Control and Accountability Plan. 5 CCR 15495 requires this committee to include a majority of parents/guardians of English learners.

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 15495)

(cf. 0460 - Local Control and Accountability Plan)

~~The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could~~ **DELAC may also** serve as the LCAP English learner advisory committee ~~if its composition includes a majority of parents/guardians of English learners.~~

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6175(a)

MIGRANT EDUCATION PROGRAM

Note: The following **optional** administrative regulation reflects requirements of the migrant education program established pursuant to federal Title I, Part C (20 USC 6391-6399) and Education Code 54440-54445 and should be revised to reflect the district's agreement with the regional service center.

Eligibility

Note: Student eligibility for migrant education services is based on criteria delineated in 20 USC 6399, ~~as amended by the Every Student Succeeds Act (P.L. 114-95)~~, and 34 CFR 200.81. Eligibility is established through an interview conducted by a migrant education recruiter, who is employed by either the regional service center or district and has received specialized training and authorization to identify and recruit families for the migrant education program. Recruitment and identification procedures are detailed in the California Department of Education's (CDE) 2017 State Service Delivery Plan.

Pursuant to 34 CFR 200.89, regional service centers are required to annually validate eligibility through the re-interview of parents/guardians of a randomly selected sample of students previously identified as migrant.

Students age 3 to 21 years shall be eligible for the district's migrant education program if they, their parents/guardians, or their spouses are migratory agricultural workers or fishers who, in the preceding 36 months, moved into the district due to economic necessity and engaged in new temporary or seasonal employment or personal subsistence in agriculture or fishing. If such employment was not secured soon after the move, students may be considered migrant students if they, their parents/guardians, or their spouses actively sought such new employment and have a recent history of moves for temporary or seasonal agricultural or fishing employment. (20 USC 6399; 34 CFR 200.81)

Note: The last sentence of the following paragraph should be deleted by districts that do not offer classes at the secondary level.

A student who ceases to be a migrant student during a school term shall be eligible for services until the end of the term. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year. Students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 USC 6394)

Enrollment

Note: The following section reflects enrollment rights granted to migrant students pursuant to Education Code 48204.7, as added by AB 1319 (Ch. 458, Statutes of 2019).

A migrant student shall be immediately enrolled in the district even if the student:
(Education Code 48204.7)

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MIGRANT EDUCATION PROGRAM (continued)

- 1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended**

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

- 2. Does not have clothing normally required by the school, such as school uniforms**

(cf. 5132 - Dress and Grooming)

- 3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, medical records, including, but not limited to, records or other proof of immunization history, or other documentation**

(cf. 5111.1 - District Residency)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

If a migrant student experiences a change in residence, the student may remain enrolled in the school of origin for the duration of the student's status as a migrant student. (Education Code 48204.7)

If a student's status as a migrant student changes during a school year, the Superintendent or designee shall allow the student to continue at the school of origin through the duration of that school year or, if the student is enrolled in a high school, through graduation. (Education Code 48204.7)

A migrant student who is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area to provide the student the benefit of matriculating with peers in accordance with the established feeder patterns of school districts. A migrant student who is transitioning to a middle school or high school designated for matriculation in another school district shall be allowed to enroll in that school. (Education Code 48204.7)

The Superintendent or designee shall inform a migrant student and the student's parent/guardian of the impact of remaining in the school of origin on the student's eligibility to receive migrant education services pursuant to Education Code 54440-54445. (Education Code 48204.7)

The Superintendent or designee may, but is not required to, provide transportation to enable a migrant student to attend the school of origin, unless otherwise required by federal law. (Education Code 48204.7)

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MIGRANT EDUCATION PROGRAM (continued)

Student Records

Note: Pursuant to 34 CFR 200.89, CDE and agencies operating migrant education programs must maintain a Certificate of Eligibility form and any additional documentation needed to confirm each student's eligibility.

Education Code 234.7 prohibits the collection of information or documents regarding the citizenship or immigration status of students or their family members, except as required by law or to administer a state or federally supported educational program. If the district becomes aware of the citizenship or immigration status of any student, it is prohibited from disclosing that information to U.S. Immigration and Customs Enforcement. See BP/AR 5145.13 - Response to Immigration Enforcement.

The Superintendent or designee shall maintain records documenting the eligibility of students enrolled in the district's migrant education program. However, the district shall not collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining eligibility for migrant education services.

(cf. 5125 - Student Records)

(cf. 5145.13 - Response to Immigration Enforcement)

Note: 20 USC 6398 requires districts receiving migrant education funds to make student records available at no cost to another district that requests the records, if the request is made to meet the needs of a migrant student. State law requiring the transfer of records for all students is reflected in BP/AR 5125 - Student Records. In California, the Migrant Student Information Network, developed and maintained by WestEd, assists CDE and each regional center with migrant student data collection and reporting.

The Superintendent or designee shall acquire education and health records from migrant students' previous school districts, as appropriate.

When a migrant student transfers to another district, the student's records shall be provided to the receiving district upon request at no cost in order to assist that district in meeting the needs of the student. (20 USC 6398)

Program Components

Note: The following section may be revised to reflect the district's service agreement with the regional service center.

The migrant education program shall include all of the following components: (Education Code 54443.1)

1. A general needs assessment summarizing the needs of the population to be served
2. A comprehensive program to meet the educational, health, and related needs of participating students which supplements the district program and includes, but is not limited to:

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MIGRANT EDUCATION PROGRAM (continued)

- a. Instructional services, including academic, remedial and compensatory, bilingual-crosscultural, and career technical instruction

(cf. 6174 - Education for English Learners)

(cf. 6177 - Summer Learning Programs)

(cf. 6178 - Career Technical Education)

- b. Counseling and career education services

(cf. 6164.2 - Guidance/Counseling Services)

- c. Preschool services in accordance with Education Code 54443

(cf. 5148.3 - Preschool/Early Childhood Education)

- d. Other educational services that are not otherwise available in sufficient quantity or quality to eligible migrant students

- e. The acquisition of instructional materials and equipment necessary to adequately provide the appropriate services
- f. Other related services to meet the special needs of eligible migrant students to enable them to participate effectively in instructional services
- g. The coordination and teaming of existing resources serving migrant students, such as bilingual-crosscultural education, health screening, and compensatory education

(cf. 5141.6 - School Health Services)

(cf. 5147 - Dropout Prevention)

(cf. 6171 - Title I Programs)

- 3. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment, including assessments concurrently provided pursuant to compensatory education, bilingual-crosscultural education, school improvement programs, and other programs serving the student
- 4. A brief individual learning plan listing the services to be provided to each student, which shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and when the student moves to a new district
- 5. Staffing and staff development plans and practices to meet the needs of students and implement the program

(cf. 4131 - Staff Development)

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MIGRANT EDUCATION PROGRAM (continued)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

- 6. Parent/guardian and community involvement as specified in Education Code 54444.2, including, but not necessarily limited to, the establishment of a parent/guardian advisory council to actively involve parents/guardians in planning, operating, and evaluating the district's migrant education program

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

Note: 20 USC 6394 requires "the same" parent involvement in migrant education programs as is required for Title I programs for disadvantaged students (see BP/AR 6020 - Parent Involvement), unless extraordinary circumstances make such provision impractical.

The migrant education program shall provide for the same opportunities for parent/guardian involvement that are provided to parents/guardians for federal Title I programs. (20 USC 6394)

7. Evaluations which include annual student progress and overall program effectiveness and quality control reports

Note: The following **optional** paragraph is for use by districts that offer a Migrant Education Even Start family literacy program pursuant to 20 USC 6381-6381k and 34 CFR 200.80 and may be revised to reflect district practice.

Contingent upon funding, the district shall provide home-based and/or school-based family literacy services to migrant families to enhance literacy levels, parenting skills, and English language skills of parents/guardians.

Summer School

Note: Pursuant to Education Code 54444.3, each district receiving federal migrant education funding is required to conduct summer school programs for eligible migrant students. Before establishing the program, the district must submit an application for approval to the Superintendent of Public Instruction. The following section may be revised to reflect the grade levels offered by the district.

The district shall conduct summer school program(s) for eligible migrant students. The summer school program shall respond to the individual needs of participating students and shall build on and be consistent with the instructional programs offered to these students during the regular school year. Coursework shall be of the same level of difficulty in each subject as that provided to students enrolled in regular classes of instruction within the district in the preceding year. (Education Code 54444.3)

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MIGRANT EDUCATION PROGRAM (continued)

Teachers in the summer school program shall have cultural training or background and understanding of the special needs of migrant students and possess the proper credential for the subjects and grade levels to which they are assigned. (Education Code 54444.3)

The program shall comply with the following requirements for instructional time: (Education Code 54444.3)

1. For kindergarten class, a minimum of 180 minutes per day, including recesses, for not less than 20 instructional days
2. For grades 1-8, a minimum of 200 minutes per day, including recesses and passing time but excluding noon intermissions, for not less than 20 instructional days
3. For grades 7-12, a minimum of 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 instructional days

When district facilities that are suitable for the summer climate are available, the district shall make facilities available at cost to other agencies that request facilities for the operation of migrant summer school programs. When approved by the Superintendent of Public Instruction, the district may jointly offer facilities with a neighboring district to meet the needs of the migrant summer school program for the entire area. (Education Code 54444.3)

Applicability of Graduation Requirements

Note: The following section is for use by districts maintaining high schools.

To obtain a high school diploma, migrant students shall complete all courses required by Education Code 51225.3 and shall generally fulfill any additional **local** graduation requirements prescribed by the Board.

(cf. 6146.1 - High School Graduation Requirements)

Note: Whenever a migrant student transfers between districts or schools in grades 11-12, Education Code 51225.1, ~~as amended by AB 2121 (Ch. 581, Statutes of 2018)~~, exempts such students from the requirement to complete district-established graduation requirements that are in addition to the state requirements, under the conditions described below. Also see BP 6146.1 - High School Graduation Requirements.

However, when a migrant student who has completed the second year of high school transfers into the district or transfers between high schools within the district, the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the transfer, the Superintendent

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MIGRANT EDUCATION PROGRAM (continued)

or designee shall notify the student and the student's parent/guardian of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student no longer meets the definition of a migrant student. (Education Code 51225.1)

(cf. 5145.6 - Parental Notifications)

To determine whether a migrant student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer or the length of school enrollment, whichever qualifies the student for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any migrant student who is granted an exemption and the student's parent/guardian how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide

information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a migrant student to transfer schools in order to qualify for an exemption, and no request for a transfer solely to qualify for an exemption shall be made by a migrant student or parent/guardian. (Education Code 51225.1)

If a migrant student is exempted from local graduation requirements, the exemption shall continue to apply after the student no longer meets the definition of a migrant student if the student is still enrolled in school or transfers to another school or district. (Education Code 51225.1)

Upon making a finding that a migrant student is reasonably able to complete district graduation requirements within a fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Inform the student and parent/guardian of the student's option to remain in school for a fifth year to complete the district's graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution
2. Provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or parent/guardian, permit the student to stay in school for a fifth year to complete the district's graduation requirements

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MIGRANT EDUCATION PROGRAM (continued)

Parent Advisory Council

The parent advisory council shall be comprised of members who are knowledgeable of the needs of migrant students and shall be elected by the parents/guardians of students enrolled in the district's migrant education program. The composition of the council shall be determined by the parents/guardians at a general meeting to which all parents/guardians of participating students shall be invited. The parents/guardians shall be informed, in a language they understand, that they have the sole authority to decide on the composition of the council. (Education Code 54444.2)

At least two-thirds of the advisory council shall consist of parents/guardians of migrant students. (Education Code 54444.2)

All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students,

shall be nominated by the groups they represent. All other community candidates shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall: (Education Code 54444.4)

1. Establish program goals, objectives, and priorities
2. Review annual needs assessments, program activities for each school, and individual learning plans
3. Advise on the selection, development, and reassignment of migrant education program staff
4. Participate actively in planning and negotiating program applications and service agreements
5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement a training program for advisory council members to enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)

The Superintendent or designee shall provide the council, without charge, a copy of all applicable state and federal migrant education statutes, rules, regulations, guidelines, audits, monitoring reports, and evaluations. Upon request, these materials also shall be provided without charge to each member of the council. (Education Code 54444.2)

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MIGRANT EDUCATION PROGRAM (continued)

Notification and Complaints

Note: Education Code 51225.1 and 51225.2, as amended by AB 2121, provide that complaints of noncompliance with specified requirements related to the educational rights of migrant students may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to CDE and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

Information regarding the educational rights of migrant students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of migrant students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

(7/09, 12/18), 12/19

Policy Reference UPDATE Service

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CSBA Sample Board Bylaw

Board Bylaws

BB 9150(a)

STUDENT BOARD MEMBERS

Note: The following **optional** Board bylaw is for use by any district maintaining one or more high schools. Pursuant to Education Code 35160, the Governing Board may, on its own authority, elect to include one or more student members on the Board. In districts that do not have a student Board member, the district's high school students may petition the Board, pursuant to Education Code 35012, to include at least one student on the Board. See section on "Petition" below for additional information regarding student petitions.

In order to enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

Note: Education Code 35012 and 35120, as amended by AB 709 (Ch. 437, Statutes of 2019), authorize the Board to award elective course credit for service as a student Board member, as specified below.

Student Board members may, at the Board's discretion, receive elective course credit for service as a student Board member based on the number of equivalent daily instructional minutes for the student Board member's services provided. (Education Code 35012, 35120)

Note: Pursuant to Education Code 35012, student Board members are entitled to reimbursement for mileage expenses to the same extent as other members of the Board. This law does not address other travel expenses that may be incurred by student Board members related to training or to the performance of authorized services. As such, other travel expenses are not necessarily reimbursable for student Board members, except with prior Board approval.

Student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board, but shall not receive **monetary** compensation for attendance at Board meetings. (Education Code 35012)

(cf. 3350 - Travel Expenses)

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

A student Board member shall not be liable for any acts of the Board. (Education Code 35012)

(cf. 9323.2 - Actions by the Board)

Petition

Note: If petitioned by the district's high school students pursuant to Education Code 35012, the Board is required to include at least one student on the Board and, at its discretion, may include more than one student Board member. Districts that have already established student Board member position(s) should delete the following section.

BB 9150(b)

STUDENT BOARD MEMBERS (continued)

~~Education Code 35012, as amended AB 261 (Ch. 257, Statutes of 2017) and SB 468 (Ch. 283, Statutes of 2017), grants preferential voting rights to student Board members without requiring students to submit a petition to the Board for such rights. See "Role and Responsibilities of Student Board Members" below for additional information regarding preferential voting.~~

High school students may submit a petition to the Board requesting the appointment of at least one student Board member. (Education Code 35012)

To qualify for Board consideration, the petition for student representation shall contain the signatures of no less than 500 regularly enrolled high school students or no less than 10 percent of the number of regularly enrolled high school students, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall order the inclusion of at least one student member on the Board. (Education Code 35012)

Election of Student Board Member

Note: The following section may be revised to reflect district practice. Pursuant to Education Code 35012, when student representation is established in response to a student petition, student Board members must be ~~elected~~ **chosen** by the students enrolled in ~~district~~ high school(s). It is recommended that the district apply the same process when a student Board member position is established at the Board's discretion. The following paragraph may be revised accordingly.

Student Board member positions shall be filled by a vote of students enrolled in the high school(s) in accordance with procedures prescribed by the Board. (Education Code 35012)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6145 - Extracurricular and Cocurricular Activities)

The term of student Board member(s) shall be one year, commencing on July 1. (Education Code 35012)

Role and Responsibilities of Student Board Members

Student Board member(s) shall have the right to attend all Board meetings except closed (executive) sessions. (Education Code 35012)

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

BB 9150(c)

STUDENT BOARD MEMBERS (continued)

Note: Education Code 35012, ~~as amended by SB 468 (Ch. 283, Statutes of 2017)~~, requires that student Board members receive meeting materials and staff briefings at the same time as other Board members. Any briefings presented to the Board need to comply with Brown Act requirements.

Education Code 35012, as amended by AB 709, requires that student Board members also receive all non-closed session materials given to other Board members by the district between open meetings.

All materials presented to Board members, except those related to closed sessions, shall be presented to student Board members at the same time they are presented to ~~voting other~~ Board members. Student Board member(s) shall also be invited to attend staff briefings or be provided with a separate staff briefing within the same timeframe as the briefing of other Board members. **In addition, all materials given to Board members by the district between**

meetings, except for materials that pertain to closed session items, shall be distributed to student Board members. (Education Code 35012)

(cf. 9322 - Agenda/Meeting Materials)

Student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues. (Education Code 35012)

Note: Education Code 35012, as amended by AB 261 (Ch. 257, Statutes of 2017) and SB 468 (Ch. 283, Statutes of 2017), grants preferential voting rights to student Board members.

Student Board member(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. *Preferential voting* means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote. (Education Code 35012)

(cf. 9324 - Minutes and Recordings)

Note: Pursuant to Education Code 35012, the Board may adopt a resolution authorizing its student Board member(s) to make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. The following optional paragraph is for use by districts that have adopted a resolution granting such authority.

Student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

Note: Education Code 35012, as amended by AB 709, requires student Board members to be appointed to subcommittees of the Board in the same manner as other Board members, and as specified below.

BB 9150(d)

STUDENT BOARD MEMBERS (continued)

Student Board members shall be appointed to subcommittees of the Board in the same manner as other Board members, be made aware of the time commitment required to participate in subcommittee meetings and work, and have the right to decline an appointment. The availability of all subcommittee members, including the availability of student Board members, may be considered when scheduling subcommittee meetings. (Education Code 35012)

(cf. 9130 - Board Committees)

Note: Education Code 35012, as amended by AB 709, requires that student Board members be invited to attend functions of the Board, as provided below.

Student Board members shall be invited to attend functions of the Board, such as forums, meetings with students and parents/guardians, and other general assemblies. (Education Code 35012)

Student Board members shall not be considered members of a legislative body for purposes of the Brown Act. (Education Code 35012)

A student Board member shall not be counted in determining whether a quorum of the Board is in attendance.

~~A student Board member shall not be liable for any acts of the Board. (Education Code 35012)~~

~~(cf. 9323.2 - Actions by the Board)~~

~~Student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board but shall not receive compensation for attendance at Board meetings. (Education Code 35012)~~

~~(cf. 3350 - Travel Expenses)~~

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

Student Board Member Development Training

Note: The following section is **optional**. Trainings for student Board members are available through CSBA's Annual Education Conference and statewide associations such as the California Association of Student Councils and California Association of Student Leaders.

The Superintendent or designee may, at district expense, provide learning opportunities to student Board members through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their

BB 9150(e)

STUDENT BOARD MEMBERS (continued)

knowledge, understanding, and performance of **leadership skills and** their Board responsibilities.

~~(cf. 9240 - Board Training)~~

The Superintendent or designee may periodically provide **an orientation for information to** student Board member candidates to give them an understanding of the **responsibilities and expectations of Board service position. Once elected or appointed, incoming student Board members shall be provided an orientation designed to build knowledge of the district and an understanding of the responsibilities and expectations of the position.**

~~(cf. 9230 - Orientation)~~

Alternate Student Board Member

Note: Education Code 35012, as amended by AB 709, authorizes the Board to appoint a student to serve as an alternate student Board member if the Board determines that the student Board member's duties are not being fulfilled.

If the Board determines that the student Board member's duties are not being fulfilled, the Board may appoint another student to serve as an alternate student Board member. If an alternate student Board member is appointed, the Board shall suspend the prior student Board member's rights and privileges related to service on the Board. (Education Code 35012)

Elimination of Position

Note: Education Code 35012 requires a majority vote of all voting members of the Board in order to eliminate a student Board member position that was established in response to a student petition. It is recommended that the district apply the same requirement when the position is established at the Board's discretion. The following paragraph may be revised accordingly.

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)

Legal Reference: (see next page)

BB 9150(f)

STUDENT BOARD MEMBERS (continued)

Legal Reference:

EDUCATION CODE

33000.5 *Appointment of student member to State Board of Education*

35012 *Board members; number, election and terms; student members*

35120 Course credit for student board members

35160 *Authority of governing boards*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

54950-54964 Ralph M. Brown Act

Management Resources:

WEB SITES

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

California Association of Student Councils: <http://www.casc.net>

California Association of Student Leaders: <http://www.caslboard.com>
National School Boards Association: <http://www.nsba.org>

(12/15 12/17) 12/19

Policy Reference UPDATE Service

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BOARD AGENDA ITEM

PUBLIC HEARING & COMMENTS- PRELIMINARY ENVIRONMENTAL ASSESSMENT- HAMILTON UNION HIGH SCHOOL EXPANSION

The Hamilton Unified School District (HUSD) is pursuing purchase of a 45 acre site adjacent to the current High School as an extension of the current high school campus. As part of the California Department of Education's (CDE) site permitting process, the District is required to prepare a Preliminary Environmental Assessment (PEA) of the property, to determine if any harmful agents, such as pesticides, harmful metals and other substances may be on the site. The District has completed a draft final PEA for the property, and is now required to present the draft report to the public.

Pursuant to California Education Code Section 17213.1 (a) (6), the District is required to notify the public concurrently with the submission of the draft PEA report to Department of Toxic Substances Control (DTSC), and provide a minimum 30-day public comment period.

The public comment period will begin on February 17, 2020 and end on March 20, 2020 (32 days), with the public meeting scheduled during the District Board meeting on February 26, 2020. The District plans to post copies of the draft final PEA report beginning February 17, 2020 at the following locations: the District office; the District website; and the local branch library.

The District is also required to hold a Public Hearing, to take comments from the public on the proposed PEA. This is that public hearing; any comments or questions from this hearing or communication to the District on this subject will be forwarded to DTSC for incorporation in their review.

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DRAFT
PRELIMINARY ENDANGERMENT ASSESSMENT
Hamilton Union High School Expansion

February 7, 2020

Prepared For:

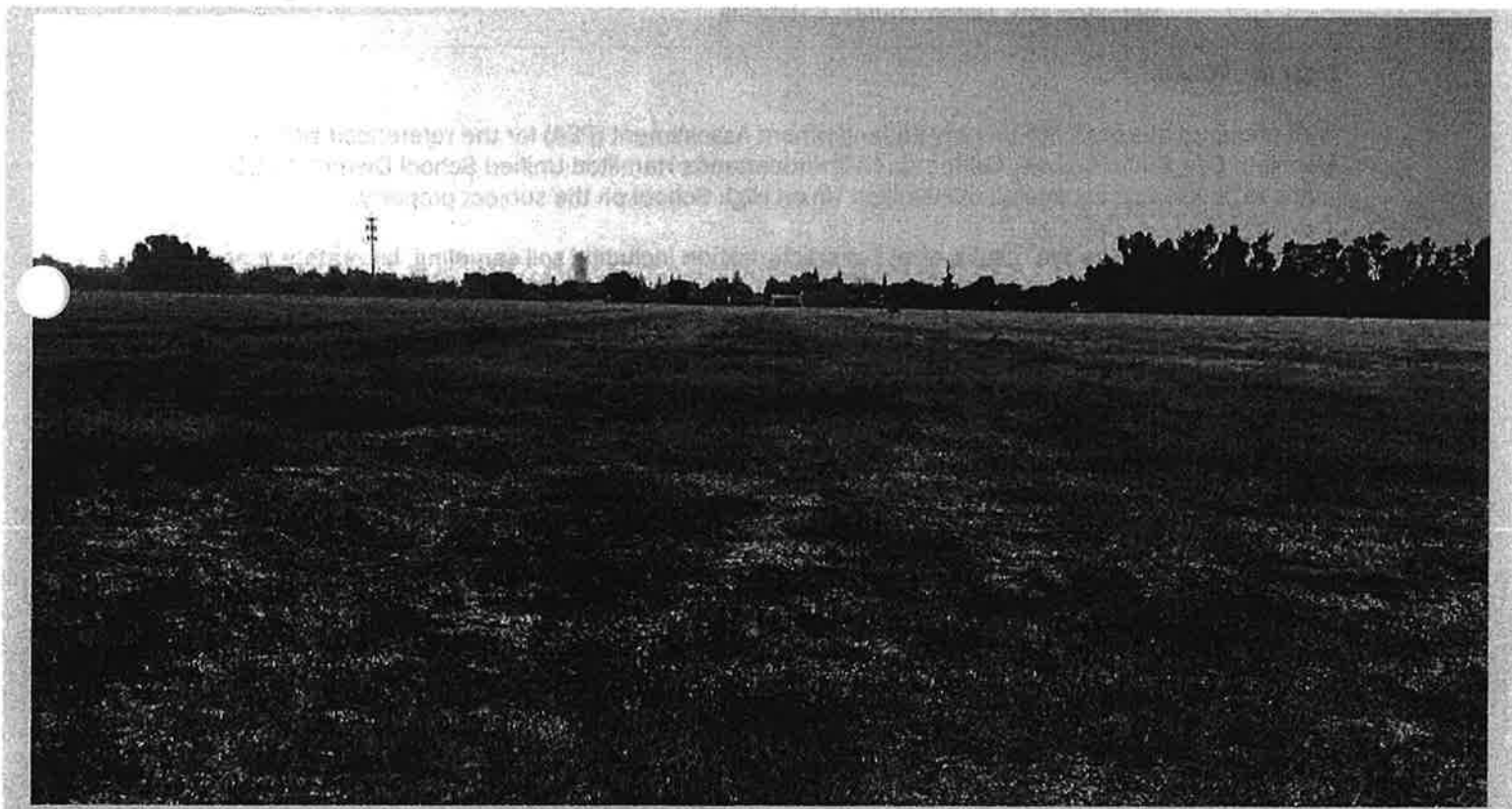
HAMILTON UNIFIED SCHOOL DISTRICT

Attn: Mr. Jeremy Powell, Superintendent

P.O. Box 488

Hamilton City, CA 95951

530.826.3261 ext. 6005 | JPowell@husdschools.org



N|V|5

48 Bellarmine Court
Suite 40
Chico, CA 95929

70779.02

February 7, 2020
Project No. 70779.01

Hamilton Unified School District
Attn: Jeremy Powell, Superintendent
P.O. Box 488
Hamilton City, CA 95951
Phone: (530) 826-3261, ext. 6011
Email: jpowell@hudschools.org

Reference: Draft Preliminary Endangerment Assessment
Hamilton Union High School Expansion
Glenn County Assessor Parcel Number: 032-230-015
Hamilton City, Glenn County, California

Dear Mr. Powell:


NV5 prepared this draft Preliminary Endangerment Assessment (PEA) for the referenced site in Hamilton City, Glenn County, California. NV5 understands Hamilton Unified School District (HUSD) plans to develop an expansion of Hamilton Union High School on the subject property.

This report documents the results of site characterization including soil sampling, laboratory analysis and screening-level human health risk assessment. The assessment findings indicate that the site is a candidate for a no further action determination regarding the characterization of potential constituents of concern at the site.

NV5 appreciates the opportunity to provide environmental engineering services for the Hamilton Unified School District on this important project. If you have questions, comments, or require additional information, please contact the undersigned.

Sincerely,
NV5

Prepared by:


Heidi J. Cummings, PG 7732
Senior Geologist



Reviewed by:


Jason Muir, PE
Associate Engineer



cc: Ms. Elizabeth Tisdale, DTSC, 1 copy, 1 electronic copy to elizabeth.tisdale@dtsc.ca.gov

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- B Laboratory Reports and Chain-of-Custody Documentation
- C Data Quality Assessment
- D Summary Statistics
- E Risk Assessment

ABBREVIATIONS AND ACRONYMS

APN	Assessor Parcel Number
bgs	below ground surface
BTV	background threshold value
CCV	continuing calibration verification
CDHS	California Department of Health Services
CL	co-located
cm ²	square centimeters
COC	constituent of concern
CSD	Community Services District
CV	coefficient of variation
DDE	p,p'-dichloro-diphenyl-dichloro-ethylene
DRO	diesel range organics
DTSC	Department of Toxic Substances Control
EOA	Environmental Oversight Agreement
EPC	exposure point concentrations
ESA	Environmental Site Assessment
ESL	Environmental Screening Level
FR	field replicate
GRO	gasoline range organics
HAZWOPER	Hazardous Waste Operations and Emergency Response
HERO	Human and Ecological Risk Office
HHRA	human health risk assessment
HHS	Hamilton High School
HI	hazard index
HUHS	Hamilton Union High School
HUSD	Hamilton Unified School District
kg	kilogram
LCS	laboratory control samples
LCSD	LCS duplicates
m ³ /day	cubic meters per day
m ³ /kg	cubic meters per kilogram
MDL	method detection limit
mg/cm ²	milligrams per square centimeter
mg/day	milligrams per day
mg/kg	milligram per kilogram
MS/MSD	matrix spike and matrix spike duplicates
MORO	motor oil range organics
NOA	naturally occurring asbestos
OCP	organochlorine pesticide
OEHHA	Office of Environmental Health Hazard Assessment
OSHA	Occupational Safety and Health Administration
OSWER	Office of Solid Waste and Emergency Response
PCB	polychlorinated biphenyls
pCi/L	picoCuries per liter
PEA	Preliminary Endangerment Assessment
PEF	particulate emission factor

ABBREVIATIONS AND ACRONYMS (Concluded)

PQL	practical quantitation limit
QA/QC	quality assurance/quality control
REC	recognized environmental condition
RL	reporting limit
RSL	regional screening level
RWQCB	Regional Water Quality Control Board
SCM	site conceptual model
SL	screening level
SR	State Route
Sunstar	SunStar Laboratories
TPH	total petroleum hydrocarbons
µg/kg	microgram per kilogram
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
UTL	upper tolerance level

EXECUTIVE SUMMARY

The purpose of this Preliminary Endangerment Assessment (PEA) is to investigate environmental conditions identified on a 45-acre property located adjacent and north of the existing Hamilton Union High School (HUHS) and east of California State Route (SR) 45/Canal Street in Hamilton City, Glenn County, California. The property is identified as Glenn County Assessor Parcel Number (APN) 032-230-015.

The property is to be developed by the Hamilton Unified School District (HUSD) as an extension of the current high school campus. The number of classrooms, administrative buildings and student capacity are not yet determined by the HUSD. The school will be served by municipal water supply.

Environmental conditions were identified at the property in a Phase I Environmental Site Assessment (ESA; September 13, 2018) prepared by NV5. The recognized environmental conditions (RECs) are summarized below:

- The possible presence of arsenic and organochlorine pesticides (OCPs) in soil from historical agricultural use of the property;
- The possible presence of arsenic and OCPs in groundwater from historical agricultural use of the property; and
- The possible presence of polychlorinated biphenyls (PCBs) in soil beneath electrical transformers on the property.

During the review process for the PEA Work Plan, the California Department of Toxic Substances Control (DTSC) identified the following elements to be addressed:

- The possible presence of contaminants in the drainage ditch on the southern edge of the property,
- The possible presence of lead in soil from historical agricultural use of the property, and
- Background metals concentrations on the property.

This PEA report was prepared in accordance with the PEA Work Plan (NV5, October 29, 2019). The PEA Work Plan was approved by the DTSC in a letter dated November 5, 2019. The PEA is intended to assess potential health risks associated with the RECs, address the additional elements identified by DTSC above, and to evaluate informational needs of the community related to the PEA site characterization. The PEA field investigation was conducted in November 2019 and included:

- Collection of soil samples from 56 locations within the boundary of former agricultural use on the property to investigate the presence of arsenic, lead and OCPs.
- Collection of soil samples from one location adjacent to the pole-mounted transformer on the property to assess the presence of PCBs.
- Collection of eight soil samples from the current HUHS campus to assess background concentrations of arsenic and lead.

- Collection of seven soil samples from the drainage ditch on the southern boundary of the property to evaluate total petroleum hydrocarbons (TPH), Title 22 Metals and OCPs.
- Collection of one groundwater sample from the onsite agricultural well to assess the presence of OCPs.

Arsenic was detected in 19 discrete samples (including field replicate and co-located samples) obtained from the upper 6 inches of soil at the site at concentrations ranging from 4.1 to 6.4 milligrams per kilogram (mg/kg). Arsenic was detected in 10 background soil samples (including field replicate and co-located samples) obtained from 18 to 24 inches below ground surface (bgs) on the current HUHS campus, at concentrations ranging from 3.6 to 5.7 mg/kg.

Lead was detected in 19 discrete samples (including field replicate and co-located samples) obtained from the upper 6 inches of soil at the site at concentrations ranging from 4.28 to 5.90 mg/kg. Lead was detected within 10 background soil samples (including field replicate and co-located samples) obtained from 18 to 24 inches bgs on the current HUHS campus, at concentrations ranging from 3.72 to 4.35 mg/kg.

Diesel range organics (DRO), motor oil range organics (MORO), arsenic, barium, chromium, cobalt, copper, lead, mercury, nickel, vanadium and zinc were detected in soil samples collected in the drainage ditch on the southern boundary of the site.

One OCP compound (p,p'-dichloro-diphenyl-dichloro-ethylene [4,4-DDE]) was detected in fifteen 4-point composite samples (including field replicate and co-located samples) on the agricultural property, and in eight discrete samples (including field replicate and co-located samples) in the drainage ditch on the southern boundary of the site. OCPs were not detected in samples from the onsite agricultural groundwater well.

PCBs were not detected in soil samples collected beneath the onsite pole-mounted transformer.

A screening-level human health risk assessment (HHRA) was performed pursuant to DTSC guidance to assess potential risks from routine, long-term exposure to the chemicals detected in soil. Pursuant to DTSC guidelines, human health hazard and cancer risk are calculated on a site-wide basis, considering the hazard and risk associated with exposure to all detected chemicals including those that are determined to be consistent with background or ambient concentrations. This information is intended to be useful for risk management decisions and to foster public transparency. The hazard index (hazard or HI; $1.7E+01$) and excess lifetime cancer risk (risk; $6.2E-05$) are driven by arsenic concentrations in soil. Excluding arsenic, which was detected at concentrations that are similar to accepted background values, the hazard is $6.6E-01$ and the risk is $3.8E-08$.

Based on the findings of site characterization, it is NV5's opinion that the site is a candidate for a no further action determination regarding the characterization of arsenic, lead, OCPs, PCBs, TPH and Title 22 metals. The findings and conclusions presented herein are subject to review and approval by the DTSC.

The PEA report is submitted in draft format to DTSC for review and is revised pursuant to DTSC comments. After revision, the PEA report is resubmitted in "draft final" format for DTSC review and approval. Pursuant to the California Education Code, the HUSD is required to notify the public

concurrently with the submission of the PEA report to DTSC. The school district must publish a notice in a local newspaper of general circulation and post the notice in a prominent manner at the school site. The notice shall state the school district's determination to make the PEA available for public review and comment.

The HUSD must offer to receive written comments for a period of at least 30 calendar days after the assessment is submitted to the DTSC and must hold a public hearing to receive further comments. The following documents must be available for public review:

- The PEA Report;
- The changes requested by the DTSC for the PEA; and
- Any correspondence between the school district and the DTSC relating to the PEA.

If the PEA Report is revised or altered following the public hearing, then the HUSD must make those revisions or alterations available to the public. The DTSC will complete its review of the PEA Report and public comments received thereon and will either approve or disapprove the assessment within 30 calendar days of the close of the public review period.

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BOARD AGENDA ITEM-ACTION ITEM

PLACEWORKS CEQA STUDIES CONTRACT AMENDMENT

In PlaceWorks' CEQA proposal and contract of February 2019, they assumed a minimal level of site information needed to meet CEQA requirements, including information on the final scope and extent of the proposed project. Developing this information took significant additional time not anticipated in the original contract scope. In addition, the site boundaries for the CEQA study had to be reconciled among the CDE submittal, DTSC submittals and site survey. Additional unforeseen work was required to complete Air Quality studies to revised State standards, and additional Agricultural Analyses to develop offset strategies for the CEQA report. Finally, site studies had to be rescheduled three times due to the site owner's varying time requests.

PlaceWorks provided an initial Contract Amendment for the additional work, totaling \$18,570.00. After negotiation with District representatives, they have submitted a revised Contract Amendment Proposal totaling \$12,314.00, a 33% reduction. Approval of the proposal would keep the CEQA studies on schedule and within the proposed overall CDE studies budget.

Funding would be provided from the District's Local Bond Fund, and would not impact the General Fund.

District staff and consultants recommends approval.

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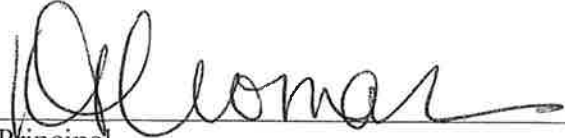
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The Placeworks Team
 Hamilton High School Expansion CEQA, Hamilton Unified School District
ADDITIONAL COST PROPOSAL

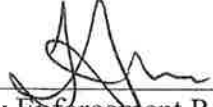
Hourly Rate:	PLACEWORKS										SUBCONSULTANTS			Subcontractor Markup	Subcontractor Total	Total Task Budget
	PHC \$230	Good/borrow PM \$170	AQ Tech Team \$125	Keve Bush Hydrology \$170	Nendo GIS \$125	Josh Carmen \$150	Project Planner \$115	GRAPHICS \$100	PlaceWorks 2% Office Expenses	PlaceWorks Total	Service Area Collaborative	Service Area Environmental	Tom Orler & Associates			
TASK A: Communications, Project Management and Project Direction	2	5							7	\$26	\$1,396	0	0	\$3	\$0	\$1,396
1 4 months of unscope written and oral communication re project info									6	\$22	\$1,112	\$25	\$20	\$55	\$600	\$1,742
2 Three site visit reschedules from 8/13/2019 to 11/4/2019 (Noise, Bio, Cultural)	1	3														
3 1 month period of communication/delay with Glenn County staff for GIS zoning data: 7/25/19 to 8/20/19		1							4	\$11	\$516	0	0	\$3	\$0	\$516
4 Redesign PD Boundary due to lack of digital boundary from District: Conflicting boundaries in Phase I, written description, CDE submission	0.5	1							8.5	\$22	\$1,112	0	0	\$3	\$0	\$1,132
5 Currently limited to 2 conceptual site plans. Missing: updated architectural site plans & elevations, engineering sheets, modernization details	3	3							13	\$34	\$1,714	0	0	\$3	\$0	\$1,754
6 Add'l hours of environmental analysis file to changing PD and Ambient Informal	1	5							18	\$51	\$7,541	0	0	\$3	\$0	\$7,581
Task A Subtotal	4.5	18							58.5	\$166	\$4,531	\$225	\$320	\$58	\$600	\$9,101
TASK B: Air Quality																
1 Written communication re construction data from 10/7/2019 to 12/4/2019	3	3							3	\$10	\$510	0	0	\$3	\$0	\$520
2 Reimport/analyze AQ data to CalErad due to changes in data request	1	1							7	\$18	\$918	0	0	\$3	\$0	\$938
3 Internal PM re technical team rescheduling for AQ	1	2							4	\$14	\$749	0	0	\$3	\$0	\$769
Task B Subtotal	1	6							14	\$42	\$2,177	\$0	\$0	\$0	\$0	\$2,177
TASK C: Agricultural Analysis																
1 Add'l Agricultural Analysis: Loss of Prime Farmland research & strategy; request and inclusion of HASD Demographic Study 2018/19	1	4							6	\$21	\$1,046	0	0	\$3	\$0	\$1,046
Task C Subtotal	1	4							6	\$21	\$1,046	\$0	\$0	\$3	\$0	\$1,046
EXPENSES:																
PlaceWorks Reimbursable Expenses																
Subcontractors' Reimbursable Expenses																
GRAND TOTAL:																

**Hamilton Elementary School
Safety Plan Signature Page**

The undersigned members of the Hamilton Elementary School Safety Planning Committee certify that the requirements for the SB 187 Safety Plan have been met.

 2/4/2020
Principal

 2/4/2020
President, School Site Council

 2/14/2020
Law Enforcement Representative

 2/19/2020
Fire Department

Annual Safety Goals

The School Safety Planning Committee shall make an assessment of the current status of school crime committed on campus and at school-related functions and of appropriate strategies and programs that will provide or maintain a high level of school safety. (Ed. Code 35924.2)

Principals/designees to report annually to site council.

While the School Safety Planning Committee reviews school, district and community crime data trends such as the California Safe School Assessment, other data can bring value to the discussions. Such data may include:

- Mental Health Data
- State, District or Site Surveys (such as the Youth Risk Behavior Survey)
- Disciplinary Data
- Community Police Data

Data may be more valuable if disaggregated by gender, age, zip code, ethnicity, etc. Current trends should be reviewed as well. By the February board meeting of each school year.

Based on data analysis, the School Safety Planning Committee identifies one or two safety-related goals for the next school year as well as the strategies and/or programs that will be used to meet those goals. The objective is to provide meaningful goals in order to improve the campus climate.

The goals are reported, with the Safety Plan, to the Board of Trustees and are shared with the school staff and community.

In order to keep the goals as a safety focus for the school year, it is recommended that at least three brief meetings be held to review data and progress. The progress can be reported to the School Site Council, staff, parent groups and the Board of Trustees.

The year-end assessment should be completed in November of each year and reported upon.

Hamilton Unified School District
Hamilton Unified School District
Safe Schools Committee
Hamilton Elementary School's Safe School Action Plan

1

Goal #1

All students are safe and secure while at school, when traveling, to and from school and when traveling to and from school related activities.

2

Goal #2

All students and staff members are provided a safe teaching and learning environment.

Note: Action steps must be reviewed and updated annually. Site Council Approval: _____

Updated and reported to school board:

Hamilton Unified School District
Hamilton Elementary School's Safe School Action Plan

Goal 1 : All students are safe and secure while at school, when traveling to and from school, and when traveling to and from school related activities.

The School's Physical Environment
(The physical setting and condition of the school)

Objective 1: Hamilton Elementary School shall have visible law enforcement, staff and parental presence.

Objective 2: Students attending Hamilton Elementary School will have strategies in place to be able to respond when they feel threatened or in need of assistance.

Objective 3: Hamilton Elementary Staff will be continuously trained on safety protocols and procedures.

Note: Action steps must be reviewed and updated annually. Site Council Approval: _____
Updated and reported to school board:

Hamilton Unified School District
Hamilton Elementary School's Safe School Action Plan

Goal 1: All students are safe and secure while at school, when traveling to and from school, And when traveling to and from school related activities.

Objective 1: Hamilton Elementary School shall have visible law enforcement, staff and parental presence.

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton Elementary School administration will encourage local law enforcement, staff members, and parents to be visible at all times during which students are en route to and from school especially during drop off and pick up times	Law Enforcement.; CHP; Staff; Parents	Visible presence	Site Administration; Law Enforcement.	At implementation of plan	On-going
Hamilton Elementary School shall conduct two regular safety meetings and include invitations to local law enforcement, fire dept., parents, community agencies and district officials.	School and District Administration;	Minutes of Meetings, Agendas	School and District Administration	“	“
Hamilton Elementary School shall implement board policies and procedures to secure the school site during and after school hours.	Board of Education Board Policies; Law Enforcement, Fire Dept.	Daily Monitoring	Site Administration; Plant Manager; District Maintenance Staff	“	“
Hamilton Elementary School shall work closely with local law enforcement, fire department and district administration in responding to potential community threats to the safety of students, staff and parents.	Law Enforcement; Fire Dept.; District Administration	Evaluation of Individual Situation Responses	Site Administration; Sherriff, Fire Department	“	“
Explore the possibility of a District anonymous “Tip Line”	School and District Administration;				

Hamilton Unified School District

Objective 2: Students attending Hamilton Elementary School will have strategies in place to be able to respond when they feel threatened or in need of assistance.

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton Elementary School's administration will provide strategies to all staff members. A portion of the school day will be used to teach these strategies to the students.	Site Administration; Counselors; Staff; Law Enforcement; Fire Dept.	Strategies taught	School Staff	At implementation of plan	On-going
Hamilton Elementary School's staff will place an article in the school's newsletter outlining the steps to respond to a threat. Parents will be asked to discuss the article with their children.	Site Administration; Counselors; Case Manager/Family Coordinator; Facilitators, Law Enforcement	Newsletter Regular communication at staff mtgs.	Site Administration Site Employees	"	Annual On-going
All students and families at Hamilton Elementary School will have access to an adult staff member who they can talk to and share any potential problems or situations that could escalate into a genuine conflict.	Faculty; Staff; Site Administration; Counselors; Case Manager/Family Coordinator	Record of loitering incidents	Site Administration; Sheriff's Dept.	"	"
Hamilton Elementary School staff will work with students and will engage assistance from other school administrators, and/or local law enforcement agencies for conflict involving non-district schools.	Other schools' administration; Sheriff's Dept., Law Enforcement	Distribution and results of survey	Law Enforcement	"	"
The Healthy Kids Survey will be distributed to Hamilton Elementary School students to solicit their opinions in regards to what is needed to make the school safer and more conducive of learning.	CHKS survey instrument		Administration; Safe School Committee	"	"

Hamilton Unified School District

Objective 3: Hamilton Elementary Staff will be continuously trained on safety protocols and procedures.

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton Elementary School's administration will provide strategies to obtain "muscle memory" on safety procedures once a month at staff meetings.	Site Administration; Counselors; Staff, Law Enforcement, Fire Dept.	Agendas/Strategies Taught	School Staff	At implementation of plan	On-going
Hamilton Elementary School Staff will practice "What If?" Scenarios at Monthly Staff Meetings.	Site Administration; Counselors; Staff, Law Enforcement, Fire Dept.	Agendas/Strategies Taught	School Staff	At implementation of plan	On-Going
Hamilton Elementary School will periodically complete the Safe School Self-Assessment in order to practice safety protocols and procedures.	School Administration; Safe School Self-Assessment Form	Safe School Self-Assessment Form	Administration; School Staff	"	"
Hamilton Elementary School will notify community and staff when student or school safety is a concern in accordance with HIPPA, and other privacy rules and regulations in coordination with Law Enforcement.		Written communications	Superintendent; Law Enforcement; Fire Dept.	"	"

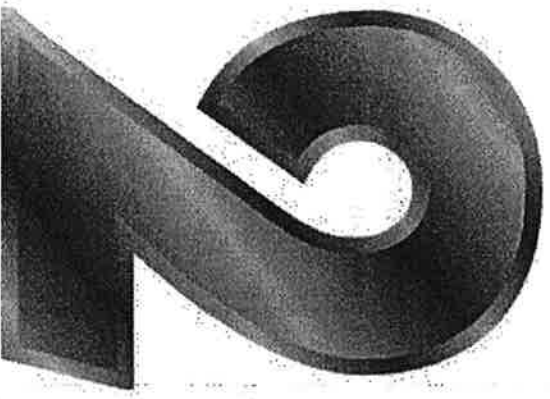
Hamilton Elementary School's Safe School Action Plan

Goal 2: All students and staff members are provided a safe teaching and learning environment.

The School's Physical Environment
(The physical setting and condition of the school)

Objective 1: Hamilton Elementary School has effective strategies to intervene at the earliest possible point when students exhibit anti-social behavior.

Objective 2: Hamilton Elementary School sets a standard for adults and students to interact with each other in a caring, supportive manner.



Note: Action steps must be reviewed and updated annually. Site Council Approval _____

Hamilton Elementary School's Safe School Action Plan

Hamilton Unified School District

Goal 2: All students and staff members are provided a safe teaching and learning environment.

Objective 1: Hamilton Elementary School has effective strategies to intervene at the earliest possible point when students exhibit anti-social behavior.

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton Elementary School shall provide to parents/guardians information of agencies that can provide counseling services.		Completed Directory	Counselors; Administrations	At implementation of plan	On-going
Hamilton Elementary School shall provide to staff identified effective research-based strategies that address anti-social behavior in grades K-8.		Completed Material; Documentation	Site Administration; Counselors	“	“
Hamilton Elementary School shall encourage staff to attend workshops/conferences on identifying academic risk factors and applying effective strategies in dealing with anti-social behavior in schools.		Staff attending workshops	Site Administration; Staff	“	“
Hamilton Elementary School’s staff shall work with parents in identifying maladaptive behaviors and developing strategies to address these behaviors.		Number of parent conferences	“	“	“
Hamilton Elementary School shall hold regularly scheduled “Student Study Team (SST) Meetings.”		SST Agendas and minutes	Site Administration; Counselors; School Psychologist	“	“
Students with maladaptive behaviors shall be placed on the agenda. The team may include a psychologist, administrator, teacher(s), and a counselor. (A member of the Special Education Department, the student, and parent will be encouraged to attend.)					

Hamilton Unified School District

Objective 1: Hamilton Elementary School has effective strategies to intervene at the earliest possible point when students exhibit anti-social behavior. (cont.)

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton Elementary School shall identify students who display gang association, gang membership or are involved in any gang activity.	Law Enforcement; Probation, Administration, Counselors	Individual Identifications	Site Administration; Law Enforcement	At implementation of plan	On-going
Hamilton Elementary School's staff shall contact the counselor or the school psychologist when it is reported to a staff member that a student has discussed the possibility of suicide.	Counselor Dept.; School Psychologist; Mental Health Dept.; GCOE	Individual Referrals	Staff, Administration	"	"
Hamilton Elementary School will utilize the District SAS Team (SMART and Safe) to respond to students who exhibit anti-social behavior.	Counselors; Glenn County Mental Health; GCOE; Case Manager/Parent/Family Coordinator	Individual Referrals	Staff, Administration	"	"

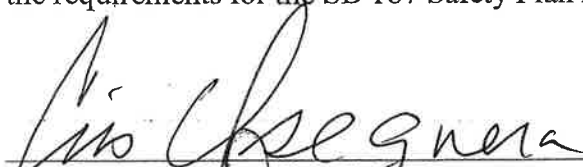
Hamilton Unified School District

Objective 2: Hamilton Elementary School sets a standard for adults and students to interact with each other in a caring, supportive manner.

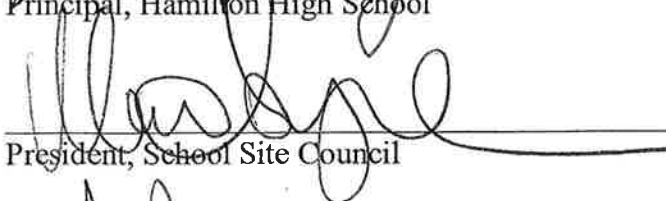
Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton Elementary School shall develop strategies to encourage parents/guardians to be proactively involved in the education of their children.	District sponsored parenting classes; Parent Newsletter Website; Site Council Meetings	Strategies implemented	Site Administration; Faculty; Counselor; Site Council	At implementation of plan	On-going
Hamilton Elementary School shall encourage parents to volunteer for school-related activities.	Booster Clubs; Parent Volunteer List	Extent of Parent Involvement and Volunteers	Site Administration and Staff; Site council	"	"
Hamilton Elementary School shall encourage all parents to participate on its School Site Council, and the District Advisory Committees (HULC).	Superintendent, School Site Council; Site Administration;	Amount of Parent Participation	District/Site Administration; HULC	"	"
Hamilton Elementary School teachers and counselors shall notify parents/guardians when a student begins to exhibit academic or social problems.	Staff, Counselors, and Administration	Faculty Logs; AERIES documentation	Faculty; Counselors; Administrators	"	"
Hamilton Elementary School shall provide to students, staff, and parents skills to solve problems and resolve conflicts.	GCOE, Crisis phone line, counselors	Documentation of participation in available services	Site Administration and Counselors	"	"
Hamilton Elementary School's staff shall promptly return phone calls to parents, students and community leaders.	Existing Communication system	Records of registered complaints	Faculty; Staff; Counselors; Site Administrators	"	"
Hamilton Elementary School shall hold annual events that bring students, parents and staff members together in a positive environment.	Parent Nights; Assemblies; parent/teacher conference	Back-to School; Open House; Assemblies	Site Administration; Site Council	"	Annual Review

**Hamilton High School
Safety Plan Signature Page**

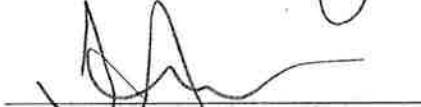
The undersigned members of the Hamilton High School Safety Planning Committee certify that the requirements for the SB 187 Safety Plan have been met.



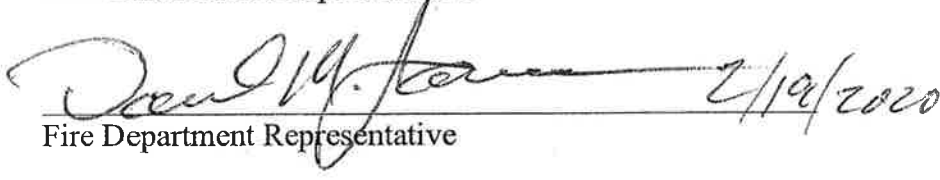
Principal, Hamilton High School



President, School Site Council



Law Enforcement Representative

 2/19/2020

Fire Department Representative

Annual Safety Goals

The School Safety Planning Committee shall make an assessment of the current status of school crime committed on campus and at school-related functions and of appropriate strategies and programs that will provide or maintain a high level of school safety. (Ed. Code 35924.2) Principals/designees should report annually to site council.

While the School Safety Planning Committee reviews school, district and community crime data trends such as the California Safe School Assessment, other data can bring value to the discussions. Such data may include:

- Mental Health Data
- State, District or Site Surveys (such as the Youth Risk Behavior Survey)
- Disciplinary Data
- Community Police Data

Data may be more valuable if disaggregated by gender, age, zip code, ethnicity, etc. Current trends should be reviewed as well by February 1st of each school year.

Based on data analysis, the School Safety Planning Committee identifies one or two safety-related goals for the next school year as well as the strategies and/or programs that will be used to meet those goals. The objective is to provide meaningful goals in order to improve the campus climate.

The goals are reported, with the Safety Plan, to the Board of Trustees and are shared with the school staff and community.

In order to keep the goals as a safety focus for the school year, it is recommended that at least three brief meetings be held to review data and progress. The progress can be reported to the School Site Council, staff, parent groups and the Board of Trustees.

The year-end assessment should be completed in November of each year and reported upon.

Hamilton Unified School District
Hamilton Unified School District
Safe Schools Committee
Hamilton High School's Safe School Action Plan

1

Goal #1

All students are safe and secure while at school, when traveling to and from school, and when traveling to and from school related activities.

2

Goal #2

All students and staff members are provided a safe teaching and learning environment.

Updated and reported to school board: 02/19/20

Hamilton Unified School District

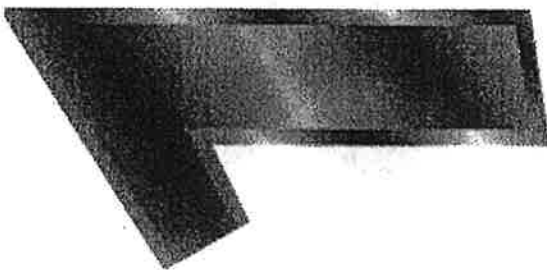
Hamilton High School's Safe School Action Plan

Goal 1: All students are safe and secure while at school, when traveling to and from school, and when traveling to and from school related activities.

The School's Physical Environment
(The physical setting and condition of the school)

Objective 1: Hamilton High School shall have visible law enforcement, staff and parental presence.

Objective 2: Students attending Hamilton High School will have strategies in place to be able to respond when they feel threatened or in need of assistance.



Hamilton High School's Safe School Action Plan

Goal 1: All students are safe and secure while at school, when traveling to and from school, and when traveling to and from school related activities.

Objective 1: Hamilton High School shall have visible law enforcement, staff and parental presence.

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton High School administration will encourage local law enforcement (GCISO), Hamilton City Fire Dept., HHS staff members, and parents to be visible at all times during which students are en route to and from school.	Law Enforcement; CHP; Staff; Parents	Visible presence	Site Administration; Law Enforcement (GCISO), CHP, Hamilton City Fire Department	At implementation of plan	On-going
Hamilton High School shall conduct regular safety meetings and include invitations to local law enforcement (GCISO), Hamilton City Fire Dept, parents, community agencies and district officials.	School and District Administration; GCISO; Hamilton City Fire Department	Minutes of Meetings, Agendas	School and District Administration; GCISO; Hamilton City Fire Dept.	"	"
Hamilton High School shall implement board policies and procedures to secure the school site during and after school hours.	CA Board of Education Board Policies; Law Enforcement; Hamilton City Fire Department	Daily Monitoring	Site Administration; Plant Manager; District Maintenance Staff	"	"
Hamilton High School shall work closely with local law enforcement (GCISO), Hamilton City Fire Department, and district administration in responding to potential community threats to the safety of students, staff and parents.	Law Enforcement; Hamilton City Fire Department; District Administration	Evaluation of Individual Situation Responses	Site Administration; GCISO; Hamilton City Fire Dept.	"	

Hamilton Unified School District

Objective 2: Students attending Hamilton High School will have strategies in place to be able to respond when they feel threatened or in need of assistance.

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton High School's administration will provide strategies to all staff members. A portion of the school day will be used to teach these strategies to the students. Site admin will coordinate the implementation of ALICE (Alert, Lockdown, Inform, Counter, Evacuate) strategies with local Law Enforcement.	Site Administration; Counselors; Staff	Strategies taught	School Staff; Law Enforcement (GCSSO)	At implementation of plan	On-going
Hamilton High School's staff will place information in the school's student handbook outlining school safety procedures.	Site Administration; Counselors; Facilitators	Student Handbook	Site Administration	"	Annual
All students at Hamilton High School will be able to identify and/or be encouraged to identify an adult staff member who they can talk to and share any potential problems or situations that could escalate into a genuine conflict.	Faculty; Staff; Site Administration; Counselors	Regular communication at staff mtgs.	Site Employees	"	On-going
Hamilton High School staff will work with students and will engage assistance from other school administrations, and/or local law enforcement agencies (GCSSO) for conflict involving non-district schools.	Other schools' administration; Law Enforcement (GCSSO)	Record of loitering incidents	Site Administration; Law Enforcement (GCSSO)	"	"
The Healthy Kids Survey will be distributed to Hamilton High School students to solicit their opinions in regards to what is needed to make the school safer and more conducive of learning.	CHKS survey instrument	Distribution and results of survey	Administration; Safe School Committee	"	"

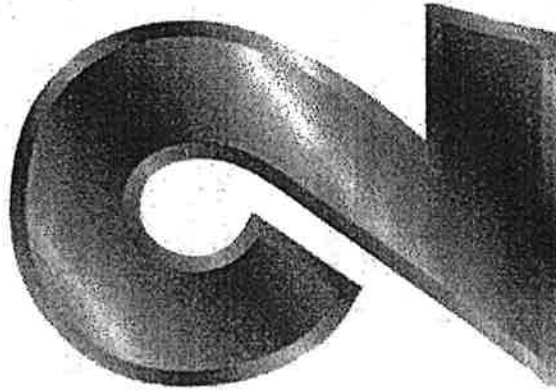
Hamilton High School's Safe School Action Plan

Goal 2: All students and staff members are provided a safe teaching and learning environment.

The School's Physical Environment
(The physical setting and condition of the school)

Objective 1: Hamilton High School has effective strategies to intervene at the earliest possible point when students exhibit anti-social behavior.

Objective 2: Hamilton High School sets a standard for adults and students to interact with each other in a caring, supportive manner.



Hamilton Unified School District
Hamilton High School's Safe School Action Plan

Goal 2: All students and staff members are provided a safe teaching and learning environment.

Objective 1: Hamilton High School has effective strategies to intervene at the earliest possible point when students exhibit anti-social behavior.

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton High School shall provide to parents/guardians information of local agencies that can provide counseling services.	Local contact info for mental health services-Glenn County Mental Health; GCSSO-SMART team; Hamilton City Fire Department.	Completed Directory	Counselors; Administration; GCSSO; Glenn County Mental Health	At implementation of plan	On-going
Hamilton High School shall provide to staff identified effective research-based strategies that address anti-social behavior in grades 9-12.	Hamilton City Fire Department.	Completed Material; Documentation	Site Administration; Counselors; HHS Staff	"	"
Hamilton High School shall encourage staff to attend workshops/conferences on identifying academic risk factors and applying effective strategies in dealing with anti-social behavior in schools.	HHS Staff and Administration; HHS Counselors	Staff attending workshops	Site Administration; HHS Staff; HHS counselors	"	"
Hamilton High School's staff shall work with parents in identifying maladaptive behaviors and developing strategies to address these behaviors.	HHS Staff; Administration; HHS Counselors;	Number of parent conferences/referrals	"	"	"
Hamilton High School shall hold regularly scheduled Student Study Team (SST) Meetings. Students with maladaptive behaviors shall be placed on the agenda. The team shall include a psychologist, administrator, teacher(s), and a counselor. (A member of the Special Education Department, the student, and parent will be encouraged to attend.)	HHS Staff; Administration; HHS Counselors; Mental Health counselors; school psychologist; parents/students	SST Agendas and minutes; renew Student Intervention Teams at least twice yearly	Site Administration; Counselors; School Psychologist	"	"

Objective 1: Hamilton High School has effective strategies to intervene at the earliest possible point when students exhibit anti-social behavior. (cont.)

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton High School shall identify students who display gang association, gang membership or are involved in any gang activity.	Law Enforcement (GCSO) and SMART Team; Hamilton City Fire Department; Glenn County Probation, Administration, HHS Counselors	Individual Identifications	Site Administration; Law Enforcement; Hamilton City Fire Department	At implementation of plan	On-going
Hamilton High School's staff shall contact the counselor or the school psychologist when it is reported to a staff member that a student has discussed the possibility of suicide.	Counselor Dept.; School Psychologist; Glenn County Mental Health Dept., HHS Staff	Individual Referrals- HHS Staff; Admin, and Counselors	HHS Staff; Administration; Glenn County Mental Health	"	"

Hamilton Unified School District

Objective 2: Hamilton High School sets a standard for adults and students to interact with each other in a caring, supportive manner.

Action Step	Resources	Validation Criteria	Parties Responsible	Start Date	End Date
Hamilton High School shall develop strategies to encourage parents/guardians to be proactively involved in the education of their children.	District sponsored parenting classes; Parent Newsletter; Website; Site Council Meetings; Booster Clubs; Parent Volunteers.	Strategies implemented	Site Administration; HHS Staff; Counselor ; Site Council	At implementation of plan	On-going and Annual Review
Hamilton High School shall encourage parents to volunteer for school-related activities.	Superintendent, School Site Council; Site Administration;	Extent of Parent Involvement and Volunteers Amount of Parent Participation	Site Administration and Staff; Site council District/Site Administration; HULC	"	"
Hamilton High School shall encourage all parents to participate on its School Site Council, and the District Advisory Committees (i.e. HULC).	Staff, Counselors, and Administration	Faculty Logs; AERIES documentation	HHS Staff; Counselors; Administrators	"	"
Hamilton High School teachers and counselors shall notify parents/guardians when a student begins to exhibit academic or social problems.	HHS Staff; Crisis phone line; counselors; Administration	Documentation of participation in available services	Site Administration and Counselors	"	"
Hamilton High School shall provide to students, staff, and parents skills to solve problems and resolve conflicts.	Existing Communication systems	Records of registered complaints	HHS Staff; Counselors; Site Administrators	"	"
Hamilton High School's staff shall promptly return phone calls to parents, students and community leaders.	Parent Nights; Assemblies; parent/teacher conference	Back-to School; Open House; Assemblies	Site Administration; Site Council; HHS Staff	"	"
Hamilton High School shall hold annual events that bring students, parents and staff members together in a positive environment.					

Hamilton Unified School District

RESOLUTION NO. 19-20-104
(February 26, 2020 Regular Board Meeting)

**A RESOLUTION OF THE GOVERNING BOARD OF THE
HAMILTON UNIFIED SCHOOL DISTRICT**

EMERGENCY MANAGEMENT

WHEREAS, the Hamilton Unified School District has implemented a School Emergency Operations Plan for all school sites and facilities. The objectives of the plan are to: 1) protect the safety and welfare of students, employees, and staff; 2) provide a safe and coordinated response to emergencies; 3) protect the district's facilities and property; and 4) enable the school to restore normal conditions with minimal confusion in the shortest time possible.

WHEREAS, in an effort to fully implement the School Emergency Operations Plan, the Hamilton Unified School District supports planning, training, and exercising the plan at the school site level.

WHEREAS, the Hamilton Unified School District participates with all responding agencies within the State of California and in the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS).

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Governing board of the Hamilton Unified School District of the County of Glenn, State of California, does hereby support the School Emergency Operations Plan.

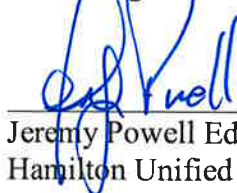
APPROVED, PASSED and ADOPTED by the Governing Board of the Hamilton Unified School District this 26th day of February 2020 by the following vote:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAINED: 0

Attest:



Gabriel Leal, President
Governing Board of Hamilton Unified School District



Jeremy Powell Ed., D., Superintendent
Hamilton Unified School District

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POLICY GUIDE SHEET
For Second Reading
HUSD Board Meeting Wednesday, February 26, 2020
Page 1 of 3

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 0460 - Local Control and Accountability Plan

(BP/AR revised)

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

BP 0520 - Intervention for Underperforming Schools

(BP added)

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

BP 0520.1 - Comprehensive and Targeted Support and Improvement

(BP added)

New policy addresses the state's accountability system, developed in response to federal Title I requirements, to provide interventions to schools identified by CDE for CSI, TSI, or ATSI. Policy includes criteria for the identification of schools, requirements for a school improvement plan, and actions to be taken if implementation of the school plan is unsuccessful after a specified period of years.

BP 1431 - Waivers

(BP revised)

Policy updated to add the requirement, when submitting a general waiver request to the State Board of Education, to include a written summary of any objections to the request by school site councils or advisory committees, as applicable. Policy adds the requirement that a request pertaining to a regional occupational center or program operated by a joint powers agency be submitted as a joint waiver request with other participating districts. Policy reflects guidance in CDE's General Waiver Instructions regarding proper notice for a public hearing on a waiver request proposal.

BP/AR 3515 - Campus Security

(BP/AR revised)

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

POLICY GUIDE SHEET

October 2019

Page 2 of 3

BP/AR 4116 - Probationary/Permanent Status

(BP/AR revised)

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

AR 4117.6 - Decision Not to Rehire

(AR deleted)

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

BP 4119.22/4219.22/4319.22 - Dress and Grooming

(BP revised)

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

BP 4216 - Probationary/Permanent Status

(BP revised)

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

BP/AR 4218 - Dismissal/Suspension/Disciplinary Action

(BP/AR revised)

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

BP 5131 - Conduct

(BP revised)

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

BP 5131.8 - Mobile Communication Devices

(BP added)

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

a device, and discipline for off-campus use of a mobile communication device which poses a threat of danger to the safety of students, staff, or district property or substantially disrupts school activities.

POLICY GUIDE SHEET

October 2019

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BP 5132 - Dress and Grooming

(BP revised)

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

AR 5141.26 - Tuberculosis Testing

(AR revised)

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

BP/AR 5142 - Safety

(BP/AR revised)

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

BP/AR 7140 - Architectural and Engineering Services

(BP/AR revised)

Policy updated to clarify the district's responsibility to select a licensed architect and/or structural engineer as required by law when professional design services are used for construction or modernization of school facilities and to address the need to comply with state safety and design standards. Policy adds the general duties of the architect and/or structural engineer and the circumstances under which design specifications must be submitted to CDE and the Division of the State Architect. Regulation updates the components of the selection process to more directly reflect law and adds the district's authority, if negotiations with the most qualified firm are unsuccessful, to negotiate a contract with the second most qualified firm and then the third most qualified firm. Regulation also includes the option to award a contract to a single entity for both the design and construction of a school facility in excess of \$1 million ("design build" contract).

BB 9323 - Meeting Conduct

(BB revised)

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

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CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0460(a)

LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: Education Code 52060-52077 require the Governing Board to adopt and annually update, on or before July 1, a local control and accountability plan (LCAP). Pursuant to Education Code 52060, ~~as amended by AB 2878 (Ch. 826, Statutes of 2018)~~, the LCAP must include goals and actions aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement and family engagement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of supplemental and concentration grants under the local control funding formula (LCFF)); and (8) student outcomes in the specified course of study. Education Code 52060 provides that, in addition to addressing the state priorities in the LCAP, the district may establish and address local priorities and goals. Examples include priorities for student wellness and other conditions of children, professional development, community involvement, and effective governance and leadership. See the accompanying administrative regulation for further information about the required content of the LCAP.

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

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0415 - Equity)

Note: Pursuant to Education Code 52064, the State Board of Education (SBE) has adopted a template that districts must use to complete the LCAP. An electronic version of the template is available on the California Department of Education's (CDE) web site.

~~As amended by AB 1840 (Ch. 426, Statutes of 2018), Education Code 52064 requires the SBE, by January 31, 2020, to expand the template to include more specific information about the goals, actions, expenditures, and services for all students and subgroups of students, as well as information about the district, highlights of the LCAP, and annual performance as indicated by the California School Dashboard.~~

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

(cf. 3100 - Budget)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Note: Education Code 52060 requires that the LCAP include annual goals to be achieved for all students and for each numerically significant student subgroup as defined in Education Code 52052. In addition, several state priorities address programs and services for "unduplicated students," as defined in Education Code 42238.01-42238.02.

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

Note: Pursuant to Education Code 42238.01, as amended by AB 1962 (Ch. 748, Statutes of 2018), no later than the 2020-21 fiscal year, the definition of "foster youth" for the purpose of identifying unduplicated students will include a dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court in accordance with the tribe's law, provided the child would also meet one of the descriptions in Welfare and Institutions Code 300 describing when a child may be adjudged a dependent child of the juvenile court.

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

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

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

(cf. 6173 - Education for Homeless Children)

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

(cf. 0420 - School Plans/Site Councils)

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

(cf. 0400 - Comprehensive Plans)

(cf. 0440 - District Technology Plan)

(cf. 0450 - Comprehensive Safety Plan)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

(cf. 5030 - Student Wellness)

(cf. 6171 - Title I Programs)

(cf. 7110 - Facilities Master Plan)

Note: Pursuant to Education Code 52064.1, as added by AB 1808 (Ch. 32, Statutes of 2018), districts are required, by July 1, 2019, to develop an LCFE budget overview for parents/guardians with specified information. The budget overview must be developed in conjunction with, and attached as a cover to, the LCAP and annual update to the LCAP. The budget overview is subject to the requirements of Education Code 52062 and 52070 pertaining to the adoption, review, and approval of the LCAP. The Superintendent of Public Instruction (SPI) is required to develop, before December 31, 2018, a template for the budget overview.

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

Plan Development

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

Note: Education Code 52060 requires consultation on plan development with all of the groups listed below. The Board may delegate responsibility for arranging meetings and other input opportunities to the Superintendent or designee.

5 CCR 15495 defines what it means to consult with students, including unduplicated students and other numerically significant student subgroups, and gives examples of methods that may be used for this consultation. State regulations do not provide examples of consultation with groups other than students, but consultations might include surveys, the establishment of an advisory committee consisting of representatives of all the specified groups, solicitation of feedback from the groups after a draft plan is available, discussion of the LCAP at staff meetings, and communication with parent organizations, student councils, school site councils, or other established committees or organizations. The district may expand the following paragraph to reflect district practice.

The Board shall consult with teachers, principals, administrators, other school personnel,

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

Public Review and Input

Note: Pursuant to Education Code 52063 and 5 CCR 15495, the Board is required to establish a parent advisory committee and, if district enrollment includes at least 15 percent English learners, an English learner parent advisory committee to review and comment on the LCAP. The district may use existing parent advisory committees for these purposes if the committee composition complies with Education Code 52063 and 5 CCR 15495. However, the district should consider whether such opportunities need to be expanded to achieve significant levels of stakeholder involvement in the planning process as intended by law.

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

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

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

Note: Education Code 52062 requires notification to the public of the opportunity to submit written comments on the proposed LCAP, including notification in the primary language of parents/guardians when required by Education Code 48985. Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students must be written in the primary language as well as in English; see BP 5145.6 - Parental Notifications.

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of

BP 0460(e)

notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Education Code 305, the LCAP parent/guardian and community engagement process must include solicitation of input on language acquisition programs. See BP/AR 6174 - Education for English Learners for further information regarding the types of language acquisition programs that may be offered.

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

Note: Education Code 52062, as amended by AB 1808, requires the district to consult with its special education local plan area administrator(s) to ensure that specific actions for individuals with disabilities are included in the LCAP.

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

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

Note: Pursuant to Education Code 42127, the Board must not adopt a district budget until the LCAP is in place for the budget year; see BP 3100 - Budget. The budget must include the expenditures necessary to implement the plan that will be effective during the subsequent fiscal year. If it does not, the County Superintendent of Schools will disapprove the district's budget.

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

(cf. 9320 - Meetings and Notices)

BP 0460(f)

Adoption of the Plan

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

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

Submission of Plan to County Superintendent of Schools

Note: Education Code 52070 requires the district to submit the LCAP to the County Superintendent, who may seek written clarification of the contents of the plan and may submit recommendations for amendments as provided below. The County Superintendent is required to approve the LCAP on or before October 8 if it is determined that (1) the LCAP adheres to the template adopted by the SBE and follows any SBE instructions or directions for completing the template; (2) the district budget includes expenditures sufficient to implement the specific actions and strategies in the LCAP; and (3) the LCAP adheres to supplemental and concentration grant expenditure requirements specified in Education Code 42238.07 for unduplicated students. In determining whether the district has fully demonstrated that it will use supplemental and concentration funds to increase or improve services for unduplicated students, 5 CCR 15497 requires the County Superintendent to review any descriptions of districtwide or schoolwide services provided.

Education Code 52064.1, ~~as added by AB 1808~~, requires the district to file the LCFF budget overview for parents/guardians with the County Superintendent to be reviewed for adherence with the template adopted by the SPI. If the budget overview is not approved, the County Superintendent will withhold approval of the LCAP and will provide technical assistance pursuant to Education Code 52071.

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

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

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

BP 0460(g)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Monitoring Progress

Note: The following **optional** paragraph may be revised to reflect the district's timeline for reviewing the progress and effectiveness of strategies included in the LCAP. Reports should be provided to the Board in sufficient time to allow for any necessary changes in the annual update to the LCAP by July 1 of each year, as required by Education Code 52060-52061. The Dashboard provides a tool to assist in evaluation of district and school performance and includes all of the state priorities for the LCAP described in Education Code 52060.

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

(cf. 0500 - Accountability)

Note: Pursuant to Education Code 52071, when a school or a numerically significant student subgroup is not making sufficient progress toward its LCAP goals, the County Superintendent may be required to provide technical assistance or the Board may request technical assistance. In addition, the Superintendent of Public Instruction may intervene in any school which has been identified as in need of intervention based on criteria specified in Education Code 52072. Pursuant to Education Code 52059.5, CDE has established a unified system of support for districts and schools that meets state requirements as well as federal Title I requirements and ensures consistency between technical assistance provided under both sets of requirements. For more information, see BP 0520 - Intervention for Underperforming Schools.

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

(cf. 0520 - Intervention for Underperforming Schools)

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

Technical Assistance/Intervention

Note: Pursuant to Education Code 52071, as amended by AB 1808, the Board may, at its discretion, request technical assistance from the County Superintendent as described in items #1-2 below. The County Superintendent may charge a fee not to exceed the cost of the service, if the provision of the service requested would create an unreasonable or untenable cost burden for the County Superintendent.

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

BP 0460(h)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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

Note: Pursuant to Education Code 52071, as amended by AB 1808, the district must be provided technical assistance whenever one or more numerically significant student subgroups meet the criteria for assistance and intervention established pursuant to Education Code 52064.5.

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

Note: Pursuant to Education Code 52074, as amended by AB 1840, either the County Superintendent or the SPI may refer a district to the California Collaborative for Educational Excellence (CCEE) if it is determined to be necessary to help the district accomplish the goals set forth in the district's LCAP. Additionally, if a district receives an emergency apportionment pursuant to Education Code 41320-41322, the district shall be deemed to have been referred to the CCEE.

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

Note: Education Code 52072 provides that the SPI, with approval of the SBE, may intervene when a district meets both of the following criteria: (1) the district did not improve the outcomes for three or more student subgroups identified pursuant to Education Code 52052, or all of the student subgroups if the district has fewer than three subgroups, in regard to more than one state or local priority in three out of four consecutive school years; and (2) the CCEE has provided advice and assistance to the district and submits a finding that the district failed or is unable to implement the CCEE's recommendations or that the district's inadequate performance is so persistent or acute as to require intervention. For any district identified as needing intervention, the SPI or an academic trustee appointed by the SPI may, with approval of the SBE, take one or more of the actions listed in items #1-3 below.

BP 0460(i)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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

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

Legal Reference:

EDUCATION CODE

305-306 English language education
17002 State School Building Lease-Purchase Law, including definition of good repair
33430-33436 Learning Communities for School Success Program; grants for LCAP implementation
41020 Audits
41320-41322 Emergency apportionments
42127 Public hearing on budget adoption
42238.01-42238.07 Local control funding formula
44258.9 County superintendent review of teacher assignment
47604.33 Submission of reports by charter schools
47606.5 Charter schools, local control and accountability plan
48985 Parental notices in languages other than English
51210 Course of study for grades 1-6
51220 Course of study for grades 7-12
52052 Numerically significant student subgroups
52059.5 Statewide system of support
52060-52077 Local control and accountability plan
52302 Regional occupational centers and programs
52372.5 Linked learning program
54692 Partnership academies
60119 Sufficiency of textbooks and instructional materials; hearing and resolution
60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission
64001 School plan for student achievement
99300-99301 Early Assessment Program

WELFARE AND INSTITUTIONS CODE

300 Dependent child of the court

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures
15494-15497 Local control and accountability plan and spending requirements

UNITED STATES CODE, TITLE 20

6311 State plan

6312 Local educational agency plan
6826 Title III funds, local plans

Management Resources continued: (see next page)

BP 0460(j)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Management Resources:

CSBA PUBLICATIONS

The California School Dashboard and Small Districts, October 2018

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

California School Dashboard

LCFF Frequently Asked Questions

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

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

California Career Technical Education Model Curriculum Standards, 2013

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

California Common Core State Standards: Mathematics, rev. 2013

California English Language Development Standards, 2012

WEB SITES

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

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

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

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0460(a)

LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: Education Code 52060-52077 require the Governing Board to adopt and annually update, on or before July 1, a three-year local control and accountability plan (LCAP). See the accompanying Board policy for information about plan development and monitoring.

Goals and Actions Addressing State and Local Priorities

Note: Education Code 52060 requires that the LCAP include annual goals, aligned with specified state priorities, to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup (or at least 15 foster youth or homeless students) in the school or district.

In addition, several state priorities address programs and services for "unduplicated students." For purposes of supplemental and concentration grants allocated through the local control funding formula (LCFF), "unduplicated students" are defined by Education Code 42238.02 as students eligible for free or reduced-price meals, English learners, and foster youth; see the accompanying Board policy.

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

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. The LCAP shall identify goals for each of the following state priorities:
 - a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517 - Facilities Inspection)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

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

AR 0460(b)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

- b. Implementation of the academic content and performance standards adopted by

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

(cf. 6011 - Academic Standards)

(cf. 6174 - Education for English Learners)

Note: ~~Education Code 52060, as amended by AB 2878 (Ch. 826, Statutes of 2018), expands the parent involvement state priority to include family engagement.~~ Education Code 52060 provides that family engagement may include, but not be limited to, efforts by the district and schools to apply research-based practices, such as welcoming all families into the school community, engaging in effective two-way communication, supporting student success, and empowering families to advocate for equity and access. It may also include partnering with families to inform, influence, and create practices and programs that support student success and collaboration with families and the broader community, expand student learning opportunities, and promote civic participation.

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6020 - Parent Involvement)

(cf. 6173.1 - Education for Foster Youth)

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

- (1) Statewide assessments of student achievement

Note: As amended by AB 1240 (Ch. 783, Statutes of 2019), Education Code 52060 adds, as a measure of student achievement, the percentage of students who have successfully completed both college entrance courses and career technical education courses.

- (2) The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University; ~~or have successfully completed~~ career technical education (CTE) sequences or programs of study that align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692; **and have successfully completed both college entrance courses and CTE sequences or programs**

AR 0460(c)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

- (3) The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English

proficiency

- (4) The English learner reclassification rate
- (5) The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher
- (6) The percentage of students who demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301

(cf. 0500 - Accountability)
(cf. 6141.5 - Advanced Placement)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6178 - Career Technical Education)

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

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 6146.1 - High School Graduation Requirements)

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

(cf. 5137 - Positive School Climate)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

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

(cf. 6143 - Courses of Study)
(cf. 6159 - Individualized Education Program)

AR 0460(d)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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

Note: In addition to goals aligned with the state priorities described in item #1 above, Education Code 52060 provides that the LCAP may include goals for local priorities established by the Board; see the accompanying Board policy. **Optional** item #2 below may be revised to reflect local priorities.

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

(cf. 0200 - Goals for the School District)

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

Note: Pursuant to Education Code 52060, in developing goals and actions for the LCAP, the Board may consider qualitative information, including, but not limited to, the results of school quality reviews conducted pursuant to Education Code 52052. Education Code 52052 authorizes the Superintendent of Public Instruction (SPI), with approval of the State Board of Education and conditional upon an appropriation in the state budget, to develop and implement a program of school quality reviews that features locally convened panels to visit schools, observe teachers, interview students, and examine student work.

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

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

Note: ~~AB 1840 (Ch. 426, Statutes of 2018) amended Education Code 52060 to require data to be reported in a manner consistent with the California School Dashboard rather than the school accountability report card.~~

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

AR 0460(e)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Increase or Improvement in Services for Unduplicated Students

Note: The following section is for use by districts that receive LCFF supplemental and/or concentration grant funds. Such districts are required to increase or improve services for unduplicated students in proportion to

the increase in funds apportioned on the basis of the number and concentration of unduplicated students; see BP 3100 - Budget. 5 CCR 15494-15496 specify the method for determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year.

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

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

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

Availability of the Plan

Note: Education Code 52065, ~~as amended by AB 1840~~, requires the district to prominently post its LCAP, ~~and any annual update or revisions to the LCAP, and LCFF budget overview for parents/guardians~~ on the homepage of its web site. In addition, the County Superintendent of Schools is required to post all district LCAPs, or links to those plans, on the county office of education web site and to transmit all such plans to the SPI, who will then post links to all plans on the California Department of Education web site.

~~Education Code 52064.1, as added by AB 1808 (Ch. 32, Statutes of 2018), provides that the LCFF budget overview for parents/guardians is also subject to the requirements of Education Code 52065.~~

AR 0460(f)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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

(cf. 1113 - District and School Web Sites)

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520(a)

INTERVENTION FOR UNDERPERFORMING SCHOOLS

Note: Pursuant to Education Code 52059.5, the California Department of Education (CDE) has established a single statewide system of support for districts and schools that meets state requirements

as well as federal Title I requirements. The following policy reflects the purposes and requirements of the statewide system and may be revised to reflect district practice.

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

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

Note: Pursuant to Education Code 52071, the Governing Board may, at its discretion, request technical assistance from the County Superintendent of Schools as described in items #1-2 below. The County Superintendent may charge a fee, not to exceed the cost of the service, when the district has otherwise not been identified for technical assistance or state intervention and the service requested would create an unreasonable or untenable cost burden for the County Superintendent.

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

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

In the event that the County Superintendent requires the district to receive technical assistance based on a determination that one or more numerically significant student subgroups in a district school meet the performance criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent and

BP 0520(b)

INTERVENTION FOR UNDERPERFORMING SCHOOLS

shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071)

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

Note: Pursuant to Education Code 52074, either the County Superintendent or the Superintendent of Public Instruction (SPI) may refer a district to the California Collaborative for Educational Excellence (CCEE) if it is determined to be necessary to help the district accomplish the goals set forth in the district's LCAP. Additionally, if a district receives an emergency apportionment pursuant to Education Code 41320-41322, the district shall be deemed to have been referred to CCEE.

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

Note: Education Code 52072 provides that the SPI, with approval of the State Board of Education (SBE), may intervene when a district meets both of the following criteria: (1) the district did not improve the outcomes for three or more student subgroups identified pursuant to Education Code 52052, or all of the student subgroups if the district has fewer than three subgroups, in regard to more than one state or local priority in three out of four consecutive school years; and (2) the CCEE has provided advice and assistance to the district and submits a finding that the district failed or is unable to implement the CCEE's recommendations or that the district's inadequate performance, based on the California School Dashboard, is so persistent or acute as to require intervention. For any district identified as needing intervention, the SPI or an academic trustee appointed by the SPI may, with approval of the SBE, take one or more of the actions listed in items #1-3 below.

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

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

BP 0520(c)

INTERVENTION FOR UNDERPERFORMING SCHOOLS

Note: Pursuant to 20 USC 6311, based on data in the Dashboard, schools that are in the lowest performing five percent statewide of schools receiving federal Title I funding, as well as high schools with a graduation rate lower than 67 percent averaged over two years, are identified by CDE for comprehensive support and improvement (CSI). Schools are identified for targeted support and improvement (TSI) if one or more numerically significant student subgroups meet the criteria for the

lowest performing five percent of Title I schools, or for additional targeted support and improvement (ATSI) if one student group, on its own, meets these criteria. For program requirements, see BP 0520.1 - Comprehensive and Targeted Support and Improvement.

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

(cf. 0420 - School Plans/Site Councils)

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

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

60640-60649 California Assessment of Student Performance and Progress

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

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

6311 State plans

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

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

WEB SITES

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

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

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

10/19

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Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.1(a)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT

Note: Pursuant to 20 USC 6311, the California Department of Education (CDE) has established a system of school support and improvement to assist low-performing schools. Based on data in the California School Dashboard (or other performance data if a school is too small to receive a color-coded performance level on the Dashboard), every three years CDE identifies schools that need comprehensive support and improvement (CSI), including (1) schools in the lowest performing five percent of Title I schools and (2) all high schools (including Title I, non-Title I, traditional, and alternative schools) with a graduation rate lower than 67 percent averaged over two years. A district with school(s) that meet the criteria for CSI is eligible to apply to CDE for Title I, Part A funding to assist with the development and implementation of a plan to improve student outcomes. Such a district may also choose to provide all students in a CSI school the option to transfer to another district school, provided that priority is given to the lowest achieving students from low-income families, and may use up to five percent of its Title I allocation to pay for transportation for this purpose.

Schools will be annually identified for targeted support and improvement (TSI) if one or more student subgroups, for two consecutive years, meet the criteria for the lowest performing five percent of Title I schools. Every three years, TSI schools that have not improved will be identified for additional targeted support and improvement (ATSI).

Identification of schools for CSI and ATSI began in the 2018-19 school year. Schools will be identified for TSI for the first time beginning in 2020-21.

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

(cf. 0500 - Accountability)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 6011 - Academic Standards)

(cf. 6171 - Title I Programs)

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

BP 0520.1(b)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

School Plan

Note: Pursuant to 20 USC 6311, the district is required to develop a school improvement plan for each school identified for CSI, TSI, or ATSI, which must be based on all state indicators in the California School Dashboard. In accordance with the discretion granted to state agencies under 20 USC 6311,

CDE has determined that schools eligible for Dashboard Alternative School Status pursuant to Education Code 52052 that have fewer than 100 students are not exempted from this requirement, but they do have flexibility within the school planning process to focus on the Dashboard state indicators that are more applicable to the nature of their program. See the Frequently Asked Questions on CDE's web site.

20 USC 6311 also requires that the plan include evidence-based interventions. Such interventions are described in the U.S. Department of Education's Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments.

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

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

(cf. 0400 - Comprehensive Plans)

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

(cf. 0420 - School Plans/Site Councils)

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

BP 0520.1(c)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

Note: In addition to requiring district approval of school plans, 20 USC 6311 requires that CSI plans be approved by the state educational agency. However, CDE does not directly review and approve school-level plans. Instead, the template adopted by the State Board of Education for the local control and accountability plan requires a district with school(s) identified for CSI to provide the following information within the plan summary.

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

(cf. 0460 - Local Control and Accountability Plan)

Monitoring and Intervention

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

Note: For schools identified for TSI, 20 USC 6311 requires the district to monitor the school's implementation of its plan and take action if implementation of the plan is unsuccessful after a period of years established by the district. The following paragraph extends this requirement to CSI and ATSI schools and may be modified to reflect district practice, including the number of years for determining if the plan has been successful.

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

Note: In accordance with 20 USC 6311 and CDE's California ESSA Consolidated State Plan, schools identified for ATSI and CSI are expected to meet exit criteria after four years. A school is considered to have met exit criteria if it no longer has any combination of performance levels on state indicators that meet the criteria used for identification at the time the school was identified.

For schools identified for CSI, CDE must monitor and periodically review the implementation of the school's plan. The following paragraph reflects interventions established by CDE that may be imposed if a school fails to satisfy the exit criteria for CSI within four years of the initial identification. For further information, see CDE's California ESSA Consolidated State Plan.

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

BP 0520.1(d)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

1. Conduct a new needs assessment that focuses on systemic factors and conduct a root cause analysis that identifies gaps between current conditions and desired conditions in student performance and progress
2. Use the results of the analysis along with stakeholder feedback to develop a new improvement plan that includes:

- a. A prioritized set of evidence-based interventions and strategies
- b. A program evaluation component with support to conduct ongoing performance and progress monitoring

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

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

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

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

WEB SITES

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

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

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

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CSBA Sample Board Policy

Community Relations

BP 1431(a)

WAIVERS

Note: The following optional policy covers waiver requests that the State Board of Education (SBE) generally has legal authority to grant (general waivers). In order to provide districts with flexibility without undermining the basic intent of the law, Education Code 33050-33053 permit ~~districts~~ **the Governing Board** to request that ~~the~~ SBE waive sections of the Education Code; **and** Title 5 of the California Code of Regulations, ~~or any~~

~~applicable federal law.~~ Education Code 33050 exempts certain sections of the Education Code from ~~the SBE's~~ authority ~~of the SBE~~ to grant waivers. **SB 75 (Ch. 51, Statutes of 2019) amended Education Code 33050 to prohibit the waiver of specified provisions relating to funding for charter schools.**

~~However, this~~ **This** policy does not address waivers expressly authorized by law for specific programs and situations (specific waivers) such as the waiver of Education Code 56101 for students with disabilities, **the waiver of specified school site council provisions pursuant to Education Code 65001, and** waivers that may be granted by the Commission on Teacher Credentialing, or **waivers that may be specifically granted by** the Superintendent of Public Instruction such as waivers for alternative schools. See BP 6181 - Alternative Schools/Programs of Choice. For any such waiver, the process for obtaining the waiver would be as specified in the provision of law governing the program.

The Governing Board recognizes that ~~strict compliance with the law may sometimes hinder the district's ability to provide its students with an effective, well-rounded educational program.~~ **circumstances may arise in the operation of the district that require a waiver from state law or regulation.** When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state ~~or federal~~ law or regulation which ~~it~~ **SBE** has authority to waive pursuant to Education Code 33050.

Note: The California Department of Education (CDE) ~~has instituted~~ **web site contains** an online waiver request system ~~which it encourages districts to use.~~ ~~In addition, CDE has updated as well as~~ guidance and Frequently Asked Questions ~~on its web site~~ to help expedite the waiver submission process. Prior to submitting a waiver request, the district should confirm that it has gathered all the data required and **has** complied with all the legal requirements for the request. The district should also review Education Code 33051 which specifies the reasons for which ~~the~~ SBE may deny the request. ~~For example, a request to waive a provision of law regarding a program that requires the existence of a site council must be approved by that site council; otherwise the request will be denied by the SBE.~~

Any waiver request to be submitted to ~~the~~ SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

~~Prior to presenting the proposed request for Board approval, the Superintendent or designee shall consult with and obtain the approval of any advisory committee or site council when required by law.~~ **If the proposed waiver request affects a program that requires the existence of a school site council, the Superintendent or designee shall obtain the school site council's approval of the request before presenting it to the Board. As**

BP 1431(b)

WAIVERS (continued)

appropriate, other councils or advisory committees, including bilingual advisory committees, shall be provided adequate opportunity to review a proposed waiver request, and the request shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)

Note: The following **optional** paragraph is for **use by** districts with an employee organization certified to represent the district's employees in negotiations with the district.

In addition, the Superintendent or designee shall **involve consult with** the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050, **33051**)

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

Note: The following paragraph is for use by districts that participate in a joint powers entity to operate a regional occupational center or program. See BP 6178.2 - Regional Occupational Center/Program.

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

(cf. 6178.2 - Regional Occupational Center/Program)

Note: Education Code 33050 does not include specific requirements in regard to the public hearing that must be held before the Board submits a waiver request. CDE's General Waiver Instructions, located on its web site, state that the public hearing must be properly noticed and held during a board meeting.

To receive public testimony on each **proposal for a** waiver request ~~proposal~~, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

Note: Education Code 33050 does not specify the length of the advanced notice required for the public hearing described above. However, CSBA believes that the notice must allow sufficient time to enable members of the public adequate opportunity to participate in the waiver request process.

CDE's General Waiver Instructions provide that distribution of the board meeting agenda is insufficient to constitute proper notice for the public hearing. The notice must specifically invite public testimony, and can be advertised by (1) printing a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation, or (2) in small districts, posting a formal notice at each school and three public places in the district.

BP 1431(c)

WAIVERS (continued)

The following **optional** paragraph may be revised to specify the length of the notice in accordance with district practice, **and should be modified appropriately depending on the size of the district.**

The notice, which shall state the time, date, location, and subject of the public hearing **and invite public testimony**, may be printed in a newspaper of general circulation **and/or** posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

Note: ~~The following optional paragraph addresses renewal of general waivers which have been granted by the SBE. According to CDE's State Board of Education - CalEd Facts issued in January 2013, pursuant~~ Pursuant to Education Code 33051, any general waiver which has been granted for two consecutive years, or which is initially granted for two years, may be regarded as "permanent" for as long as the information on the waiver request remains current. However, ~~the~~ SBE may require updated information for a general waiver whenever it determines that information to be necessary. ~~The~~ SBE may also rescind a waiver if additional information supporting a recession is made available to the SBE. ~~Additionally, a district is required to apply annually for the renewal of any waiver regarding teacher credentialing.~~

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the ~~district~~ Board has requested and received the same general waiver from ~~the~~ SBE for two consecutive years, the Board ~~is not required~~ **does not subsequently need** to reapply annually **if provided that** the information contained on the request remains current, ~~However, the district shall apply annually~~ **except that the district shall apply annually** for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference: (see next page)

BP 1431(d)

WAIVERS (continued)

Legal Reference:

EDUCATION CODE

~~5000-5033~~ *Governing board elections*

~~10400-10407~~ *Cooperative improvement programs*

~~17047.5~~ *Facilities used by special education students*

~~17291~~ *Portable school buildings*

~~33050-33053~~ *General waiver authority*

~~37202~~ *Equity length of time*

~~41000-41360~~ *School finance*

~~41381 Minimum school day~~
~~41600-41854 Computation of allowances~~
~~41920-42842 Budget requirements; local taxation by school districts~~
~~44666-44669 School-Based Management and Advanced Career Opportunities~~
~~44681-44689 Administrator Training and Evaluation~~
~~45108.7 Maximum number of senior management positions~~
~~48660-48666 Community day schools~~
~~48800 Attendance at community college~~
~~49550-49560 Meals for needy students~~
~~51224.5 Algebra instruction~~
~~51745.6 51747.3 Charter school independent study ratio funding~~
~~52160-52178 Bilingual Bicultural Education Act of 1976~~
~~52522 Plans for adult education~~
~~54407 Waiver for compensatory education programs~~
~~56000-56867 Special education programs~~
~~58407 Waiver related to individualized instruction program~~
~~60119 Public hearing on sufficiency of instructional materials~~
~~65001 School site councils~~
CODE OF REGULATIONS, TITLE 5
~~3100 Resource specialist caseload waivers~~
~~3945 Cooperative programs~~
~~11960 Charter school attendance~~
~~11963.4 Charter school percentage funding~~
~~13017 Waivers, compensatory education New Careers in Education Program~~
~~13044 Waivers, compensatory education Professional Development and Program Improvement Programs~~
UNITED STATES CODE, TITLE 20
~~1400-1482 Individuals with Disabilities Education Act~~
~~7115 Student Support and Academic Enrichment Grants~~

Management Resources:

WEB SITES

California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3515(a)

CAMPUS SECURITY

Note: The following **optional** policy should be modified to reflect district practice.

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

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

Note: A district's campus security strategy may be developed as part of the school's comprehensive school safety planning process (see BP/AR 0450 - Comprehensive Safety Plan).

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

(cf. 0450 - Comprehensive Safety Plan)

Surveillance Systems

Note: The following **optional** section is for use by districts that have authorized the use of surveillance systems. ~~Although courts have not ruled on the use of surveillance systems in a school setting,~~ Generally, the use of cameras (i.e., a "search" within the meaning of the Fourth Amendment) must be reasonable and the cameras must not be used in areas where there is a "reasonable expectation of privacy" (*New Jersey v. T.L.O.*). **To protect reasonable expectations of privacy,** ~~Thus,~~ cameras should not **be** located in areas such as bathrooms, locker rooms, or private offices. **In addition,** Education Code 51512 prohibits the use of a recording device in a classroom without the prior consent of the teacher and principal. Examples of locations where cameras may generally be used include hallways, stairwells, parking lots, and cafeterias. For language about the use of cameras on school buses, see BP/AR 5131.1 - Bus Conduct.

Penal Code 632 prohibits the recording of conversations unless the parties to the conversation may reasonably expect that the communication may be overheard or recorded. Thus, if the district's equipment has audio capability, it should be disabled so that sounds are not recorded.

~~Before adopting the use of such a system, a cost-benefit analysis should be conducted to determine whether surveillance cameras are the most effective method to address the particular security concerns on the campus (e.g., certain locations are difficult to monitor and other means of deterrence have not been successful). Another determination is whether the cameras will be monitored in "real time" by trained personnel or whether the images will be recorded and later used as "evidence." The district should also~~

BP 3515(b)

CAMPUS SECURITY (continued)

~~determine whether the system will record images 24 hours a day, during school hours, or on some other schedule. Because audio surveillance generally requires a warrant, if the district's equipment has audio capability, it should be disabled so that sounds are not recorded.~~

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

privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

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

Note: According to the National Institute of Justice publication **The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies**, signage is an important component of a successful **surveillance** system and can serve as a deterrent against vandals. The Institute **also** recommends that the signs state ~~whether or not that the system may or may not be~~ **is being** actively monitored, ~~so that potential victims are not under the impression~~ **Such language is intended to deter potential perpetrators while also not building an expectation among potential victims** that a person is watching events live and will be able to provide immediate assistance. ~~is also recommended that districts provide notice to students and parents/guardians about the district's surveillance program in order to clarify that there is no expectation of privacy in those locations where the cameras will be placed and that images from the cameras may be used in disciplinary proceedings.~~

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

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

Note: Pursuant to 20 USC 1232(g) (Family Educational Rights and Privacy Act), **34 CFR 99.3**, and Education Code 49061, any recording or image ~~of that is directly related to~~ a student ~~collected and is maintained~~ by the district ~~or a person acting for the district~~ is considered a "student record" and thus is subject to those laws regarding access, disclosure, and retention. See BP/AR 5125 - Student Records. **Also**

BP 3515(c)

CAMPUS SECURITY (continued)

see the U.S. Department of Education's **FAQs on Photos and Videos under FERPA**, located on its web site.

In addition, a recording or image of a staff member that may be used in a personnel action is subject to the laws regarding personnel records, including an employee's right to comment on derogatory information placed in ~~his/her~~ **a personnel** file. See AR 4112.6/4212.6/4312.6 - Personnel Files.

To the extent that any images from the district's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed,

retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

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

Legal Reference:

EDUCATION CODE

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

17075.50 Classroom security locks, new construction projects

17583 Classroom security locks, modernization projects

32020 Access gates

32211 Threatened disruption or interference with classes

32280-~~32288~~ 32289 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

38000-38005 Security patrols departments

49050-49051 Searches by school employees

49060-49079 Student records

PENAL CODE

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

626-~~626.10~~ 626.11 Disruption of schools

CALIFORNIA CODE OF REGULATIONS, TITLE 24

1010.1.9 Door operations

1010.1.11 Lockable doors from the inside

CALIFORNIA CONSTITUTION

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

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.3 Definition of education records

COURT DECISIONS

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

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

ATTORNEY GENERAL OPINIONS

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

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

Management Resources: (see next page)

BP 3515(d)

CAMPUS SECURITY (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs on Photos and Videos under FERPA

WEB SITES

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

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

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

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

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

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CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3515(a)

CAMPUS SECURITY

Note: The following **optional** administrative regulation may be used as a component of a comprehensive safety plan (see BP/AR 0450 - Comprehensive Safety Plan) and should be modified to reflect district practice.

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

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

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

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

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

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

(cf. 5112.5 - Open/Closed Campus)

3. Discourage vandalism and graffiti

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

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

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5137 - Positive School Climate)

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

4. Control access to keys and other school inventory

(cf. 3440 - Inventories)

AR 3515(b)

CAMPUS SECURITY (continued)

5. Detect and intervene with school crime

These strategies may include ~~the creation of~~ **creating** a school watch program, **increasing adult presence and supervision, establishing** an anonymous crime reporting system, ~~analysis of~~ **analyzing** school crime incidents, and ~~collaboration~~ **collaborating** with local law enforcement agencies, including providing for law enforcement presence.

(cf. 3515.7 - Firearms on School Grounds)
(cf. 3516.2 - Bomb Threats)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5116.2 - Involuntary Student Transfers)
(cf. 5131.2 - Bullying)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5141.52 - Suicide Prevention)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6164.2 - Guidance/Counseling Services)

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

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

Locks

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

Keys

Note: The following **optional** section should be modified to reflect district practice.

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

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

AR 3515(c)

CAMPUS SECURITY (continued)

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

Note: Pursuant to Penal Code 469, a person who knowingly possesses, duplicates, uses, or attempts to use or duplicate, a key without authorization may be guilty of a misdemeanor.

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

(6/96 3/07) 10/19

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CSBA Sample Board Policy

Certificated Personnel

BP 4116(a)

PROBATIONARY/PERMANENT STATUS

Note: The following Board policy is for use by districts that grant permanent status to certificated employees following successful completion of a probationary period, and should be modified for consistency with the district's collective bargaining agreement if applicable.

Pursuant to Education Code 44929.23, districts with an average daily attendance (ADA) of less than 250 may adopt a policy of annually reelecting certificated employees instead of granting them permanent status. Such districts may replace the following policy with a policy statement reflecting the

decision to not grant permanent status in accordance with the authority granted pursuant to Education Code 44929.23.

Probationary employees should not be confused with temporary employees, as there are significant differences in terms of the layoff procedures and reemployment rights applicable to them; see BP 4117.3 - Personnel Reduction. According to the courts in Bakersfield Elementary Teachers Association v. Bakersfield City School District and California Teachers Association v. Vallejo City Unified School District, employees who have not attained permanent status but who cannot properly be classified as temporary or substitute employees (see BP 4121 - Temporary/Substitute Personnel) must be classified as probationary employees. An employee should not be classified as temporary rather than probationary solely on the basis of not holding a clear credential (e.g., a holder of a preliminary credential, internship certificate, provisional internship permit, short-term staff permit, emergency permit, or credential waiver). In addition, in Stockton Teachers Association CTA/NEA v. Stockton Unified School District, the court held that employees hired for the term of a categorically funded project pursuant to Education Code 44909 may only be considered temporary employees if they are terminated at the expiration of the categorically funded project and, if not terminated, must be considered probationary employees.

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

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

Note: The district should select the option below that reflects ~~district practice~~ and the ADA of the district.

Pursuant to Education Code 44929.21, a district with ADA of 250 or more must grant permanent status in accordance with Option 1.

Pursuant to Education Code 44949.23, if the Governing Board of a district with ADA of less than 250 elects to dismiss probationary employees during the school year in accordance with Education Code 44948.2 and 44948.3, the district must grant permanent status after two years (Option 1). Other districts with less than 250 ADA may choose to grant permanent status after three years (Option 2).

BP 4116(b)

PROBATIONARY/PERMANENT STATUS (continued)

OPTION 1: (Districts of 250 ADA or more, and districts with less than 250 ADA whose Board has elected to dismiss probationary employees during the school year pursuant to Education Code 44948.2 and 44948.3)

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

OPTION 2: (Districts with less than 250 ADA that grant permanent status after three years)

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

Probationary Status

Note: The following optional paragraphs apply to all districts.

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

(cf. 4131 - Staff Development)

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

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

Dismissal/Nonreelection of Probationary Employees

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

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

BP 4116(c)

PROBATIONARY/PERMANENT STATUS (continued)

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

(cf. 4117.3 - Personnel Reduction)

(cf. 4117.6 - Decision Not to Rehire)

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

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

Note: The following optional paragraph is for use by districts that grant permanent status to certificated employees after completion of two consecutive years of service (Option 1 above). Districts with less than 250 ADA that grant permanent status upon completion of three consecutive years of service (Option 2 above) should revise the following paragraph to indicate that a nonreelection notice may be provided during the employee's first or second year of employment if the probationary employee will not be reelected for the following year.

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

Note: For districts that select Option 1 above, Education Code 44929.21 requires the district to give written notice, as provided below, if the probationary employee will not be reelected for the third year. Districts with less than 250 ADA must also provide notice by March 15 pursuant to Education Code 44948.5.

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

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

Note: State law does not specify a method that must be used to provide the above notice to a probationary employee who is not reelected for the subsequent school year. The following paragraph may be revised to reflect district practice.

In Grace v. Beaumont Unified School District, the court ruled that acceptable methods of notification include email, certified mail if a return receipt shows that the letter was received before March 15, oral notification, and/or adoption and publication of termination decision(s) by employee number at a board meeting when the employee is present.

BP 4116(d)

PROBATIONARY/PERMANENT STATUS (continued)

In Hoschler v. Sacramento City Unified School District, the court held that, when providing notice of nonreelection pursuant to Education Code 44929.21, the district must ensure that the employee receives notice on or before March 15 either through personal service or through another method which will ensure actual receipt equivalent to imparting actual notice. Because the district provided notice via certified mail but did not have evidence that the employee received the certified letter on or before March 15, the notice was not timely and the employee was deemed to have been reelected for the subsequent school year.

In Sullivan v. Centinela Valley Union High School District, the court held that a probationary teacher who avoided service of the notice may not assert failure of notice since it reasonably can be inferred that the teacher did so with knowledge of the nonreelection decision.

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

Permanent Status

Note: The following optional paragraph is for use by districts with 250 ADA or more and those districts with less than 250 ADA that grant permanent status.

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

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

Legal Reference: (see next page)

BP 4116(e)

PROBATIONARY/PERMANENT STATUS (continued)

Legal Reference:

EDUCATION CODE

44466 Status of university interns

44850.1 No tenure in administrative or supervisory position

44885.5 Status of district interns

44908 Complete year for probationary employees

44909 Classification of certificated employees in categorically funded projects
44911 44910-44913 Service not computed in eligibility for permanent status
44915 Classification of probationary employees
44917-44921 Status of substitute or temporary employees
44929.20 Continuing contracts (not to exceed four years - ADA under 250)
44929.21 Districts of 250 ADA or more
44929.23 Districts with less than 250 ADA
44929.28 Employment by another district
44930-44988 Resignations, dismissals and leaves of absence, especially:
44948.2 Election to use provisions of Section 44948.3
44948.3 Dismissal of probationary employees
44948.5 Nonreelection procedures, districts under 250 ADA
44949 Cause, notice and right to hearing required for dismissal of probationary employee
44955 Reduction in number of permanent employees

COURT DECISIONS

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

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

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

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

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

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

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

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

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

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

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CSBA Sample Administrative Regulation

Certificated Personnel

AR 4116(a)

PROBATIONARY/PERMANENT STATUS

Note: The following administrative regulation is for use by districts that grant permanent status to certificated employees following successful completion of a probationary period as specified in law.

Pursuant to Education Code 44929.23, districts with an average daily attendance (ADA) of less than 250 may choose to not grant permanent status; see the accompanying Board policy.

Permanent Status (Districts of 250 ADA or More)

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

Note: Pursuant to Education Code 44929.21 and 44929.23, districts of 250 ADA or more and districts of less than 250 ADA that grant permanent status (Option 1 below), must notify an employee on or before March 15 of the employee's second complete consecutive school year of employment of the decision to whether to reelect the employee for the next school year. If the district does not provide that notice, the employee is deemed to be reelected for the next school year. See AR 4117.6 - Decision Not to Rehire.

Permanent Status (Districts with Less than 250 ADA)

Note: Option 1 below is for use by districts with less than 250 ADA that grant permanent status after two consecutive years; this option must be used by districts desiring the right to dismiss probationary-certificated employees by nonreelection for a subsequent school year without a hearing pursuant to Education Code 44929.21 and 44929.23. Districts making this election also achieve broader rights to dismiss the probationary teacher during the school year pursuant to Education Code 44948.2 and 44948.3. (See AR 4117.6 - Decision Not to Rehire and AR 4118 - Dismissal/Suspension/Disciplinary Action.) Once the district elects to have this right and give permanent status after two years as described in Option 1, its decision is irreversible and it can no longer delay or deny the granting of permanent status as described in Option 2 or 3.

Options 2 and 3 may be selected by districts with less than 250 ADA that have not elected to dismiss probationary employees pursuant to Education Code 44948.2 and 44948.3. Such districts still have the choice of granting permanent status to certificated employees after they have completed three consecutive years of service (Option 2), or, if the Board does not choose to grant permanent status, employees may be reelected from year to year without becoming permanent employees (Option 3). Because of the ramifications of this decision, districts should seek legal counsel before choosing one of these options.

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

AR 4116(b)

PROBATIONARY/PERMANENT STATUS (continued)

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

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

*(cf. 4115 – Evaluation/Supervision)
(cf. 4117.6 – Decision Not to Rehire)
(cf. 4118 – Dismissal/Suspension/Disciplinary Action)
(cf. 4121 – Temporary/Substitute Personnel)*

Eligibility for Permanent Status

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

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

- 1. Service as an instructor in classes conducted at regional occupational centers or programs (Education Code 44910)**
- 2. Service under a provisional credential other than a one-year emergency credential (Education Code 44911)**
- 3. Service only as a teacher of basic military drill in high school cadet companies (Education Code 44912)**
- 4. Employment in summer school (Education Code 44913)**

Permanency Achieved in Other Districts

Note: The following paragraph section is optional.

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

AR 4116(c)

PROBATIONARY/PERMANENT STATUS (continued)

Interns

Note: AB 552 (Ch. 138, Statutes of 1997) amended Education Code 44466 to make the requirements for the attainment of permanent status by university interns authorized pursuant to Education Code 44450 consistent with the requirements for district interns authorized pursuant to Education Code 44325.

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

(cf. 4112.21 - Interns)

Note: ~~The following paragraph should be used only by districts that grant permanent status to certificated staff.~~

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

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CSBA Sample Board Policy

All Personnel

BP 4119.22(a)

4219.22

DRESS AND GROOMING

4319.22

Note: The following **optional** policy may be revised to reflect district practice. Government Code 12949, several court cases, and Public Employment Relations Board (PERB) decisions support districts' non-negotiable management prerogative to adopt a dress code. However, in 22 PERC P29, 136, PERB determined

that districts must provide the exclusive bargaining representative with an opportunity to bargain over the "effects" of the dress code which may have an impact on matters within scope of representation. Districts should consult legal counsel when prescribing or prohibiting specific items of clothing.

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

(cf. 0415 - Equity)

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

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

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

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

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

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

(cf. 4030 - Nondiscrimination in Employment)

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

Note: Government Code 12926, as amended by SB 188 (Ch. 58, Statutes of 2019), defines "race," for purposes of prohibiting employment discrimination, as including traits historically associated with race, such as hair texture and protective hairstyles, as defined.

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

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

BP 4119.22(b)

4219.22

4319.22

DRESS AND GROOMING (continued)

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

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

3543.2 Scope of representation

12926 Definitions

12940 Unfair employment practices

12949 Dress standards, consistency with gender identity

COURT DECISIONS

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

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

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

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

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

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

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

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

Transgender Rights in the Workplace

WEB SITES

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

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

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Classified Personnel

BP 4216(a)

PROBATIONARY/PERMANENT STATUS

Note: Education Code 45113 mandates the Governing Board in a non-merit system district to develop rules and regulations establishing a period of probationary service of no more than one year for the personnel management of classified employees. For districts establishing the merit system pursuant to Education

Code 45240-45320, rules for the efficient running of the classified service are established by the personnel commission pursuant to Education Code 45260. The following policy may be revised to reflect district practice, the collective bargaining agreement, or personnel commission rules.

~~These rules and regulations are often included in the collective bargaining agreement; if so, a separate policy is not mandated. All parts of the following policy may be revised to reflect district practice; the first two paragraphs should be revised to reflect the duration of probationary period used in the district. This policy applies only to districts not incorporating the merit system (Education Code 45240-45320).~~

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

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

Note: The following paragraph should be revised to reflect the specific length of the probationary period prescribed by the district, provided the probationary period does not exceed the time limits specified below.

Education Code 45113, as amended by AB 1353 (Ch. 542, Statutes of 2019), shortened the maximum length of the required probationary period in non-merit system districts from one year to six months or 130 days of paid service, whichever is longer. Therefore, the maximum length of the required probationary period for non-merit districts is now the same as that of districts incorporating the merit system as provided under Education Code 45301. Education Code 45113, as amended, will not override any conflicting provision of a collective bargaining agreement entered into before January 1, 2020, until the collective bargaining agreement expires or is renewed.

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

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

BP 4216(b)

PROBATIONARY/PERMANENT STATUS (continued)

(cf. 4215 - Evaluation/Supervision)

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

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

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

Note: AB 365 (Ch. 844, Statutes of 2001) amended Education Code 45113 to add the following requirement.

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

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

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

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for classified service in districts not incorporating the merit system
45240-45320 Merit system

Management Resources:

WEB SITES

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

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CSBA Sample Board Policy

Classified Personnel

BP 4218(a)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Note: The following policy is for use by districts that have not incorporated the merit system for classified employees pursuant to Education Code 45240-45320. For procedures applicable to districts that have incorporated the merit system, see BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System).

The following policy is subject to collective bargaining and may be deleted or revised by any district whose collective bargaining agreement covers classified employee dismissal, suspension, and other disciplinary action. **To the extent that this policy is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail.**

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4000 - Concepts and Roles)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4200 - Classified Personnel)

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

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

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

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

(cf. 4216 - Probationary/Permanent Status)

BP 4218(b)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Note: Education Code 45113 **mandates** districts not incorporating the merit system to prescribe, by written rule or regulation, causes and procedures for disciplinary action against permanent classified employees. Also see the accompanying administrative regulation.

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

Procedures for Serious Disciplinary Proceedings

Note: The following section should be revised to reflect district practice.

In Skelly v. State Personnel Board, the California Supreme Court held that permanent public employees have a right to certain due process protections prior to any punitive disciplinary action, such as termination, suspension, or demotion. These procedural rights include notice of the proposed materials upon which the action is based and the right to respond, either orally or in writing, to the individual recommending that discipline be imposed. These procedural rights are designed to protect an employee who may be wrongfully disciplined, without necessitating a full evidentiary hearing before the Governing Board. Therefore, CSBA recommends that the Superintendent or designee appoint a Skelly officer to evaluate whether there are reasonable grounds for believing that the employee engaged in the alleged misconduct and whether the proposed discipline is justified.

~~Pursuant to Education Code 45113 and 45116, a permanent classified employee must be given notice of any recommendation for disciplinary action against the employee, including a time period during which the employee may request a hearing on the charges. See the section "Initiation and Notification of Charges" in the accompanying administrative regulation.~~

~~Pursuant to Education Code 45113, the Governing Board may delegate its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in Penal Code 830.32, to an impartial third-party hearing officer. Hearings conducted by the Board or a hearing officer are not subject to the procedures used by the Office of Administrative Hearings pursuant to Government Code 11500-11529. The following section is for use by boards who conduct their own hearing and should be revised by boards that use a hearing officer.~~

~~As amended by AB 2234 (Ch. 996, Statutes of 2018), Education Code 45113 requires the Board to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Egregious misconduct is defined as immoral conduct leading to an allegation of a sex offense pursuant to Education Code 44010, a controlled substance offense pursuant to Education Code 44011, or child abuse or neglect pursuant to Penal Code 11165.2-11165.6. In conducting hearings on such matters, the administrative law judge is required to comply with Education Code 44990-44994, as added by AB 2234, pertaining to the testimony of minor witnesses.~~

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

BP 4218(c)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Note: Pursuant to Education Code 45113 and 45116, a permanent classified employee must be given notice of any disciplinary action against the employee, including a time period during which the employee may request a Board hearing on the charges. See the section "Initiation and Notification of Charges" in the accompanying administrative regulation.

Pursuant to Education Code 45113, the Board may delegate its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in Penal Code 830.32, to an impartial third-party hearing officer. Hearings conducted by the Board or a hearing officer are not subject to the procedures used by the Office of Administrative Hearings pursuant to Government Code

11500-11529. ~~The following section is for use by boards who conduct their own hearing and should be revised by boards that use a hearing officer. Districts that refer all disciplinary matters to a third-party hearing officer rather than holding Board hearings should revise the remainder of this section accordingly.~~

Education Code 45113 requires the Board to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Egregious misconduct is defined as immoral conduct leading to an allegation of a sex offense pursuant to Education Code 44010, a controlled substance offense pursuant to Education Code 44011, or child abuse or neglect pursuant to Penal Code 11165.2-11165.6.

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

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

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

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

(cf. 3515.3 - District Police/Security Department)

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

BP 4218(d)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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

(cf. 9321 - Closed Session)

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

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of

any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

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

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

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

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

If the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to

BP 4218(e)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

determine whether sufficient cause exists for disciplinary action against the employee. In **such cases involving an allegation of egregious misconduct**, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

Legal Reference:

EDUCATION CODE

35161 *Delegation of powers and duties*

44009 *Conviction of specified crimes*

44010 *Sex offense*

44011 "Controlled substance offense" defined
44031 Personnel file
44940 Leave of absence; employee charged with mandatory or optional leave of absence offense
44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security
44990-44994 Testimony of minor witnesses at dismissal or suspension hearings
45101 Definitions (including "disciplinary action," "cause")
45109 Fixing of duties
45113 Rules and regulations for classified service in districts not incorporating the merit system
45123 Employment after conviction of sex or narcotics offense
45124 Dismissal of sexual psychopath
45202 Transfer of accumulated sick leave and other benefits following dismissal
45240-45320 Merit system, classified employees
CODE OF CIVIL PROCEDURE
1286.2 Grounds for vacating decision of arbitrator
GOVERNMENT CODE
11500-11529 Administrative adjudication
12900-12996 Fair Employment and Housing Act
54957 Brown Act open meeting laws; closed session
HEALTH AND SAFETY CODE
11054 Schedule I; substances included
11055 Schedule II, substances included
11056 Schedule III, substances included
11357-11361 Marijuana
11363 Peyote
11364 Opium
11370.1 Possession of controlled substances with a firearm

Legal Reference continued: (see next page)

BP 4218(f)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Legal Reference: (continued)

PENAL CODE

187 Murder
667.5 Sex offenders
830.32 Peace officers employed by district
1192.7 Violent or serious felony
11165.2-11165.6 Child abuse or neglect, definitions

VEHICLE CODE

1808.8 School bus drivers; dismissal for safety-related cause

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

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

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

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

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

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CSBA Sample Administrative Regulation

Classified Personnel

AR 4218(a)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Causes for Disciplinary Action

Note: The following section should be revised to reflect district practice. Education Code 45113 **mandates** districts not incorporating the merit system to prescribe, by rule or regulation, causes for disciplinary action against permanent classified employees. Pursuant to Education Code 45101, such employees may be disciplined only for cause as so prescribed.

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

Note: Pursuant to Education Code 45122.1, 45123, and 45124, districts must not continue to employ anyone who has been convicted of a specified sex offense, controlled substance offense, or violent or serious offense as defined, except for employees who have been rehabilitated or had their conviction reversed or the charges dismissed. Also see AR 4112.5/4212.5/4312.5 - Criminal Record Check.

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

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

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure
5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records
6. Unsatisfactory performance

AR 4218(b)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance

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

12. Destruction or misuse of district property

(cf. 4040 - Employee Use of Technology)

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

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

Note: Pursuant to the federal Americans with Disabilities Act (42 USC 12101-12213) and the state's Fair Employment and Housing Act (Government Code 12900-12996), the district has a duty to reasonably accommodate qualified employees with known disabilities, except when such accommodation would cause an undue hardship to the district. This accommodation is not required for individuals who are not otherwise qualified for the job.

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

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

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

AR 4218(c)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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

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

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

(cf. 4216 - Probationary/Permanent Status)

Initiation and Notification of Charges

Note: Pursuant to Skelly v. State Personnel Board, permanent public employees are entitled to due process before any punitive disciplinary action, such as termination, suspension, or demotion, may be taken against such employees. These procedural rights include provision of notice of the materials upon which the proposed action is based and the right to respond, either orally or in writing, to a district official ("Skelly officer") who is designated to decide whether the recommended discipline should be imposed.

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

Note: Education Code 45113 mandates districts to adopt disciplinary procedures which contain provisions for giving classified employees a written notice of specific charges, the employee's right to a hearing on those charges, the time within which the hearing may be requested, and a card or paper to complete to request a hearing.

AR 4218(d)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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

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

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

Request for Board Hearing

Note: As provided in the section "Initiation and Notification of Charges" above, Education Code 45113 requires that the notice of disciplinary action include the time within which a hearing may be requested, which cannot be less than five days after service of the notice to the employee. In California School Employees Association v. Livingston Union School District, the appeals court ruled that the district failed to provide due process to an employee when it denied the employee the opportunity to request a hearing based on the employee's failure to respond within five days after service of the notice. The district's policy had established the date of "service of the notice" as the date of mailing, but the employee was a 10-month employee who was out of town when the notice was delivered. The court held that the notice was not "reasonably calculated" to provide an opportunity to timely request a hearing. Thus, it is recommended that districts use the date of the employee's receipt of the notice as the date upon which the five-day response period begins. **For further information on the evidentiary hearing conducted by the Board or a hearing officer, see the accompanying Board policy.**

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

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

AR 4218(e)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Employment Status Pending a Hearing

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

Compulsory Leave of Absence

Note: State law requires that classified employees in merit system districts and certificated employees be immediately placed on compulsory leave of absence following conviction for certain offenses specified in

Education Code 44940, and gives districts discretion to place such employees on leave for other specified offenses. Although existing state law does not explicitly provide for application to classified employees in nonmerit system districts, such districts have authority pursuant to Education Code 45113 to establish causes for suspension or dismissal. The following section may be revised to reflect district practice.

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

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

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

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

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CSBA Sample Board Policy

Students

BP 5131(a)

CONDUCT

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

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

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)
(cf. 6145.2 - Athletic Competition)

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

Note: The district may modify, delete, or add to the **optional** items below to reflect district practice. Also see AR 5144.1 - Suspension and Expulsion/Due Process for conduct that constitutes grounds for suspension or expulsion.

Prohibited student conduct includes, but is not limited to:

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

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5142 - Safety)

Note: Education Code 234.1, as amended by AB 9 (Ch. 723, Statutes of 2011), requires the Governing Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and requires school personnel who witness such acts to take immediate steps to intervene when safe to do so; see BP 5131.2 - Bullying, AR 5145.3 - Nondiscrimination/Harassment, and BP/AR 5145.7 - Sexual Harassment. In addition, AB 1156 (Ch. 732, Statutes of 2011) amended Education Code 32282 to encourage comprehensive safety plans to include policies and procedures aimed at the prevention of bullying; see BP 0450 - Comprehensive Safety Plan.

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

BP 5131(b)

CONDUCT (continued)

(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district

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

(cf. 5131.5 - Vandalism and Graffiti)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

Note: Penal Code 417.27 prohibits students from possessing laser pointers on school premises, unless the pointer is used for valid instructional or other school-related purpose, as provided in item #8 below. Penal Code 417.25 states that aiming or pointing a laser scope (i.e., a portable device capable of projecting a laser light on objects at a distance) at another person in a threatening manner, whether or not the laser scope is attached to a firearm, may be a misdemeanor if intended to cause a person fear of bodily harm.

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

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

BP 5131(c)

CONDUCT (continued)

Note: Pursuant to Education Code 48901.5, the district may regulate the use of electronic signaling devices that operate through the transmission or receipt of radio waves. ~~Districts that choose to prohibit all possession of such devices on campus should revise item #9 accordingly; however,~~ **However,** student use of such devices may not be prohibited if essential for a student's health.

Additionally, Education Code 48901.7, as added by AB 272 (Ch. 42, Statutes of 2019), authorizes the Governing Board to limit or prohibit student use of smartphones while at school or while under the supervision and control of an employee of the district, except under specified circumstances. See BP 5131.8 - Mobile Communication Devices.

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

(cf. 5131.8 - Mobile Communication Devices)
(cf. 6163.4 - Student Use of Technology)

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

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

10. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)
(cf. 6162.54 - Test Integrity/Test Preparation)
(cf. 6162.6 - Use of Copyrighted Materials)

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

(cf. 5132 - Dress and Grooming)
(cf. 5136 - Gangs)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5113.11 - Attendance Supervision)
(cf. 5113.12 - District School Attendance Review Board)

BP 5131(d)

CONDUCT (continued)

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

(cf. 5112.5 - Open/Closed Campus)

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

Note: When school officials want to search a student or ~~his/her~~ **a student's** belongings (e.g., backpack, purse, cell phone; **or other mobile communication device, or computer**) as part of an investigation of suspected student misconduct, the legality of the search will depend on whether the search is "reasonable" (New Jersey

v. T.L.O); see BP/AR 5145.12 - Search and Seizure. The "reasonableness" of a search depends on (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction. It is recommended that the district consult with legal counsel as appropriate.

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

(cf. 5145.12 - Search and Seizure)

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

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

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5127 - Graduation Ceremonies and Activities)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)

BP 5131(e)

CONDUCT (continued)

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

Note: The following **optional** paragraph addresses students' off-campus conduct during nonschool hours; ~~also see BP 5145.2 - Freedom of Speech/Expression~~. In general, the courts have upheld districts' discipline of students for off-campus conduct that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities. In addition, courts have analyzed the reasonableness of the district's policy and whether the disciplinary action taken by the district was in proportion to the student's misbehavior. ~~In adopting policy related to off-campus conduct,~~

~~districts should consult with legal counsel to ensure that the policy does not violate students' First Amendment rights to freedom of speech or expression.~~

~~AB 256 (Ch. 700, Statutes of 2013) amended Pursuant to Education Code 48900, to clarify that districts have the authority to suspend or expel students who engage in cyberbullying off campus, provided that the act meets the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to his/her the student's person or property, causing a substantially detrimental effect on his/her the student's physical or mental health, causing substantial interference with his/her the student's academic performance, or causing substantial interference with his/her the student's ability to participate in or benefit from school services, activities, or privileges); see BP 5131.2 - Bullying.~~

~~In adopting policy related to off-campus conduct, districts should consult with legal counsel to ensure that the policy does not violate students' First Amendment rights to freedom of speech or expression. Also see BP 5145.2 - Freedom of Speech/Expression.~~

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

Legal Reference: (see next page)

BP 5131(f)

CONDUCT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

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

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

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

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

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

COURT DECISIONS

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

LaVine v. Blaine School District (~~2000~~ **2001**, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415 (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675

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

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

Management Resources:

CSBA PUBLICATIONS

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

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

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

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

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

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

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

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

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CSBA Sample Board Policy

Students

BP 5131.8(a)

MOBILE COMMUNICATION DEVICES

Note: The following optional policy may be revised to reflect district practice. Education Code 48901.7, as added by AB 272 (Ch. 42, Statutes of 2019), authorizes the Governing Board to limit or prohibit student use of smartphones while at school or while under the supervision and control of a district employee, except for specified purposes. In addition, Education Code 48901.5 authorizes the district to regulate the use of electronic signaling devices that operate through the transmission or receipt of radio waves unless essential for a student's health.

Districts that choose to regulate mobile communication devices differently based on grade level may revise this policy accordingly.

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

permits limited use of mobile communication devices on campus in accordance with law and the following policy.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.2 - Bullying)

(cf. 5131.4 - Student Disturbances)

(cf. 5131.9 - Academic Honesty)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 6163.4 - Student Use of Technology)

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

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

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

BP 5131.8(b)

MOBILE COMMUNICATION DEVICES (continued)

4. When the possession or use is required by the student's individualized education program

(cf. 6159 - Individualized Education Program)

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

Note: A search of a student's personally owned mobile communication device may be subject to the Fourth Amendment of the U.S. Constitution which prohibits unreasonable search and seizure. When school officials want to search a student's mobile communication device as part of an investigation of suspected student misconduct, the legality of the search will depend on whether the search is "reasonable" (*New Jersey v. T.L.O.*). The "reasonableness" of a search depends on (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction. It is

recommended that the district consult with legal counsel as appropriate. See BP/AR 5145.12 - Search and Seizure.

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

(cf. 5145.12 - Search and Seizure)

(cf. 5145.2 - Freedom of Speech/Expression)

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

Note: The following optional paragraph addresses students' off-campus conduct during nonschool hours. In general, the courts have upheld districts' discipline of students for off-campus conduct that posed a threat to the safety of other students, staff, or school property or presented a risk of substantial disruption of school activities, provided that the district was able to document the impact or disruption that the conduct had, or could be expected to have, on school activities.

Pursuant to Education Code 48900, districts have the authority to suspend or expel students who engage in cyberbullying off campus, provided that the act meets the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference with the student's academic performance, or causing substantial interference with the student's ability to participate in or benefit from school services, activities, or privileges); see BP 5131.2 - Bullying.

BP 5131.8(c)

MOBILE COMMUNICATION DEVICES (continued)

In adopting policy related to off-campus conduct, districts should consult with legal counsel to ensure that the policy does not violate students' First Amendment rights to freedom of speech or expression. Also see BP 5145.2 - Freedom of Speech/Expression.

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

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

BP 5131.8(d)

MOBILE COMMUNICATION DEVICES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion, especially:

48901.5 Regulation of possession or use of electronic signaling devices

48901.7 Limitation or prohibition of student use of cell phones

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

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

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

653.2 *Electronic communication devices, threats to safety*
VEHICLE CODE
23123-23124 *Prohibitions against use of electronic devices while driving*
CODE OF REGULATIONS, TITLE 5
300-307 *Duties of students*
UNITED STATES CODE, TITLE 20
1681-1688 *Discrimination based on sex or blindness*
COURT DECISIONS
J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
New Jersey v. T.L.O. (1985) 469 U.S. 325
Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

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CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

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

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CSBA Sample Board Policy

Students

BP 5132(a)

DRESS AND GROOMING

Note: The following policy may be revised to reflect district practice. Pursuant to Education Code 35183, districts that adopt a school uniform policy are **mandated** to include specified provisions; see section on "Uniforms" below.

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

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

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

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

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Note: Education Code 212.1, as amended by SB 188 (Ch. 58, Statutes of 2019), defines "race," for purposes of prohibiting discrimination, as including traits historically associated with race, such as hair texture and protective hairstyles.

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

Note: While students do not lose their constitutional rights by virtue of entering school grounds, numerous court decisions have found that the First Amendment rights of public school students are not necessarily the same as the rights of adults in other settings and must be viewed in light of the special circumstances of the school environment. In Hazelwood School District v. Kuhlmeier, the U.S. Supreme Court ruled that a school may limit student expression as long as its decision is reasonably related to "legitimate pedagogical concerns." For instance, districts may prohibit clothing that is vulgar or causes a substantial disruption to the educational program. Districts may also prohibit clothing that promotes drug use. While districts can regulate clothing that causes a "substantial disruption," districts cannot regulate student clothing simply because the district does not approve of the message displayed. The district's ability to prohibit "hate speech," including clothing with derogatory or demeaning messages, is unclear. The 9th Circuit Court in Harper v. Poway Unified School District ruled that a school could prohibit a student from wearing a t-shirt

BP 5132(b)

DRESS AND GROOMING (continued)

with a religious viewpoint against homosexuality, citing a provision in Tinker v. Des Moines which held that schools may prohibit speech that "intrudes upon the rights of other students" and interferes with their learning. However, because the student had graduated, the U.S. Supreme Court vacated the Harper decision on appeal and thus its analysis cannot be relied upon. It is recommended that the district consult legal counsel in the development of this policy and whenever it has questions about the appropriate enforcement of this policy based on student expression.

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0415 - Equity)
(cf. 5145.2 - Freedom of Speech/Expression)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

(cf. 5144 - Discipline)

Gang-Related Apparel

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.

District policy should not include a districtwide prohibition against wearing gang-related apparel. Pursuant to Education Code 35183, such a dress code must be initiated at the school-site level and apply only to the school where it is initiated.

BP 5132(c)

DRESS AND GROOMING (continued)

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5136 - Gangs)

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

Uniforms

Note: In *Jacobs v. Clark County School District*, the 9th Circuit Court of Appeals held that a district policy requiring students to wear school uniforms did not violate students' First Amendment right to freedom of speech or expression, as such policies are viewpoint-neutral and content-neutral and not intended to suppress the expression of particular ideas.

Pursuant to Education Code 35183, the Board may approve a school-initiated plan that requires a school's students to wear uniforms when the Board determines that the policy is necessary for the health and safety of the school environment.

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

Note: If the Board adopts a dress code policy requiring uniforms for any school, Education Code 35183 requires that the Board provide a method whereby parents/guardians may choose to have their children exempted from the adopted school uniform policy. Education Code 35183 **mandates** that the Board policy include a statement that such students shall not be penalized academically, otherwise discriminated against, or denied attendance to school.

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

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

Legal Reference: (see next page)

BP 5132(d)

DRESS AND GROOMING (continued)

Legal Reference:

EDUCATION CODE

212.1 Nondiscrimination based on race or ethnicity

220 Nondiscrimination

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

COURT DECISIONS

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

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

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

827 F.Supp. 1459

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

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

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

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CSBA Sample Administrative Regulation

Students

AR 5141.26(a)

TUBERCULOSIS TESTING

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

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

(cf. 5112.2 - Exclusions from Attendance)

Note: Item #1 below is for use by districts that maintain elementary schools. See AR 5141.32 Health Screening for School Entry for detailed requirements of the comprehensive health screening required by Health and Safety

Code 124085. Pursuant to Health and Safety Code 124040, this health screening must include screening for tuberculosis.

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

Note: Item #1 below is for use by districts that maintain elementary schools. See AR 5141.32 - Health Screening for School Entry for detailed requirements of the comprehensive health screening required by Health and Safety Code 124040, 124085, and 124105. The Child Health and Disability Prevention (CHDP) office of the California Department of Health Care Services (DHCS) and the California Department of Public Health (CDPH) clarify that this health screening includes screening for tuberculosis when required by the local health department. See DHCS' CHDP School Handbook: School Entry Health Examination Requirements and CDPH's California Immunization Handbook: Pre-Kindergarten (Child Care) and School Immunization Requirements for further information.

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

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

(cf. 5141.32 - Health Screening for School Entry)

AR 5141.26(b)

TUBERCULOSIS TESTING (continued)

Note: Health and Safety Code 121515 requires the Governing Board to cooperate with the county or city health officer in carrying out any programs ordered by the health officer for the tuberculosis examinations of individuals applying for first admission to any elementary or secondary school in the district, as provided in item #2 below. The Board is authorized to use district funds, property, and personnel for this purpose.

Pursuant to 22 CCR 41301-41303, the following requirements also pertain to children enrolling in a child care center or preschool.

2. Whenever ordered by the local health officer **for the preservation and protection of public health**, students seeking admission for the first time to a district school at any grade level shall submit to tuberculosis testing. ~~Any student~~ **Students who are** subject to the **health officer's** order shall be admitted to school as follows:
 - a. The Superintendent or designee shall unconditionally admit ~~the student if he/she,~~ **any student who**, prior to admission, submits a certificate, signed by any public or private medical provider, indicating that ~~he/she~~ **the student** has

completed an approved tuberculosis examination and is free from active tuberculosis. (Health and Safety Code 121485, 121490, 121500; 22 CCR 41305, 41311, 41313)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

~~A student shall not be required to obtain the~~ **The Superintendent or designee shall exempt a student from the requirement to submit a certificate if his/her the student's parent/guardian, or custodian the student if an emancipated minor, provides the Superintendent or designee with an affidavit stating that the required examination is contrary to his/her one's personal beliefs.** If there is probable cause to believe that such a student has active tuberculosis, ~~he/she~~ **the student** may be excluded from school until the Superintendent or designee is satisfied that ~~he/she~~ **the student** is not afflicted. (Health and Safety Code 121505)

- b. A student who has not submitted the certificate ~~or personal beliefs affidavit~~ may be ~~conditionally~~ **admitted provided on condition** that ~~he/she~~ **the student** receives an approved tuberculin skin test within 10 school days after admission. A student who ~~has~~ had a positive skin test and has not subsequently obtained a chest x-ray may be ~~conditionally~~ **admitted if he/she on condition that the student** receives a chest x-ray within 20 school days after admission. Any student who fails to provide the certificate within those time periods shall be prohibited from further attendance until ~~he/she provides~~ **the certificate is provided.** (Health and Safety Code 121495; 22 CCR 41315, 41327)

AR 5141.26(c)

TUBERCULOSIS TESTING (continued)

- c. Whenever the local health officer so orders, a student may be required to complete an additional examination and provide another certificate indicating that ~~he/she~~ **the student** is free of communicable tuberculosis. (Health and Safety Code 121485)
- d. At the discretion of the local health officer, the district may admit a student without a certificate if ~~he/she~~ **the student** is undergoing or has already undergone preventive treatment for tuberculosis infection or treatment for tuberculosis disease. (22 CCR 41319)
3. Whenever the Superintendent or designee suspects that a student who has not been examined for tuberculosis either has the disease or has been exposed, ~~he/she~~ **the Superintendent or designee** shall immediately report by telephone to the local health officer. When required by the local health officer, the district shall exclude the student from school until ~~he/she~~ **the student** is certified to be free of communicable tuberculosis. (22 CCR 41329)

The Superintendent or designee shall maintain a record of any student's tuberculosis examination as part of the student's mandatory permanent student record. (22 CCR 41323)

(cf. 5125 - Student Records)

The Superintendent or designee shall annually file a report with the local health department on the results of tuberculosis examinations for all **individuals new district students** required to complete such examinations in accordance with item #2 above, including, but not necessarily limited to, the number of **individuals students** unconditionally and conditionally admitted and the number of **individuals students** exempted on the basis of their personal beliefs. (22 CCR 41325)

Note: The following paragraph is optional.

All district staff shall receive information on how tuberculosis is spread and how it can be prevented and treated.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5141.22 - Infectious Diseases)

Legal Reference: (see next page)

AR 5141.26(d)

TUBERCULOSIS TESTING (continued)

Legal Reference:

EDUCATION CODE

48213 Prior parent notification of exclusion; exemption

49451 Parent's refusal to consent to health examination

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school when residence is in isolation or quarantine

121365 Duties of local health officer re: tuberculosis control

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with contagious disease

432 Student records

3030 Eligibility for special education; tuberculosis that adversely affects educational performance

CODE OF REGULATIONS, TITLE 22

41301-41329. Tuberculosis tests for students

Management Resources:

CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

CHDP School Handbook: School Entry Health Examination Requirements, rev. January 2006
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS
California Immunization Handbook: Pre-Kindergarten (Child-Care) and School Immunization Requirements, 10th Edition, July 2019

WEB SITES

American Lung Association: <http://www.lungusa.org>

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

California Department of Public Health, Tuberculosis Control: <http://www.cdph.ca.gov/programs/tb>

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/TBCB.aspx>

Centers for Disease Control and Prevention, Tuberculosis: <http://www.cdc.gov/tb>

Health Officers Association of California: <http://www.calhealthofficers.org>

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Students

BP 5142(a)

SAFETY

Note: The following **optional** policy should be modified to reflect district practice.

~~The Under the~~ California Tort Claims Act (Government Code 810-996.6), ~~provides that~~ a district may be held liable for personal injuries caused by dangerous conditions on school property and ~~could be liable~~ for its employees' failure to use reasonable care to prevent foreseeable injuries resulting from school activities. ~~The court in Dailey v. Los Angeles Unified School District held that, within Within~~ the scope of their employment, school staff must exercise the degree of care "which a person of ordinary prudence, charged with (comparable) duties, would exercise under the same circumstances." (~~Dailey v. Los Angeles Unified School District~~) ~~In J.H. v. Los Angeles Unified School District, the court held that the district had a duty to use ordinary care in supervising the after-school program.~~

With regard to ~~sports~~ athletic activities, ~~the court in Kahn v. East Side Union High School District held that~~ schools have no legal duty to eliminate risks inherent in the ~~sport~~ activity itself because students are ~~deemed to~~ assume those risks by participating in the activity. ~~However, but~~ schools do have a duty to use exercise due care not to increase the risks over and above those inherent in the sport. (~~Kahn v. East Side Union High School District~~)

The following ~~optional~~ policy should be modified to reflect district practice.

The Governing Board recognizes the importance of providing a safe school environment that is conducive to learning and ~~helps ensure~~ **promotes student safety and well-being,** and the ~~prevention of student injury.~~ The Superintendent or designee shall implement appropriate ~~practices~~ **measures shall be implemented** to minimize the risk of harm to students, including, but not limited to, ~~practices relative to~~ **protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, the outdoor environment,** and **guiding student participation in** educational programs and school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

(cf. 3515 - Campus Security)

(cf. 3515.21 - Unmanned Aircraft Systems (Drones))

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3530 - Risk Management/Insurance)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5142.1 - Identification and Reporting of Missing Children)

BP 5142(b)

SAFETY (continued)

(cf. 5143 - Insurance)

(cf. 5144 - Discipline)

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

(cf. 6145.2 - Athletic Competition)

(cf. 6163.2 - Animals at School)

(cf. 7111 - Evaluating Existing Buildings)

Staff School staff shall be responsible for the proper supervision of students **at all times when students are subject to district rules, including, but not limited to,** during school hours, ~~during~~ school-sponsored activities, **before and after-school programs, morning drop-off and afternoon pick-up,** and while students are using district transportation ~~to and from school.~~

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety **and emergency procedures,** as well as injury and disease prevention.

(cf. 5141.7 - Sun Safety)

(cf. 6142.8 - Comprehensive Health Education)

Crossing Guards/Student Safety Patrol

Note: The following section is **optional**. School crossing guards may be employed by the **Governing** Board pursuant to Education Code 45450-45451 and by cities and counties pursuant to Vehicle Code 42200 and 42201. Education Code 49300 authorizes the Board to establish a **school student** safety patrol at any district school **for the purpose of assisting students in safely crossing streets**. See the accompanying administrative regulation for requirements pertaining to **school**-safety patrols.

To assist students in safely crossing streets adjacent to or near school sites, the Board may employ crossing guards and/or establish a **student** safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.

(cf. 5142.2 - Safe Routes to School Program)

Student Identification Cards and Safety Information

Note: The following section is for use by districts that serve students in grades 7-12.

Education Code 215.5 requires districts that issue student identification cards to have printed on either side of the card the telephone number of the National Suicide Prevention Lifeline (1-800-273-8255), and allows to have printed on the card the Crisis Text Line (texting HOME to 741741) and/or a local suicide prevention hotline telephone number.

Effective October 1, 2020, Education Code 215.5, as amended by SB 316 (Ch. 270, Statutes of 2019), requires districts to have the telephone number of the National Domestic Violence Hotline (1-800-799-7233) on either side of student identification cards.

BP 5142(c)

SAFETY (continued)

If, as of January 1, 2020, the district has a supply of unissued student identification cards that do not comply with the above requirements, the cards may be issued until the supply is depleted.

Student identification cards of students in grades 7-12 shall have printed on them safety information, including the following: (Education Code 215.5, 217)

- 1. The National Suicide Prevention Lifeline telephone number and, at the district's discretion, the Crisis Text Line and/or a local suicide prevention hotline telephone number**

(cf. 5141.52 - Suicide Prevention)

- 2. The National Domestic Violence Hotline**

(cf. 5141.4 - Child Abuse Prevention and Reporting)

SAFETY (continued)

Legal Reference:

EDUCATION CODE

- 8482-8484.65 *After School Education and Safety Program*
- 17280-17317 *Building approvals (Field Act)*
- 17365-17374 *Fitness of school facilities for occupancy*
- 32001 *Fire alarms and drills*
- 32020 *School gates; entrances for emergency vehicles*
- 32030-32034 *Eye safety*
- 32040 *First aid equipment*
- 32225-32226 *Two-way communication devices in classrooms*
- 32240-32245 *Lead-free schools*
- 32250-32254 *CDE school safety and security resources unit*
- 32280-32289 *Safety plans*
- 44807 *Duty of teachers concerning conduct of students*
- 44808 *Exemption from liability when students are not on school property*
- 44808.5 *Permission for students to leave school grounds; notice (high school)*
- 45450-45451 *Crossing guards*
- 48900 *Hazing*
- 49300-49307 *School safety patrol*
- 49330-49335 *Injurious objects*
- 49341 *Hazardous materials in school science laboratories*

51202 *Instruction in personal and public health and safety*
GOVERNMENT CODE
 810-996.6 *California Tort Claims Act*
HEALTH AND SAFETY CODE
 115725-115735 *Playground safety*
 115775-115800 *Wooden playground equipment*
~~115810-115816 *Playground safety and recycling grants*~~
116046 *Issuance of best practices guidelines for K-12 pool safety*
PENAL CODE
 245.6 *Hazing*
PUBLIC RESOURCES CODE
 5411 *Purchase of equipment usable by physically disabled persons with disabilities*
VEHICLE CODE
 21100 *Rules and regulations; crossing guards*
21201 *Rules for operation of bicycle on roadway*
 21212 *Use of helmets*
 42200 *Fines and forfeitures, disposition by cities*
 42201 *Fines and forfeitures, disposition by counties*
CODE OF REGULATIONS, TITLE 5
 202 *Exclusion of students with a contagious disease*
 570-576 *School safety patrols*
 5531 *Supervision of social activities*
 5552 *Playground supervision*
 5570 *When school shall be open and teachers present*
14030 *Standards for development of plans for the design and construction of school facilities*
 14103 *Bus driver; authority over pupils*

Legal Reference continued: (see next page)

BP 5142(e)

SAFETY (continued)

Legal Reference: (continued)

COURT DECISIONS

J.H. v. Los Angeles Unified School District, (2010) 183 Cal.App.4th 123
Lane v. City of Sacramento, (2010) 183 Cal. App. 4th. 1337
Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138
Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990
Knight v. Jewett, (1992) 3 Cal.4th 296, 313
Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508
Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Management Resources:

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F 1487-05, *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, 2005 2017*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Safety Handbook for California Public Schools, 2014

U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

~~Handbook for Public Playground Safety Pub. No. 325, 1994, rev. 1997~~ **Handbook, 2010**

WEB SITES

American Society for Testing and Materials: <http://www.astm.org>

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

California Department of Public Health: <http://www.cdph.ca.gov>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
Environmental Protection Agency: <http://www.epa.gov>
U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>
U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osep/osep/gtss.html>

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CSBA Sample Administrative Regulation

Students

AR 5142(a)

SAFETY

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

Each principal or designee shall establish **school-emergency procedures, rules for student conduct, and** rules for the safe and appropriate use of school **facilities, equipment, and materials, and for student conduct** consistent with law, Board policy, and administrative regulation. **The rules shall be communicated to students.** Copies of the rules shall be distributed to parents/guardians, and shall be readily available at the school at all times.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

Release of Students.

Note: The following **optional** section may be revised to reflect district practice. For release of students during an emergency, see AR 3516 - Emergencies and Disaster Preparedness Plan.

Students shall be released during the school day only to the custody of an adult **if who is one of the following:**

1. ~~The adult is the~~ **The** student's custodial parent/guardian;

(cf. 5021 - Noncustodial Parents)

2. ~~The An~~ adult ~~has been~~ authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, ~~and~~ **provided** the principal or designee verifies the adult's identity;

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. ~~The adult is an~~ **An** authorized law enforcement officer acting in accordance with law;

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

(cf. 5145.13 - Response to Immigration Enforcement)

4. ~~The An~~ adult ~~is~~ taking the student to emergency medical care at the request of the principal or designee;

(cf. 5141 - Health Care and Emergencies)

AR 5142(b)

SAFETY (continued)

Supervision of Students

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

5 CCR 5570 states that, unless otherwise provided by rule of the **Governing** Board, teachers are required to be present at their rooms and admit students not less than 30 minutes before school starts. ~~Supervision of students also may be addressed in the district's collective bargaining agreement. The district's collective bargaining agreement may include supervision of students.~~ The following paragraph may be revised to ~~specify a longer or shorter time period.~~ **maintain consistency with the district's collective bargaining agreement and/or district practice.**

Teachers shall be present at their respective rooms and shall open them to admit students not less than 30 minutes before the time ~~when that~~ school starts. (5 CCR 5570)

Every teacher shall hold students accountable for their conduct on the way to and from school, on the playgrounds, and during recess. (Education Code 44807)

The principal or designee shall require all individuals supervising students to remain alert ~~in~~ **spotting for unauthorized persons and** dangerous conditions, promptly report any such

~~conditions observations~~ to the principal or designee, and file a written report ~~on such conditions~~ as appropriate.

(cf. 1250 - Visitors/Outsiders)

(cf. 3530 - Risk Management/Insurance)

In arranging for appropriate supervision on playgrounds, the principal or designee shall:

~~1. Where playground supervision is not otherwise provided, provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions (5 CCR 5552)~~

2.1. Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision

3.2. Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

Where At any school where playground supervision is not otherwise provided, the principal or designee shall provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions. (5 CCR 5552)

AR 5142(c)

SAFETY (continued)

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help ~~them to forestall~~ **prevent** problems and resolve conflicts **among students**. Such training shall be documented and kept on file.

(cf. 1240 - Volunteer Assistance)

(cf. 3515.2 - Disruptions)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 5131.4 - Student Disturbances)

(cf. 5138 - Conflict Resolution/Peer Mediation)

Student Safety Patrols

Note: The following section is **optional**.

A school safety patrol shall be composed of students of the school ~~who are~~ selected by the principal and shall serve only with written consent ~~from their~~ **of the students and their**

parents/guardians. Patrol members shall be at least 10 years old and at least in the fifth grade. (Education Code 49302; 5 CCR 571)

School safety patrols shall be used only at those locations where the nature of traffic will permit their safe operation. The locations where school safety patrols are used should be determined jointly with the local law enforcement agency. (5 CCR 572)

Patrol members shall be under the supervision and control of the principal or designee and shall receive training in proper procedures, including, but not limited to, the operations specified in 5 CCR 573-574. Whenever on duty, patrol members shall wear the standard uniform required by 5 CCR 576.

Playground Safety

Note: Effective January 1, 2008, AB 1144 (Ch. 470, Statutes of 2006) repeals state standards for playground safety contained in Health and Safety Code 115725-115755, which were contingent upon state funding, and replaces those standards with Health and Safety Code 115725-115735 which require playgrounds to conform with standards set forth by the American Society for Testing and Materials and the U.S. Consumer Product Safety Commission. Pursuant to Health and Safety Code 115725, all public agencies operating playgrounds must have a certified playground safety inspector conduct an initial inspection to aid compliance with the safety standards.

In addition, AB 1144 amended Health and Safety Code 115725 to redefine "playground" to include fall zones, surface materials, access ramps, and all areas within and including the designated enclosure and barriers.

Further information about playground safety and standards is available through CSBA's California Playground Safety Compliance Program.

AR 5142(d)

SAFETY (continued)

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. **The Superintendent or designee shall have a playground safety inspector certified by the National Playground Safety Institute conduct an initial inspection to aid compliance with applicable safety standards.** (Health and Safety Code 115725)

Any playground installed between January 1, 1994, and December 31, 1999, shall conform to these standards not later than 15 years after the date of installation. (Health and Safety Code 115725)

Activities with Safety Risks

Note: The following **optional** section lists activities that might be prohibited by the district because of high risk to student safety and should be revised to reflect district practice.

Pursuant to Government Code 831.7, public entities, including districts, are not liable to participants in a hazardous recreational activity, those who assist participants, or spectators for any damage to

person or property arising out of the hazardous recreational activity when the person knew or reasonably should have known that the hazardous recreational activity created a substantial risk of injury and was voluntarily in the place of risk or having the ability to leave but failed to do so. Government Code 831.7 defines a "hazardous recreational activity" as a recreational activity conducted on school grounds that creates a substantial risk of injury, as distinguished from a minor, trivial, or insignificant risk of injury. The list below includes, but is not limited to, some of the hazardous recreational activities listed in Government Code 831.7. Prior to authorizing such activities, it is recommended that districts consult with their insurance carrier or joint powers authority or, for those who self-insure, with legal counsel. See BP/AR 3530 - Risk Management/Insurance.

Because of **Due to** concerns about the risk to student safety, the principal or designee shall not permit the following activities on campus or during school-sponsored events unless the activity is properly supervised, students wear protective gear as appropriate, and each participant has insurance coverage:

1. Trampolining
2. Scuba diving
3. Skateboarding or use of scooters
4. In-line or roller skating or use of skate shoes
5. Sailing, boating, or water skiing
6. **Snow trips Cross-country or downhill skiing**

AR 5142(e)

SAFETY (continued)

7. Motorcycling
8. Target shooting
9. Horseback riding
10. Rodeo
11. **Archery**
12. **Mountain bicycling**
13. **Rock climbing**
14. **Rocketeering**
15. **Surfing**

14-16. Other activities determined by the principal to have a high risk to student safety

(cf. 5143 - Insurance)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6153 - School-Sponsored Trips)

Note: The following paragraph is optional. Vehicle Code 21201 establishes requirements for bicycles on roadways in regard to brakes, handlebars, size, and illumination when operated during darkness. Districts may want to provide such information to students and parents/guardians.

Students who operate or ride as a passenger on a bicycle, nonmotorized scooter, or skateboard, or wear in-line or roller skates, upon a street, bikeway, or any other public bicycle path or trail shall wear a properly fitted and fastened bicycle helmet ~~that meets the standards of law.~~ ~~Students also shall be required to wear such helmets while wearing in-line or roller skates.~~ ~~(Vehicle Code 21212)~~

Laboratory Safety

Note: The following optional section reflects the Legislature's intent as stated in Education Code 49341, and the California Department of Education's Science Safety Handbook for Public Schools.

The principal of each school offering laboratory work shall develop procedures for laboratory safety and designate a trained certificated employee to implement and regularly review these procedures.

AR 5142(f)

SAFETY (continued)

Students in a laboratory shall be under the supervision of a certificated employee. Students shall be taught laboratory safety, and safety guidelines and procedures shall be posted in science classrooms. Students shall receive continual reminders about general and specific hazards.

Hazardous materials shall be properly used, stored, and disposed of in accordance with law and the district's chemical hygiene plan.

(cf. 3514.1 - Hazardous Substances)

Bloodborne pathogens shall be handled in accordance with the district's exposure control plan.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 5141.22 - Infectious Diseases)

The district's emergency plan, emergency contact numbers, and first aid supplies shall be readily accessible.

Parents/guardians shall be made aware of the kinds of laboratory activities that will be conducted during the school year.

Hearing Protection

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

The Superintendent or designee shall monitor students' exposure to excessive noise in classrooms and provide protection as necessary. The Superintendent or designee **also may also** provide hearing conservation education to teach students ways to protect their hearing.

Eye Safety Devices

Note: Education Code 32031 addresses circumstances under which eye protection devices must be used.

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed their actual cost to the district. (Education Code 32030, 32031, 32033)

(cf. 3260 - Fees and Charges)

AR 5142(g)

SAFETY (continued)

Protection Against Insect Bites

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

To help protect students against insect bites or stings that may spread disease or cause allergic reactions, students shall be allowed to apply insect repellent provided by their parents/guardians, under the supervision of school personnel, and in accordance with the manufacturer's directions, when engaging in outdoor activities.

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CSBA Sample Board Policy

Facilities

BP 7140(a)

ARCHITECTURAL AND ENGINEERING SERVICES

Note: ~~Education Code 17302 requires districts to employ a licensed and certified architect or structural engineer to prepare building plans, estimates and specifications and supervise the construction of building projects. Pursuant to Education Code 17266, when professional design services are used for construction or modernization of school facilities, districts are responsible for the selection of a licensed architect and/or structural engineer for necessary structural engineering and supervision of construction. Article 22 of the California Constitution allows districts to contract with qualified private entities for architectural and engineering services for all public works projects. Sample contracts are available from the American Institute of Architects, California Council.~~

Pursuant to Education Code 17262, the district may purchase sets of plans and specifications provided by the State Allocation Board (SAB) for use in constructing a school building of the type desired by the district.

~~In order to ensure safe construction and protect the investment of public funds, the Governing Board requires that~~ **The Governing Board desires to provide school facilities that support the educational program and meet all applicable safety and design standards. When**

required by law, the Board shall employ or contract with a licensed and certified architect **and/or** structural engineer ~~be employed~~ to design and supervise the construction of district schools and other facilities.

(cf. 7110 - Facilities Master Plan)

The architect and/or structural engineer shall be responsible for preparing all construction plans, specifications, and estimates and for the observation of the work of construction. (Education Code 17302)

Note: Education Code 17070.50 requires the California Department of Education (CDE) to review and approve plans and specifications for new construction and modernization of school facility projects funded by SAB. During this review, CDE's School Facilities Planning Division verifies project consistency with the design standards specified in Title 5 of the Code of Regulations. Pursuant to CDE forms SFPD 4.07, Plan Submission Requirements for New Construction, and SFPD 4.08, Plan Submission Requirements for Modernization Projects, facilities projects subject to this review include those funded through the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30) and projects that receive state funding for overcrowding relief, critically overcrowded schools, career technical education facilities, joint use facilities, or modernization funding. Board-approved educational specifications must be submitted when the project involves construction of a new school or demolition and rebuilding of 50 percent or more of the existing school's square footage.

Construction plans for school facility projects that are not funded by SAB are not required to be submitted to CDE for review and approval. However, locally funded projects must still comply with Title 5 design standards. Pursuant to Education Code 17251, a district may request that CDE, at district expense, review plans and specifications for locally funded school facility projects.

BP 7140(b)

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

Pursuant to Education Code 17267, all plans and specifications for school construction projects must also be filed with the Department of General Services, Division of the State Architect (DSA) to ensure compliance with Title 24 of the Code of Regulations. See DSA's web site for information regarding this process.

To ensure compliance with state design and safety standards, preliminary and final plans for any state-funded school facility project, including Board-approved educational specifications for school design when necessary, shall be submitted to the California Department of Education and the Department of General Services, Division of the State Architect. (Education Code 17267; 5 CCR 14030-14032)

Note: As added by SB 50 (Ch. 407, Statutes of 1998), Education Code 17070.50 prohibits the State Allocation Board SAB from apportioning state facilities funds ~~under the new program~~ unless the district has certified that the services of an architect, a structural engineer, or other design professional has been selected using a "competitive process" consistent with Government Code 4526 ~~4525-4529.5~~. ~~The process required by~~ Government Code 4526 **requires that the competitive process must be based on "demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services **required.**" See AR 7140 the accompanying administrative regulation.**

The Superintendent or designee shall devise a competitive process for the selection of architects, ~~and~~ structural engineers, **and other design professionals** that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, ~~he/she~~ **the Superintendent or designee** shall recommend ~~specific~~ architectural and engineering firms to the Board **for approval**. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

(cf. 3311 - Bids)

(cf. 3311.3 - Design-Build Contracts)

~~Note: Although contracts for architectural and other professional services are exempted from the bidding requirements detailed in Public Contract Code 20111, State Allocation Board policy still requires a three percent disabled veteran business participation goal when contracts exceeding \$10,000 for lease purchase building projects and certain contracts in the State Relocatable Classroom Program are awarded by school districts and funded by the State Allocation Board. Architects and other professionals who are not disabled veteran business enterprises can comply with this policy by using subcontractors for goal attainment or by meeting specified "good faith" efforts.~~

Legal Reference: (see next page)

BP 7140(c)

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

Legal Reference:

EDUCATION CODE

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

17070.50 *Conditions for apportionment*

17250.10-17250.55 *Design-build contracts*

17251 *School construction; duties of the California Department of Education*

17262-17268 *School construction plans*

17280-17316 *Approvals, especially:*

17302 *Persons qualified to prepare plans, specifications and estimates and supervise construction*

17316 *Contract provision regarding school district property*

17371 *Limitation on liability of governing board*

BUSINESS AND PROFESSIONS CODE

5500-5502 *Architecture*

5550-5558 *Architects, licensure*

6700-6706.3 *Engineers*

6750-6766 *Engineers, licensure*

GOVERNMENT CODE

4525-4529.5 *Contracts with private architects, engineering, land surveying, and construction project management firms*

14837 *Definition of small business*

87100 *Public officials; financial interest*

PUBLIC CONTRACT CODE

20111 School district contracts

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards for school facilities

14030-14036 Standards, planning, and approval of school facilities

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

CALIFORNIA CONSTITUTION

Article 22 Architectural and engineering services

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Plan Submission Requirements for Modernization Projects, Form SFPD 4.08

Plan Submission Requirements for New Construction, Form SFPD 4.07

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

School Facility Program Handbook, January 2019

WEB SITES

American Institute of Architects California Council: <https://aiacalifornia.org>

California Department of Education, Facilities: <http://www.cde.ca.gov/ls/fa>

Department of General Services, Division of the State Architect: <https://www.dgs.ca.gov/DSA>

Department of General Services, Office of Public School Construction: <https://www.dgs.ca.gov/OPSC>

(10/96 2/99) 10/19

Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Facilities

AR 7140(a)

ARCHITECTURAL AND ENGINEERING SERVICES

~~The Governing Board shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for the preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)~~

~~(cf. 3312 Contracts)~~

Note: As a condition to the receipt of state funding, Education Code 17070.50, as added by SB 50 (Ch. 407, Statutes of 1998), requires districts to select architectural and engineering services pursuant to the competitive process outlined below. When applying for state facilities funding, the district will be required to certify that any professional design services used for the project were selected using a qualification-based selection process. The Office of Public School Construction, in its School Facility Handbook, advises districts to consult with legal counsel to ensure that its process for selecting architects or structural engineers is a qualification-based selection process and complies with all other legal requirements, including the Public Contract Code and requirements for disabled veterans business enterprises.

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services shall be selected, at fair and reasonable

prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

Note: Government Code 4526 requires that the district's selection process include at least items #1-3 below; however, the law does not prescribe the exact procedures that must be followed. Generally, elements of a "competitive process" include advertising and notice of the need for services, objective evaluation and selection criteria, and an appeals process for use by those not selected. Districts may wish to develop procedures consistent with these and other requirements in consultation with legal counsel.

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. ~~Ensures that projects entail~~ **Assures** maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

(cf. 9270 - Conflict of Interest)

AR 7140(b)

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

Note: Pursuant to Government Code 4527, the following items are **optional and may be revised to reflect district practice.**

The selection process may also include: (Government Code 4527)

1. ~~Detailed evaluations~~ **Evaluation** of current statements of ~~prospective contractors'~~ qualifications and performance data **on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project**
2. Discussion with at least three firms **regarding anticipated concepts and the relative utility** of alternative approaches for furnishing the **required services with at least three firms**
3. Selection, in order of preference, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established **district criteria and recommended in order of preference**

Note: The following paragraph is optional and may be revised to reflect district practice. Government Code 4528 authorizes, but does not require, the district to implement the following procedures.

The district shall negotiate a contract with the best qualified firm at compensation determined by the district to be fair and reasonable. If the district is unable to negotiate a contract with the most qualified firm, the district shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. (Government Code 4528)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

(cf. 3311 - Bids)

Contracts shall specify that all plans, **including, but not limited to, record drawings, specifications, and estimates prepared by the contractor architect or structural engineer** shall become the property of the district. **The contract shall also specify terms and conditions for reuse within the district of any plans prepared by the architect or structural engineer.** (Education Code 17316)

AR 7140(c)

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

A contract may be awarded to a single entity for both design and construction of any school facility in excess of \$1,000,000 in accordance with AR 3311.3 - Design-Build Contracts. (Education Code 17250.20)

(cf. 3311.3 - Design-Build Contracts)

(2/96 2/99) 10/19

Policy Reference UPDATE Service

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CSBA Sample Board Bylaw

Board Bylaws

BB 9323(a)

MEETING CONDUCT

Note: Education Code 35010 **mandates** the Governing Board to "prescribe and enforce" rules for its own governance. These rules must not be inconsistent with law or with regulations prescribed by the State Board of Education. The following bylaw provides suggested rules and procedures for meeting conduct and reflects provisions of law as applicable.

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

Note: The law does not specify that a particular set of procedures must govern Board meetings. Although Robert's Rules of Order can serve as a useful guide, the Board may adopt any procedure that allows for the efficient and consistent conduct of meetings.

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

Note: The following **optional** paragraph limits the length of Board meetings and should be revised to reflect district practice.

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Note: In Rubin v. City of Burbank, an appellate court held that inclusion of "sectarian prayer" at city council meetings, which communicated a preference for a particular religious faith and advanced one faith over another, was unconstitutional by directing the prayer "in the name of Jesus." The court held that it would be constitutional to require the city to advise those people conducting the prayer of this limitation. This opinion is consistent with an unpublished 9th Circuit federal court opinion which stated that an invocation "in the name of Jesus" was unconstitutional in that it displayed allegiance to a particular faith.

BB 9323(b)

MEETING CONDUCT (continued)

Some general guidelines for invocations can be found in an Attorney General's opinion (76 Ops. Cal. Atty. Gen. 281 (1993)) which stated that a county board of supervisors could open its sessions with an invocation when the invocation is (1) not required by law as a condition to the official proceedings, (2) not part of the deliberative agenda, (3) not offered, supervised, or approved as to content by a public officer, (4) not officially limited to a particular religion, (5) not disparaging of others, and (6) not directed towards proselytizing. However, because this is an unsettled area of law that is subject to frequent litigation, it is strongly recommended that districts consult legal counsel if they wish to open meetings with an invocation. Note that a different legal analysis applies to student-led or student-initiated prayer; see BP 5127 - Graduation Ceremonies and Activities.

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

Note: According to an Attorney General opinion (61 Ops. Cal. Atty. Gen. 243 (1978)), members of a public body have a duty to vote on issues before them so that the public is represented and receives the services which the public body was created to provide. Issues arise when a motion is tied and one Board member has abstained. The general parliamentary rule is that an abstention is counted as agreeing with the action taken by the majority of those who vote, whether affirmatively or negatively (66 Ops. Cal. Atty. Gen. 336 (1983)).

However, a stronger argument could be made that the parliamentary rule is in conflict with Education Code 35164 which requires a majority vote of all of the membership of the Board in order for the Board to act (i.e., a majority of all of the membership of the Board must vote affirmatively in order to approve any action). In 55 Ops.Cal.Atty.Gen. 26 (1972), the Attorney General opined that, when a statutory requirement exists that requires an affirmative action of at least a majority of the members of the Board, the general rule that members not voting were deemed to have agreed with the action taken by the majority of those that voted is not applicable.

The following **optional** paragraph is consistent with CSBA's opinion that a majority of the Board must vote affirmatively for a motion to carry, but the law is not settled and contrary legal opinions may exist. It is strongly recommended that the district consult with legal counsel and modify the following paragraph to ensure consistency with district practice.

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, ~~his/her~~ the abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. 9270 - Conflict of Interest)

Note: The following paragraph applies only to districts with seven member boards and **should be deleted by districts with a three or five member board.**

Provided the Board typically has seven members and there are no more than two vacancies on the Board, the vacant position(s) shall not be counted for purposes of determining how

BB 9323(c)

MEETING CONDUCT (continued)

many members of the Board constitute a majority. In addition, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Public Participation

Note: Pursuant to Government Code 54953.3, ~~a~~ members of the public cannot be required to register ~~his/her~~ **their** names, complete a questionnaire, or provide other information as a condition of attending a Board meeting. If an attendance list or similar document is posted near the entrance or circulated during the meeting, it must clearly state that signing or completing the document is voluntary.

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

Note: Education Code 35145.5 **mandates** the Board to adopt regulations which ensure that the public can address the Board regarding agenda items, as specified below.

District employees have the same right as members of the public to address the Board during a public Board meeting. In 90 Ops.Cal.Atty.Gen. 47 (2007), the Attorney General opined that, under the Ralph M. Brown Act, an administrative district employee cannot be prohibited from attending a Board meeting or from speaking during the public comment period, including comments on an employment-related issue.

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the

BB 9323(d)

MEETING CONDUCT (continued)

public, a Board **members** or staff members may ask a question for clarification, make a brief announcement, or make a brief report on ~~his/her~~ **their** own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Note: Government Code 54954.3 authorizes **reasonable** regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. **Such reasonable regulations must ensure that the intent of allowing the public an adequate opportunity to speak to the Board is carried out.** The following paragraph should be revised to reflect district practice.

~~If the Board limits the time for public comment, Government Code 54954.3, as amended by AB 1787 (Ch. 507, Statutes of 2016), requires the Board to provide at least twice the allotted time to a member of the public who utilizes a translator, as provided below.~~

In general, individual speakers shall will be allowed three minutes to address the Board on each agenda or nonagenda item, and The Board shall will limit the total time for public input on each item to 20 minutes. However, in exceptional circumstances when necessary to ensure full opportunity for public input, With Board consent, the Board president may, with Board consent, increase or decrease adjust the amount of time allowed for public presentation input, depending on the topic and the number of persons wishing to be heard and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. The president may also ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.

BB 9323(e)

MEETING CONDUCT (continued)

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The Board president may rule on the appropriateness of a topic, subject to the following conditions:
 - a. If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.
 - b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)

Note: The following **optional** item addresses the issue of specific charges or complaints against district employees in open Board meetings. Although the Board may inform the speaker of appropriate district complaint procedures, it cannot prohibit criticisms of the district and its employees, no matter how harsh. Board members and staff may briefly respond to the concerns raised by the complainant at the meeting.

In Baca v. Moreno Valley Unified School District, a federal district court issued a preliminary injunction against the district prohibiting it from enforcing its policy barring criticism of employees at public Board

meetings. The court found that the district's policy violated the plaintiff's First Amendment rights by restricting the content of her speech. The court further noted that the district could not legally prevent a person from speaking in open session, even if the speech was clearly defamatory. It is recommended that the Board consult legal counsel if a question arises regarding public criticism of a district employee.

- c. The Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

Note: As provided in item #7 below, Government Code 54957.9 authorizes the Board to remove persons who willfully disrupt or disturb a meeting. Examples of disruptive conduct might include conduct that is extremely loud, disturbing, or creates a health or safety risk. In McMahon v. Albany Unified School District, the court held that a speaker's constitutional rights were not violated when he was removed from a Board meeting after dumping a substantial amount of garbage on the floor of the meeting room. Because the speaker was not removed based on the content of his speech, the court upheld his conviction for a willful disruption of a public meeting. In City of San Jose v. Garbett, the court held that a legislative body may exclude from a meeting a person who has expressed a credible threat of violence that would place a reasonable persons in fear for his/her ~~their~~ safety or the safety of his/her ~~their~~ immediate family and that serves no legitimate purpose.

BB 9323(f)

MEETING CONDUCT (continued)

However, the courts have found that a person's conduct must actually disrupt the meeting in order to warrant ejection. In Norse v. City of Santa Cruz, the court held that the city council improperly ejected a member of the public who gave the council a silent Nazi salute, on the grounds that the action did not interfere with the proceedings of the meeting.

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement as necessary.

Recording by the Public

Note: Government Code 54953.5 provides that any person attending an open meeting may record it with an audio or video recorder or a still or motion picture camera unless the Board makes a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view which would persistently disrupt the meeting. Government Code 54953.6 requires a similar finding before the Board can prohibit or restrict a broadcast of its meetings.

The following paragraph extends the right to record an open meeting to include recordings made by other devices such as a cell phone.

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference: (see next page)

BB 9323(g)

MEETING CONDUCT (continued)

Legal Reference:

EDUCATION CODE

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

527.8 Workplace Violence Safety Act

GOVERNMENT CODE

54953.3 Prohibition against conditions for attending a board meeting

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

403 Disruption of assembly or meeting

COURT DECISIONS

City of San Jose v. Garbett (2010) 190 Cal.App.4th 526

Norse v. City of Santa Cruz (9th Cir. 2010) 629 F3d 966

McMahon v. Albany Unified School District (2002) 104 Cal.App.4th 1275

Rubin v. City of Burbank (2002) 101 Cal.App.4th 1194

Baca v. Moreno Valley Unified School District (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

90 *Ops. Cal. Atty. Gen.* 47 (2007)
76 *Ops. Cal. Atty. Gen.* 281 (1993)
66 *Ops. Cal. Atty. Gen.* 336 (1983)
63 *Ops. Cal. Atty. Gen.* 215 (1980)
61 *Ops. Cal. Atty. Gen.* 243, 253 (1978)
59 *Ops. Cal. Atty. Gen.* 532 (1976)
55 *Ops. Cal. Atty. Gen.* 26 (1972)

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015
The Brown Act: School Boards and Open Meeting Laws, rev. 2014
ATTORNEY GENERAL PUBLICATIONS
The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

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

(11/06 12/16) 10/19

Policy Reference UPDATE Service

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Bond Fund Repayment Plan

Current Balance: \$430,559	Amount from Fund 17	Fund 17 Balance after Transfer
2020-2021	\$50,000	\$380,559
2021-2022	\$50,000	\$330,559
2022-2023	\$50,000	\$280,559
2023-2024	\$50,000	\$230,559
2024-2025	\$50,000	\$180,559
2025-2026	\$50,000	\$130,559
2026-2027	\$50,000	\$80,559

[REDACTED]

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**HAMILTON UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 19-20-105**

**RESOLUTION TO ELIMINATE AND/OR REDUCE THE NUMBER OF
CERTIFICATED EMPLOYEES DUE TO A REDUCTION
IN PARTICULAR KINDS OF SERVICES**

WHEREAS, Education Code section 44955 permits the Governing Board to reduce or discontinue particular kinds of services not later than the beginning of the next school year; and

WHEREAS, the Governing Board of the Hamilton Unified School District has determined that it shall be necessary to decrease the following programs and services of the District no later than the beginning of the 2020-2021 school year; and

WHEREAS, it shall be necessary to terminate at the end of the 2019-2020 school year the employment of certain certificated employees of the District as a result of the elimination of the programs and services; and

WHEREAS, the Governing Board of the Hamilton Unified School District has further determined that among employees who first rendered paid service to the District on the same day, the order of termination will be based solely on the needs of the District and students thereof [This may be changed if the District adopts a tie breaking Resolution];

THEREFORE, BE IT RESOLVED by the Governing Board of the Hamilton Unified School District that the following particular kinds of services shall be reduced or eliminated no later than the beginning of the 2020-2021 school year:

PARTICULAR KIND OF SERVICE	NUMBER OF FULL TIME (FTE) POSITIONS	
Teacher/Project Coordinator for Instructional Services	1.0	FTE
Elementary Counselor	.75	FTE
Intervention Specialist	.25	FTE
District Reading Specialist/Literacy Coach	1.0	FTE
Math Teacher	2.0	FTE
Physical Education Teacher	1.0	FTE
Spanish Teacher	1.0	FTE
Art Teacher	.20	FTE
Music Teacher	.20	FTE
Assistant Principal	.50	FTE
District ELD/Dual Immersion Coordinator	.50	FTE
Total	8.40	FTE

BE IT FURTHER RESOLVED that the District may deviate from terminating certificated employees in order of seniority, based on a specific need for personnel who possess special training and/or experience, or competency, necessary to teach specific courses or courses of study or to provide specific services, which others with more seniority do not possess, as follows:

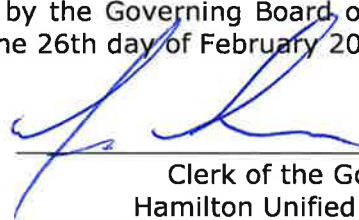
1. Current possession of a Teaching Credential permitting teacher to teach agricultural classes and currently teaching Agricultural classes.
2. Current possession of BCLAD certification.

BE IT FURTHER RESOLVED that the Superintendent or his/her designee is directed to send appropriate notices to all employees whose positions may be lost by virtue of this action. Nothing herein shall be deemed to confer any status or rights upon temporary certificated employees or other employee in addition to those specifically granted to such employees by statute.

PASSED AND ADOPTED by the Governing Board of the Hamilton Unified School District this 26th day of February 2020, by the following vote:

Ayes: 5
Nays: 0
Abstain: 0
Absent: 0

I, HUBERT WENDALL LOWER, hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the Governing Board of the Hamilton Unified School District at meeting thereof held on the 26th day of February 2020.



Clerk of the Governing Board
Hamilton Unified School District
County of Glenn, State of California

**HAMILTON UNIFIED SCHOOL DISTRICT
BOARD MEETING
MINUTES**

**Hamilton High School Library
Wednesday, January 22, 2020**

- 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:

- a. Call to order and roll call 5:31 p.m.

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

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.

- a. Government Code Section 54957 (b), Personnel Issue. To consider the employment, evaluation, reassignment, resignation, dismissal, or discipline of a classified and certificated employees.
- b. Government Code Section 54957.6, Labor Negotiations. To confer with the District's Labor Negotiator, Superintendent Jeremy Powell regarding HTA and CSEA negotiations.
- c. 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.
- d. 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
- e. *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. No direction given to superintendent to report out.

5.0 PUBLIC SESSION/FLAG SALUTE: Lead by Mr. Lower

6.0 ADOPT THE AGENDA: (M)

Mr. Leal:

- i. The Dual Immersion presentation will be first on the agenda.
- ii. Item 12a will not be discussed and item 14a will be tabled.

Motion to adopt the agenda with those changes by Mr. Reyes. 2nd by Mr. Lower.

Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

7.0 ADJOURN TO ORGANIZATIONAL MEETING Mr. Leal adjourned to organizational meeting at 6:52 p.m.

a. Board President: Elect Board President for the 2020 year

Mr. Lower motioned to nominate Gabe Leal for 2020 Board President. Mr. Leal said than you for support. He loves being president but this will be his last year in this role. Mr. Odom 2nd. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

b. Board Clerk: Elect Board Clerk for the 2020 year

Mr. Leal motioned to nominate Mr. Lower for 2020 Board Clerk. Mr. Boone 2nd. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

Mr. Leal re-opened the public meeting at 6:54 p.m.

8.0 COMMUNICATIONS/REPORTS:

a. Board Member Comments/Reports.

i. Mr. Reyes gave thanks to the Fire Department, CHP and all involved in the incident with the midnight alarm at the Elementary school recently. Dr. Powell remarked that school contact information is now updated.

b. ASB President and Student Council President Reports

i. Hamilton High School, report given by ASB treasurer, Mari Cruz

1. We've been practicing for homecoming 2/7/20
2. Prom Committee meeting went well
3. The pigs are here for FFA
4. Academic decathlon on Saturday 1/25/20
5. There is a field trip to Sacramento tomorrow 1/23/20
6. Seniors are selling Sober Grad tickets for \$10 each

ii. Hamilton Elementary School, Ella Mendez

1. Leadership is putting on Pennies for Patients. It started yesterday.
2. 3rd Graders went to Turtle Bay today.
3. A sports update was given.

c. District Reports (written)

- i. Technology Report by Frank James & Derek Hawley (page 1)
- ii. Nutrition Services Report by Sean Montgomery (page 3)
- iii. Operations Report by Alan Joksch (page 5)

d. Principal and Dean of Student Reports

i. Kathy Thomas, Hamilton Elementary School Principal – report attached

1. Mr. Odom asked if TK students go on to kindergarten or if they are ever held back? How does that work?
2. Ms. Thomas replied that TK/K are combined and that they have always been ready to go to kindergarten.
3. Dr. Powell commented that it was even possible to have one recommended for first grade.

ii. Maria Reyes, District Dean of Students

1. One student moved back to EBHS.
2. Thanks to everyone for their support of the MEChA giving tree last month.
3. Last week the D.A. gave a presentation on compus about vandalism and cyberbullying.
4. On Saturday 2/1/20 we are set up to take students to Steps to College.
5. 2/6/20 in Orland Butte College will be having a presentation for undocumented students.

iii. Cris Oseguera, Hamilton High School Principal – report attached

iv. Sylvia Robles, Adult School (page 7)

e. Chief Business Official Report by Kristen Hamman (page 9)

f. Superintendent Report by Jeremy Powell (page 11)

- i. Dr. Powell commended the teachers in the district for their hard work.
- ii. There are many areas on the Dashboard where we are improving.
- iii. Differentiated Assistance is a supportive process with GCOE

- iv. On 3/27/20 the District PD will be conference style.

9.0 PRESENTATIONS:

- a. Dual Immersion by Maggie Sawyer (page 15)
 - i. Kindergarteners demonstrated phonics
 - ii. Mrs. Alvarez and students read a booklet
 - iii. Mrs. Esquivel and her 2nd grade students sang a song about heros
 - iv. Mr. Leal gave thanks to Ms. Sawyer and all the students for their Dual Immersion presentation.

10.0 CORRESPONDENCE:

- a. None

11.0 INFORMATIONAL ITEMS:

- a. Form 700 – annual statement of Economic Interests -- see handout (page 25)
 - i. Dr. Powell said we will see if we can find the on-line form
- b. HUSD Enrollment History for 5 years (page 35)
 - i. Dr. Powell pointed out that this month we are showing ADA in addition to enrollment
- c. Bond Satus (Fund 21) Update (page 37-39)
- d. HUSD Audit SAS Letter (page 41)

12.0 DISCUSSION ITEMS:

- ~~a. PlaceWorks Additional Cost Proposal (page 45)~~ This item was removed from the agenda
- b. HUSD Audit Report June 30, 2019 (page 47)
 - i. Ms. Hamman gave recognition to the team who worked hard to get the audit report out: Chris DeVries, Jolene Towne, Cristina Rios, Rowan Dietle, Jazmin Martinez, Rosa Rivera and Tiffany Wilhelm among others.
 - ii. HUSD was complimented by Christy White, the auditor, for being so prepared.
 - iii. On page 51 you'll find the independent audit report opinion – this is the best opinion we can get
 - iv. On pages 119-126 our Compliance and Internal Controls reports were clean also.
 - v. One pages 127-132 is the schedule of findings and questions about costs. There were none. This is also impressive.
- c. Recommendation from Superintendent regarding 2018-19 Bond Transfer
 - i. Dr. Powell said that after speaking with Ms. Hamman, Fund 17 has \$427K. The best way to get the funds back into the bond fund would be by looking to pay back \$50K per year over the next seven years. This would be the most strategic rather than paying back all at once.
- d. GCOE Differentiated Assistance Process (page 133)
 - i. Dr. Powell said that for two years in a row students with disabilities suspension rate has been in the red category on the dashboard. We work with GCOE. Our focus can be on improving this for all students.
 - ii. Mr. Odom asked if the team was from GCOE.
 - iii. Dr. Powell replied that yes, Shirley Diaz from GCOE would be working with the principals and TOSAs to help us out.
 - iv. Mr. Odom asked why the report was so late coming.
 - v. Dr. Powell replied that the State was late to report it.
- e. HHS Site Expansion Permitting Status Update – Mike Cannon (page 137)
 - i. DTSC done by MP5 is finishing draft report by end of this month
 - ii. After that we are ready for public hearing and comments. Hope to have it all finished by end of June.
 - iii. CEQA is still finishing their writing for a number of sections. The agenda item that was pulled is still in negotiations.
 - iv. The Ed Spec process has started. The first meeting will be early February. This will answer what programs will be at the High School and what facilities will be needed to house those programs.
 - v. Regarding Geotech/Geohazard report, all the agencies that do these reports are booked through 2020. I am now looking in surrounding areas including Sacramento.
 - vi. Mr. Lower asked, regarding the bond money, when reimbursements will come.
 - vii. Mr. Cannon said those will come after the application process.
 - viii. Mr. Lower asked if the reimbursable fees would be lost if the property is not negotiated.
 - ix. Mr. Cannon replied yes.
- f. CSBA Policy Guide Sheet (for below **first readings**) (page 139)

- i. Board Policy and Administrative Regulation 0460: Local Control and Accountability Plan (page 143)
- ii. Board Policy 0520: Intervention for Underperforming Schools (New Policy) (page 159)
- iii. Board Policy 0520.1: Comprehensive and Targeted Support and Improvement (New Policy) (page 162)
- iv. Board Policy 1431: Waivers (page 166)
- v. Board Policy and Administrative Regulation 3515: Campus Security (page 170)
- vi. Board Policy and Administrative Regulation 4116: Probationary/Permanent Status (page 177)
 - a. Dr. Powell commented that we qualify as Option 1 below.
 - 2. Option 1 (page 178)
 - 3. Option 2 (page 178)
- vii. Board Policies 4119.22, 4219.22, 4319.22: Dress and Grooming (page 185)
- viii. Board Policy 4216: Probationary/Permanent Status (page 187)
- ix. Board Policy and Administrative Regulation 4218: Dismissal/Suspension/Disciplinary Action (page 189)
- x. Board Policy 5131: Conduct (page 200)
- xi. Board Policy 5131.8: Mobile Communication Devices (New Policy) (page 206)
- xii. Board Policy 5132: Dress and Grooming (page 210)
- xiii. Administrative Regulation 5141.26: Tuberculosis Testing (page 214)
- xiv. Board Policy and Administrative Regulation 5142: Safety (page 218)
- xv. Board Policy and Administrative Regulation 7140: Architectural and Engineering Services (page 230)
- xvi. Board Bylaw 9323: Meeting Conduct (page 236)
 - 1. Mr. Lower asked if we should proceed with the board policy approvals in bits and pieces or if we should tackle them all in a separate board meeting.
 - 2. Mr. Leal, Mr. Odom and Mr. Boone said they would prefer to tackle in bits and pieces.

13.0 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.

- a. No public comment

14.0 ACTION ITEMS:

- a. ~~Approve PlaceWorks Additional Cost Proposal (page 45)~~ This item was removed from the agenda.
- b. Accept HUSD Audit Report June 30, 2019 (page 47)

Mr. Boone moved to accept the audit report. Mr. Lower 2nd.

Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

- c. Give Direction to Superintendent regarding 2018-19 Bond Transfer

Mr. Lower moved to give direction to superintendent to bring back next meeting what funds will be transferred and a time frame to transfer them for a vote. Mr. Odom 2nd.

Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

15.0 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.

- a. Minutes for regular Board Meeting on December 11, 2019 (page 243-254)
- b. Certificated and Classified Seniority Lists (pages 255-257)
- c. Approve 2018-19 School Accountability Report Cards (SARC): Hamilton High School, Ella Barkely High School, Hamilton Elementary School and Hamilton Community Day School. (pages 259-310)
- d. HES SSC Agenda December 10, 2019 (page 311)
- e. HES SSC Minutes December 10, 2019 (page 313)
- f. HES SSC Agenda January 14, 2020 (page 315)
- g. HES Signed Safety Plan 2018-19 (page 317)
- h. HHS Sports Boosters Minutes December 2, 2019 (page 323)

- i. Warrants and Expenditures. (page 325)
- j. Interdistrict Transfers (new only; elementary students reapply annually).
 - i. Out
 - 1. Hamilton Elementary School
 - a. K x 1 (for 2020-21 school year)
 - 2. Hamilton High School
 - a. none
 - ii. In
 - 1. Hamilton Elementary School
 - a. none
 - 2. Hamilton High School
 - a. none
- k. Personnel Actions as Presented:
 - i. New hires:


Karen Tweedt-Ordaz	Job Re-Entry/Job Coach Instructor (Short-Term/Temporary)	Adult Ed
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ii. Resignations/Retirement: None


Mr. Odom moved to approve the consent agenda. Mr. Boone 2nd. Motion Carried 5-0

Leal: AYE	Lower: AYE
Boone: AYE	Reyes: AYE
Odom: AYE	

16.0 **ADJOURNMENT:** 7:34 p.m. in memory of Maria Lourdes Haro-Ortega, Class of 1990.

X 

 Wendall Lower
 HUSD Board clerk

X 

 Jeremy Powell Ed.D.
 HUSD Superintendent

HAMILTON ELEMENTARY SCHOOL
Board Meeting on January 22, 2020
Kathryn Thomas, Principal

Communicating the importance of daily attendance continues to be an area of conversation, especially as we look at our data on the dashboard. Meetings have been scheduled to meet with parents to discuss the importance of attendance and the negative impact that chronic absenteeism can have on academic success, especially at the younger ages.

Attendance: 12/30-1/24/2020

Total: 420

TK: 88.89%

K-3: 94.94%

4-6: 96.67%

7-8: 96.58%

Campus News:

- We have had a successful opening of the Spring semester.
- We have Kinder registration next week on 1/30.
- Maggie and I are meeting with ten 8th grade parents and students to discuss promotion requirements and behavior expectations to help support some recent behavioral incidents in the classroom.
- Last week, our Coffee with the Principal distributed flyers and had conversations with parents regarding chronic absenteeism and the importance of regular attendance.
- Spring semester brings some exciting field trips for our students, for example, our third graders went to Turtle Bay today.
- We rolled out our Lobo Bucks at the start of this semester to reward positive behaviors--they have been a huge success thus far.

Instructional News:

- Our QTEL leads are continuing their work, and Emily Peery will be opening up her classroom for visitation of her facilitation of tasks aimed at increasing access and engagement. In addition, Gloria Godinez is continuing the work by working with a member of our POD in lesson design and implementation. We are supporting this work

with substitutes to support this collaboration on 1/27/2020.

- Jenny Firth is rolling out our second semester intervention for those K-5 students falling in urgent intervention for ELA serving approximately 25 students with targeted instruction. Each student has an individual SMART goal and progress will be tracked weekly.
- Math intervention is also in process to support our K-5 students who are in the urgent intervention range in Mathematics. Raquel Bocast will be working with teachers and pushing in to help support this work.

Training:

Dr. Claudia Rodriguez will be at HES on Friday to work 1:1 with our Dual Immersion teachers and support their professional development and leading our afternoon staff development session with a goal of supporting integrated ELD instruction and our commitment to biliteracy

Hamilton High School
HUSD Board Report
January 22, 2020

1. **Attendance/Enrollment**- Current HHS Enrollment is 267 students (9th-69; 10th- 76; 11th- 73; 12th-49). This is an increase of two (2) since the December Board meeting and an increase of four (4) at HHS since the October Board meeting. HHS, through 93 attendance days has about a 96.80% attendance rate, with December attendance dipping under 95% due to Winter travel plans.
 - a. **Combined with EBHS, there are 281 9-12th Grade students.**
 - b. Projected for HHS 2020-2021 is for (conservatively) approximately 280-290 students (approximately +15 over this year's current total).
 - c. **Currently, at HHS, 42% of our students are from out-of-district!**
 - d. Incoming Frosh Information Night will be on Tuesday January 28th and will give a better idea of incoming numbers for the Class of 2024.

2. **Dashboard Information for HHS. The Graduation Rate listed for HUSD and/or HHS is incorrect. Last years HHS Graduation Rate is 100%. Due to a communication error with the CALPADS, it is incorrect and was not able to be correctly uploaded to accurately reflect our true success. Additionally, the CA state Graduation Rate is 85.9%, thus indicating that HUSD/HHS is much higher than the state average. The HHS Chronic Absentism rate is 7.2% (CA average is 12.1%/Glenn County is 12.6%). The HHS Suspension Rate is 4.1% (CA is 3.5%/Glenn County is 4.2%). Further, HHS students increased in ELA and Math this past testing cycle.**

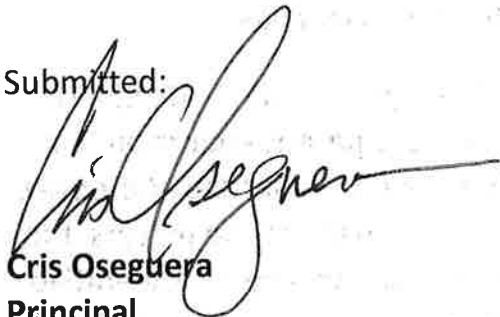
3. **Upcoming Professional Development**- On March 27, 2020, All teachers in HUSD will enjoy an inservice day of learning and interactions with their colleagues.

4. **Athletic Supervision and Sportsmanship**. K.Langan/M.Reyes/E.Johnson/C.Oseguera supervise the athletic contests. We will be incorporating more parent education this year and into the future as it is important for the adults at events to set the appropriate example for the student-athletes and student spectators in respecting the players, the opponents, and the officials. This is an ongoing statewide initiative and an imperative for us as well. CIF will likely pass a statewide Sportsmanship/Ejection policy which will be uniform for all the sections.

5. **School Activities & Events**- I hope everyone enjoyed the Winter Break and is geared up for the Second Semester. HHS Commencement is currently scheduled for Friday June 5 at 8pm.
 - a. I hosted HHS Hamfest on Tuesday December 17th. Special thanks to K. Langan/M. Reyes/S. Montgomery/M. Rivera for donations and assistance. Thank you also to Ken Mason for his generosity.

- b. Special Thank You to M. Reyes for her coordination of the MEChA Giving Tree. She goes above and beyond to ensure that children in our community have gifts at Christmas.
- c. FFA held its pig auction on January 21 with 37 little piglets being selected by students.
- d. We have numerous Winter Sports starting their league season and getting prepped for playoffs (Girls and Boys Basketball; Girls and Boys Soccer; Wrestling). Playoffs for Basketball and Soccer begin the week of February 18-21; Wrestling league finals begin on Friday February 7th.
- e. HC FFA Ag Awareness Day will be on Tuesday February 4, 2020. I look forward to hosting all our neighboring schools' 8th Graders that day.
- f. Counselors will be taking a group of students to Sacramento for Steps to College soon.
- g. Sober Grad Ticket Raffle Sales continue through February 8th.
- h. We are hosting the Lions Club Speaker contest on February 11th at 6:00pm with this year's topic being "Homelessness in California- What is the Solution?"
- i. English Enrichment will travel to Sacramento on January 23 to watch the play "Dear Evan Hansen."
- j. We have two holidays in February on Feb. 10th and 17th.
- k. I will be attending state CIF meetings next week.
- l. HHS hosted a presentation by ADA Ruby Neumann and SRO Tricia Alves on teen issues and the law. Well received and pertinent information. HHS will host a DU Court in the Schools on Thursday March 12, 2020. In late April, HHS will host a Challenge Day.
- m. March 26, 2020 is HHS Open House.

Submitted:



Cris Oseguera
Principal
Hamilton High School

School Year: 2019-20



School Plan for Student Achievement (SPSA) Template

Instructions and requirements for completing the SPSA template may be found in the SPSA Template Instructions.

School Name	County-District-School (CDS) Code	Schoolsite Council (SSC) Approval Date	Local Board Approval Date
Hamilton Elementary School	11765626007447	02/04/2020	

Purpose and Description

Briefly describe the purpose of this plan (Select from Schoolwide Program, Comprehensive Support and Improvement, Targeted Support and Improvement, or Additional Targeted Support and Improvement)

Schoolwide Program

Briefly describe the school's plan for effectively meeting the ESSA requirements in alignment with the Local Control and Accountability Plan and other federal, state, and local programs.

HES will continue with implementation of the Multi-Tiered Support Systems (MTSS) for behavior, academics, and social success for all students. This is an integrated, comprehensive approach focusing on instruction, student centered learning, individualized student needs, and data to drive improvement efforts.

Comprehensive Needs Assessment Components

Data Analysis

Please refer to the School and Student Performance Data section where an analysis is provided.

Surveys

This section provides a description of surveys (i.e., Student, Parent, Teacher) used during the school-year, and a summary of results from the survey(s).

California Healthy Kids Surveys was administered this fall to our current 7th graders. The one area for growth is under the category of Meaningful Participation. Students do not rate their participation in making school/class decisions highly. One possibility to improve this metric would be the full implementation of Daily 5 Cafe structure for K-5 students, and to focus on providing opportunities for engaging in collaborative work at all levels in all content areas. This allows for choice and autonomous, self-directed students. Developing assessment capable learners in all areas is an area of focus.

The California School Staff Survey was administered to all district staff March 8, 2019 and again November, 2019.

The California School Parent Survey was administered the week of February 25 through March 1, 2019.

The FIA survey was taken by the MTSS leadership team indicating improvement in providing inclusive behavior and academic instruction, using data to drive decisions.

Classroom Observations

This section provides a description of types and frequency of classroom observations conducted during the school-year and a summary of findings.

HES utilizes an on-site coaching model. Two teachers are in year 3 of training using the New Teacher Center coaching model (NTC). One teacher is in year one of training.

HES has identified teacher leaders through MTSS to facilitate Professional Learning Community (PLC) weekly meetings. In addition these teacher leaders have visited other classrooms for data collection/snap shots for discussion purposes.

Administration visits classrooms to collect data/snap shots and for observation purposes.

Data is also collected through Google forms.

Bilingual Teachers participate in CIELO program, which is a lesson study model for Spanish/Science integration. This includes planning, teaching/observation then revisions and another instructional cycle.

Teachers are supported to observe QTEL trained staff and co-teach in the classroom.

Analysis of Current Instructional Program

The following statements are derived from the Elementary and Secondary Education Act (ESEA) of 1965 and Essential Program Components (EPCs). In conjunction with the needs assessments, these categories may be used to discuss and develop critical findings that characterize current instructional practice for numerically significant subgroups as well as individual students who are:

- Not meeting performance goals
- Meeting performance goals
- Exceeding performance goals

Discussion of each of these statements should result in succinct and focused findings based on verifiable facts. Avoid vague or general descriptions. Each successive school plan should examine the status of these findings and note progress made. Special consideration should be given to any practices, policies, or procedures found to be noncompliant through ongoing monitoring of categorical programs.

Standards, Assessment, and Accountability

Use of state and local assessments to modify instruction and improve student achievement (ESEA)

There is a local school wide assessment schedule. STAR Reading and STAR Math are used to determine interventions for students. STAR Early Literacy is used for the K-1 students. Additionally EL student progress is monitored through a quarter ELD Benchmark test and through monitoring sheets. Student progress is shared at weekly PLC meetings. RTI is conducted with identified students during Wolf Times K-8 and through targeted explicit instruction with our Reading specialist/TOSA with para supports.

Use of data to monitor student progress on curriculum-embedded assessments and modify instruction (EPC)

Student data from curriculum embedded formative assessments will be examined regularly through the PLC process during selected Professional Development Friday afternoons. Work will be collected through Google Classroom/Shared drive for Admin review and comments, and also shared out at MTSS leadership meetings twice a month.

Staffing and Professional Development

Status of meeting requirements for highly qualified staff (ESEA)

As of 2019; 20 teachers had full credential, 1 Teacher did not have a full credential. No teachers were miss-assigned. No teaching positions were vacant. (SARC 2019)

Sufficiency of credentialed teachers and teacher professional development (e.g., access to instructional materials training on SBE-adopted instructional materials) (EPC)

All classes have access to the most current SBE-adopted instructional materials. This includes our Dual Immersion classes.

Professional development is on-going and focused on first instruction, student engagement, and SEL methodology. We currently employ a Reading Specialist which allows for coaching and staff training in the classroom.

Alignment of staff development to content standards, assessed student performance, and professional needs (ESEA)

Staff development will focus on three areas of need. First, PBIS supports for high needs students, using a PBIS expert and local SWIS behavior data during in-service time. Second, the improvement of instructional practices through the reflective continuous improvement cycle, NTC/ATE coaching and PLC model of collaboration. SEL supports provided through daily class meetings K-8 with Second Step being used at the Middle School level.

Ongoing instructional assistance and support for teachers (e.g., use of content experts and instructional coaches) (EPC)

Instructional coaches are being trained in using the NTC model. QTEL participants will work with teachers to develop lessons that provide access to rigorous content for all learners. Attention to Daily 5/Cafe model at K-5 in order to improve first instruction for opportunities to differentiate instruction.

Teacher collaboration by grade level (kindergarten through grade eight [K-8]) and department (grades nine through twelve) (EPC)

Weekly PLC time is used for content or grade alike work. Additionally HES has 12 early out Fridays throughout the year for staff development and intensive work on the instructional cycle. The remain Fridays are common preparation time for K-5 teachers.

Teaching and Learning

Alignment of curriculum, instruction, and materials to content and performance standards (ESEA)

Core curriculum has new adoptions, and Science is currently in the piloting period to support NGSS K-8 with vertical alignment with the high school. Standards based report cards are in place K-5 to inform parents and students of mastery levels.

Adherence to recommended instructional minutes for reading/language arts and mathematics (K–8) (EPC)

TK/K	ELA (100 min/day)	MATH (60 min/day)
1-2	ELA (90 min/day)	MATH (70 min/day)
3	ELA (75 min/day)	MATH (60 min/day)
4-5	ELA (70 min/day)	MATH (60 min/day)
6-8	ELA (75 min blocks 2 days/wk + 55 min alternate Fridays)	Math (75 min blocks 4 days/wk + 55 min Fridays)

Lesson pacing schedule (K–8) and master schedule flexibility for sufficient numbers of intervention courses (EPC)

Teacher use recommended pacing from the adopted curriculum and with input from their PLC work. Interventions times allow for students to move in and out of interventions as necessary.

Availability of standards-based instructional materials appropriate to all student groups (ESEA)

HES follows the CDE adoption cycles to the extent possible. Math, ELA, History/Social Studies have been adopted. NGSS Curriculum is piloted countywide 2019-20.

Use of SBE-adopted and standards-aligned instructional materials, including intervention materials, and for high school students, access to standards-aligned core courses (EPC)

Curriculum is SBE adopted.

Opportunity and Equal Educational Access

Services provided by the regular program that enable underperforming students to meet standards (ESEA)

Extensive intervention times, after school program through Boys&Girls Club. All students, including our EL students, have access to Wolf Times K-8 for support from teachers. Targeted RTI with clear entry/exit points to build skills for K-8 students in place

Evidence-based educational practices to raise student achievement

Academic Parent Teacher Teams partner with parents to support student success. Response to Interventions are in place to support students who are at-risk academically and needing supports in ELA/SPA and Math.

Parental Engagement

Resources available from family, school, district, and community to assist under-achieving students (ESEA)

HES has an on-site, full time Counselor, and Social Worker/Family Services Coordinator. Additionally HES utilizes Academic Parent Teacher Teams to assist parents in helping their children with academics. PTO is also active and supports parent outreach. HES also runs monthly informational parent lunch meetings.

Involvement of parents, community representatives, classroom teachers, other school personnel, and students in secondary schools, in the planning, implementation, and evaluation of ConApp programs (5 California Code of Regulations 3932)

HES has an active School Site Council, and English Learner Advisory Committee. Both groups have standing meeting times. Additionally there is a monthly parent lunch and morning coffee with the principal where topics related to school improvement can be discussed.

Funding

Services provided by categorical funds that enable underperforming students to meet standards (ESEA)

Renaissance Learning services/IO for data collection/monitoring
Professional Development/time for coaching
Reading Specialist
Funding additional for teaching positions to assist in reduced class sizes and after school interventions.
Instructional Aides
Additional Yard Duty
Dual Immersion support

Fiscal support (EPC)

Title I
Title II
Title III
Title IV
SUMS Grant
Low Performing Students Grant
VPA Grant
GEAR UP Grant

Stakeholder Involvement

How, when, and with whom did the school consult as part of the planning process for this SPSA/Annual Review and Update?

Involvement Process for the SPSA and Annual Review and Update

HES consulted with parents through monthly Parent Luncheons, morning Coffee with the Principal, ELAC/DELAC meetings. Additionally, the SSC meets monthly to discuss current issues. Staff meets monthly in addition to weekly professional learning community grade similar pod meetings. HES maintains various committees on site to steer improvement and resource allocation: Dual Immersion Steering Committee, PTO, MTSS Leadership meetings.

Resource Inequities

Briefly identify and describe any resource inequities identified as a result of the required needs assessment, as applicable.

Computer lab is outdated and in disrepair.

Facilities also need to be updated to current technology standards for complete roll-out of computer devices for all students and classrooms.

School and Student Performance Data

Student Enrollment Enrollment By Student Group

Student Enrollment by Subgroup						
Student Group	Percent of Enrollment			Number of Students		
	16-17	17-18	18-19	16-17	17-18	18-19
American Indian	0.2%	.%	0.24%	1		1
African American	0.2%	0.2%	%	1	1	
Asian	1%	1.2%	0.96%	4	5	4
Filipino	%	%	%			
Hispanic/Latino	91.7%	93%	96.39%	376	373	400
Pacific Islander	%	%	%			
White	1.2%	1%	1.69%			7
Multiple/No Response	%	%	0.72%	5	4	3
Total Enrollment						415

Student Enrollment Enrollment By Grade Level

Student Enrollment by Grade Level			
Grade	Number of Students		
	16-17	17-18	18-19
Kindergarten	41	42	62
Grade 1	48	38	41
Grade 2	42	48	39
Grade 3	57	43	47
Grade 4	35	61	42
Grade 5	49	38	60
Grade 6	38	50	41
Grade 7	46	35	48
Grade 8	49	46	35
Total Enrollment			415

Conclusions based on this data:

1. Enrollment is slightly increasing.
2. Although there are other significant subgroups for CAASPP testing, the largest subgroup is Hispanic.

School and Student Performance Data

Student Enrollment English Learner (EL) Enrollment

English Learner (EL) Enrollment						
Student Group	Number of Students			Percent of Students		
	16-17	17-18	18-19	16-17	17-18	18-19
English Learners	166	136	151	40.5	33.9	36.4%
Fluent English Proficient (FEP)	97	119	121	23.7	29.7	29.2%
Reclassified Fluent English Proficient (RFEP)	33	38	21	18.6	22.9	15.4%

Conclusions based on this data:

1. The number of EL students has increased from 2017-18.
2. RFEP numbers show a lower percentage than previous years, but this could be as a result of the new ELPAC assessment.

School and Student Performance Data

CAASPP Results English Language Arts/Literacy (All Students)

Overall Participation for All Students												
Grade Level	# of Students Enrolled			# of Students Tested			# of Students with			% of Enrolled Students		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	57	42	48	57	41	47	57	41	47	100.3	97.6	97.9
Grade 4	34	62	42	34	60	41	34	60	41	100	96.7	97.6
Grade 5	51	36	57	49	35	57	49	35	57	96.1	96.8	100
Grade 6	38	51	42	37	49	39	37	49	39	97.3	97.2	92.9
Grade 7	46	35	46	46	35	45	46	35	45	100	96.1	97.8
Grade 8	49	47	33	48	45	33	48	45	33	98	100	100
All Grades	275	273	268	271	265	262	271	265	262	98.5	97.1	97.8

* The "% of Enrolled Students Tested" showing in this table is not the same as "Participation Rate" for federal accountability

Overall Achievement for All Students															
Grade Level	Mean Scale Score			% Standard			% Standard Met			% Standard Nearly			% Standard Not		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	2371.	2404.	2379.	3.51	14.63	8.51	21.05	31.71	17.02	29.82	21.95	29.79	45.61	31.71	44.68
Grade 4	2400.	2408.	2419.	00.0	6.67	7.32	20.59	20.00	24.39	11.76	20.00	21.95	67.65	53.33	46.34
Grade 5	2460.	2480.	2468.	8.16	5.71	8.77	32.65	34.29	26.32	22.45	37.14	26.32	36.73	22.86	38.60
Grade 6	2507.	2493.	2496.	5.41	12.24	0.00	35.14	24.49	30.77	40.54	32.65	38.46	18.92	30.61	30.77
Grade 7	2532.	2539.	2536.	13.04	2.86	13.33	30.43	45.71	33.33	32.61	37.14	26.67	23.91	14.29	26.67
Grade 8	2527.	2561.	2555.	2.08	11.11	12.12	39.58	42.22	45.45	25.00	26.67	21.21	33.33	20.00	21.21
All Grades	N/A	N/A	N/A	5.54	9.06	8.40	29.89	31.70	28.63	27.31	28.30	27.48	37.27	30.94	35.50

Reading Demonstrating understanding of literary and non-fictional texts									
Grade Level	% Above Standard			% At or Near Standard			% Below Standard		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	7.02	14.63	10.64	38.6	46.34	46.81	54.39	39.02	42.55
Grade 4	2.94	10.00	7.32	50.00	38.33	41.46	47.06	51.67	51.22
Grade 5	12.24	2.86	14.04	40.82	60.00	49.12	46.94	37.14	36.84
Grade 6	5.41	16.33	7.69	54.05	38.78	58.97	40.54	44.90	33.33
Grade 7	17.39	17.17	20.00	45.65	54.29	48.89	36.96	28.57	31.11
Grade 8	16.67	15.56	15.15	37.50	57.78	51.52	45.83	26.67	33.33
All Grades	10.70	12.83	12.60	43.54	47.92	49.24	45.76	39.25	38.17

Writing Producing clear and purposeful writing									
Grade Level	% Above Standard			% At or Near Standard			% Below Standard		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	8.77	17.07	8.70	36.84	46.34	54.35	54.39	36.59	36.96
Grade 4	2.94	10.00	4.88	44.12	46.67	48.78	52.94	43.33	46.34
Grade 5	16.33	14.29	19.30	44.90	71.43	50.88	38.78	14.29	29.82
Grade 6	16.22	14.29	7.69	59.46	48.98	66.67	24.32	36.73	25.64
Grade 7	23.91	20.00	33.33	54.35	62.86	40.00	21.74	17.14	26.67
Grade 8	14.58	26.67	33.33	54.17	53.33	42.42	31.25	20.00	24.24
All Grades	14.02	16.60	17.62	48.34	53.58	50.57	37.64	29.81	31.80

Listening Demonstrating effective communication skills									
Grade Level	% Above Standard			% At or Near Standard			% Below Standard		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	3.51	14.63	12.77	73.68	60.98	59.57	22.81	24.39	27.66
Grade 4	0.00	5.00	9.76	58.82	65.00	58.54	41.18	30.00	31.71
Grade 5	14.29	8.57	15.79	53.06	68.57	52.63	32.65	22.86	31.58
Grade 6	13.51	10.20	0.00	62.16	55.10	84.62	24.32	34.69	15.38
Grade 7	4.35	5.71	2.22	63.04	68.57	73.33	32.61	25.71	24.44
Grade 8	8.33	17.78	15.15	66.67	51.11	69.70	25.00	31.11	15.15
All Grades	7.38	10.19	9.54	63.47	61.13	65.27	29.15	28.68	25.19

Research/Inquiry Investigating, analyzing, and presenting information									
Grade Level	% Above Standard			% At or Near Standard			% Below Standard		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	3.51	19.51	6.38	50.88	56.10	48.94	45.61	24.39	44.68
Grade 4	5.88	11.67	4.88	55.88	43.33	51.22	38.24	45.00	43.90
Grade 5	16.33	17.14	14.04	38.78	57.14	54.39	44.90	25.71	31.58
Grade 6	21.62	20.41	7.69	59.46	53.06	56.41	18.92	26.53	35.90
Grade 7	26.09	28.57	24.44	56.52	54.29	48.89	17.39	17.14	26.67
Grade 8	14.58	26.67	27.27	54.17	60.00	54.55	31.25	13.33	18.18
All Grades	14.39	20.00	13.74	52.03	53.21	52.29	33.58	26.79	33.97

Conclusions based on this data:

1. Reading continues to be an area for growth. Although the percentage of students in the % Below Standard category continues to decline, this ELA sub-area continues to be greatest need districtwide.
2. Communicating in writing continues to be an area of growth for HES students. There is, however, a noted improvement in the 7th and 8th graders writing performance at the above standard level..
3. Although Research and Inquiry had relatively high percentages above or at or near standard in 2017-18, above standard scores did decline at the 3rd and 4th grade levels.

School and Student Performance Data

CAASPP Results Mathematics (All Students)

Overall Participation for All Students												
Grade Level	# of Students Enrolled			# of Students Tested			# of Students with			% of Enrolled Students		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	57	42	47	57	42	46	57	42	46	100	100	97.9
Grade 4	34	62	42	34	60	41	34	60	41	100	96.8	97.6
Grade 5	51	36	57	49	36	57	49	36	57	96.1	100	100
Grade 6	38	51	42	37	49	42	37	49	42	97.4	96.1	100
Grade 7	46	35	46	46	35	46	46	35	46	100	100	100
Grade 8	49	47	32	49	47	32	49	47	32	100	100	100
All Grades	275	273	266	272	269	264	272	269	264	98.9	98.5	99.2

* The "% of Enrolled Students Tested" showing in this table is not the same as "Participation Rate" for federal accountability purposes.

Overall Achievement for All Students															
Grade Level	Mean Scale Score			% Standard			% Standard Met			% Standard Nearly			% Standard Not		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	2385	2400	2370	7.02	7.14	2.17	19.30	30.95	13.04	26.32	28.57	36.96	47.37	33.33	47.83
Grade 4	2404	2408	2422	0.0	0.00	0.00	5.88	20.00	14.63	38.24	25.00	41.46	55.88	55.00	43.90
Grade 5	2443	2451	2453	4.08	2.78	5.26	16.33	5.56	12.28	24.49	36.11	35.09	55.10	55.56	47.37
Grade 6	2453	2457	2450	2.70	2.04	0.00	5.41	12.24	2.38	32.43	34.69	47.62	59.46	51.02	50.00
Grade 7	2494	2475	2477	4.35	5.71	0.00	19.57	14.29	15.22	32.61	28.57	36.96	43.48	51.43	47.83
Grade 8	2475	2515	2516	2.04	6.38	6.25	10.20	19.15	25.00	26.53	31.91	25.00	61.22	42.55	43.75
All Grades	N/A	N/A	N/A	3.68	3.72	2.27	13.60	17.47	13.26	29.41	30.48	37.50	53.31	48.33	46.97

Concepts & Procedures Applying mathematical concepts and procedures									
Grade Level	% Above Standard			% At or Near Standard			% Below Standard		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	15.79	14.29	8.70	26.32	45.24	26.09	57.89	40.48	65.22
Grade 4	0.00	5.00	4.88	17.65	23.33	31.71	82.35	71.67	63.41
Grade 5	6.12	5.56	5.26	30.61	25.00	35.09	63.27	69.44	59.65
Grade 6	5.41	4.08	0.00	21.62	34.69	30.95	72.97	61.22	69.05
Grade 7	10.87	8.57	6.52	41.30	25.71	32.61	47.83	65.71	60.87
Grade 8	4.08	10.64	12.50	22.45	38.30	34.38	73.47	51.06	53.13
All Grades	7.72	7.81	6.06	27.21	31.97	31.82	65.07	60.22	62.12

Problem Solving & Modeling/Data Analysis Using appropriate tools and strategies to solve real world and mathematical problems									
Grade Level	% Above Standard			% At or Near Standard			% Below Standard		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	5.26	11.90	6.52	52.63	52.38	43.48	42.11	35.71	50.00
Grade 4	0.00	8.33	4.88	23.53	38.33	46.34	76.47	53.33	48.78
Grade 5	6.12	5.56	8.77	40.82	36.11	43.86	53.06	58.33	47.37
Grade 6	2.70	4.08	0.00	32.43	42.86	38.10	64.86	53.06	61.90
Grade 7	6.52	5.71	8.70	43.48	48.57	43.48	50.00	45.71	47.83
Grade 8	4.08	10.64	6.25	36.73	53.19	50.00	59.18	36.17	43.75
All Grades	4.41	7.81	6.06	39.71	44.98	43.94	55.88	47.21	50.00

Communicating Reasoning Demonstrating ability to support mathematical conclusions									
Grade Level	% Above Standard			% At or Near Standard			% Below Standard		
	16-17	17-18	18-19	16-17	17-18	18-19	16-17	17-18	18-19
Grade 3	12.28	16.67	6.52	43.86	50.00	41.30	43.86	33.33	52.17
Grade 4	0.00	6.67	4.88	29.41	31.67	53.66	70.59	61.67	41.46
Grade 5	6.12	5.56	7.02	36.73	41.67	40.35	57.14	52.78	52.63
Grade 6	5.41	8.16	0.00	43.24	34.69	47.62	51.35	57.14	52.38
Grade 7	10.87	8.57	0.00	56.52	54.29	56.52	32.61	37.14	43.48
Grade 8	4.08	10.64	9.38	38.78	55.32	53.13	57.14	34.04	37.50
All Grades	6.99	9.29	4.55	41.91	43.49	48.11	51.10	47.21	47.35

Conclusions based on this data:

1. Although in 18-19 the 8th graders had an increased percentage of above standards level, concepts and procedures continues to be an area for growth.
2. Math concepts continue to be challenging for our HES students, however, the overall percentage of students not meeting standards did slightly decrease showing some growth.

School and Student Performance Data

ELPAC Results

ELPAC Summative Assessment Data Number of Students and Mean Scale Scores for All Students								
Grade Level	Overall		Oral Language		Written Language		Number of Students Tested	
	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19
Grade K	1442.1	1441.9	1452.0	1463.3	1419.1	1391.7	27	39
Grade 1	1449.6	1458.9	1463.9	1467.6	1435.0	1449.7	22	15
Grade 2	1494.7	1460.2	1499.8	1465.9	1489.3	1453.9	16	18
Grade 3	1483.3	1499.8	1493.9	1503.4	1472.2	1495.7	17	17
Grade 4	1476.0	1537.9	1475.0	1558.5	1476.4	1516.9	16	17
Grade 5		1527.2		1526.7		1527.2		16
Grade 6		1498.5		1504.5		1491.9		15
Grade 7		*		*		*		5
Grade 8		*		*		*		*
All Grades								144

Overall Language Percentage of Students at Each Performance Level for All Students										
Grade Level	Level 4		Level 3		Level 2		Level 1		Total Number of Students	
	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19
K	40.74	10.26		64.10		23.08		2.56	27	39
1		6.67		46.67		40.00		6.67	22	15
2		5.56		27.78		55.56		11.11	16	18
3		11.76		52.94		29.41		5.88	17	17
4		47.06		11.76		35.29		5.88	16	17
5		12.50		43.75		43.75		0.00		16
6		6.67		40.00		33.33		20.00		15
All Grades	26.45	13.19	32.23	43.06	23.97	36.11	17.36	7.64	121	144

Oral Language Percentage of Students at Each Performance Level for All Students										
Grade Level	Level 4		Level 3		Level 2		Level 1		Total Number of Students	
	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19
K	48.15	30.77	40.74	58.97		7.69		2.56	27	39
1		33.33		26.67		33.33		6.67	22	15
2		22.22		50.00	81.25	16.67		11.11	16	18
3		41.18		41.18		11.76		5.88	17	17
4		64.71		23.53		5.88		5.88	16	17
5		43.75		50.00		6.25		0.00		16
6		40.00		33.33		6.67		20.00		15
All Grades	44.63	36.11	38.02	44.44		11.81	10.74	7.64	121	144

Written Language Percentage of Students at Each Performance Level for All Students										
Grade Level	Level 4		Level 3		Level 2		Level 1		Total Number of Students	
	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19
K		5.13		28.21		58.97		7.69	27	39
1		6.67		26.67		60.00		6.67	22	15
2		5.56		11.11		38.89		44.44	16	18
3		0.00		35.29		47.06	64.71	17.65	17	17
4		23.53		23.53		29.41		23.53	16	17
5		6.25		18.75		56.25		18.75		16
6		0.00		0.00		60.00		40.00		15
All Grades	19.01	6.25	18.18	20.83	28.10	51.39	34.71	21.53	121	144

Listening Domain Percentage of Students by Domain Performance Level for All Students									
Grade Level	Well Developed		Somewhat/Moderately		Beginning		Total Number of Students		
	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19	
K	59.26	17.95		79.49		2.56	27	39	
1	54.55	53.33		40.00		6.67	22	15	
2		16.67		61.11		22.22	16	18	
3		11.76		70.59		17.65	17	17	
4		41.18	68.75	47.06		11.76	16	17	
5		6.25		81.25		12.50		16	
6		6.67		46.67		46.67		15	
All Grades	38.84	20.14	49.59	63.19	11.57	16.67	121	144	

Speaking Domain Percentage of Students by Domain Performance Level for All Students								
Grade Level	Well Developed		Somewhat/Moderately		Beginning		Total Number of Students	
	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19
K	44.44	48.72	48.15	46.15		5.13	27	39
1	50.00	20.00		73.33		6.67	22	15
2	81.25	22.22		66.67		11.11	16	18
3		64.71		35.29		0.00	17	17
4		64.71		35.29		0.00	16	17
5		100.00		0.00		0.00		16
6		66.67		13.33		20.00		15
All Grades	59.50	54.17	29.75	39.58	10.74	6.25	121	144

Reading Domain Percentage of Students by Domain Performance Level for All Students								
Grade Level	Well Developed		Somewhat/Moderately		Beginning		Total Number of Students	
	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19
K		0.00	66.67	94.87		5.13	27	39
1		6.67		73.33		20.00	22	15
2		5.56		38.89		55.56	16	18
3		0.00		58.82	64.71	41.18	17	17
4		11.76		52.94		35.29	16	17
5		6.25		75.00		18.75		16
6		0.00		6.67		93.33		15
All Grades	16.53	3.47	42.98	60.42	40.50	36.11	121	144

Writing Domain Percentage of Students by Domain Performance Level for All Students								
Grade Level	Well Developed		Somewhat/Moderately		Beginning		Total Number of Students	
	17-18	18-19	17-18	18-19	17-18	18-19	17-18	18-19
K	48.15	43.59		33.33		23.08	27	39
1		6.67	63.64	80.00		13.33	22	15
2		5.56	75.00	66.67		27.78	16	18
3		23.53		64.71		11.76	17	17
4		23.53		58.82	68.75	17.65	16	17
5		12.50		68.75		18.75		16
6		20.00		53.33		26.67		15
All Grades	23.14	22.22	58.68	56.94	18.18	20.83	121	144

Conclusions based on this data:

1. Data is incomplete due to the transition of the new assessment: ELPAC.

School and Student Performance Data

Student Population

This section provides information about the school's student population.

2018-19 Student Population			
Total Enrollment	Socioeconomically Disadvantaged	English Learners	Foster Youth
415	90.6	36.4	0.2
This is the total number of students enrolled.	This is the percent of students who are eligible for free or reduced priced meals; or have parents/guardians who did not receive a high school diploma.	This is the percent of students who are learning to communicate effectively in English, typically requiring instruction in both the English Language and in their academic courses.	This is the percent of students whose well-being is the responsibility of a court.

2018-19 Enrollment for All Students/Student Group		
Student Group	Total	Percentage
English Learners	151	36.4
Foster Youth	1	0.2
Homeless	27	6.5
Socioeconomically Disadvantaged	376	90.6
Students with Disabilities	55	13.3

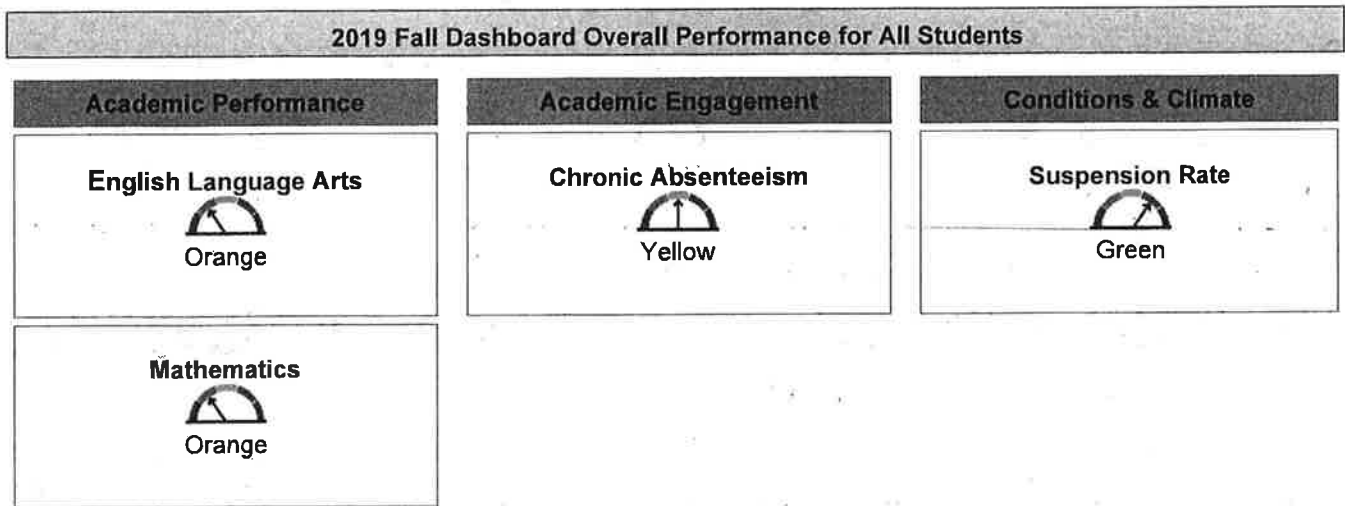
Enrollment by Race/Ethnicity		
Student Group	Total	Percentage
American Indian	1	0.2
Asian	4	1.0
Hispanic	400	96.4
White	7	1.7

Conclusions based on this data:

1. Our school is comprised of a large Hispanic population at almost 97%.
2. Our school has a high socio-economically disadvantaged population at 90.6%.

School and Student Performance Data

Overall Performance



Conclusions based on this data:

1. Suspension rates have declined considerably in the last three years.
2. Chronic Absenteeism is an area of concern.
3. Concentration on academic performance continues to be an area of growth.

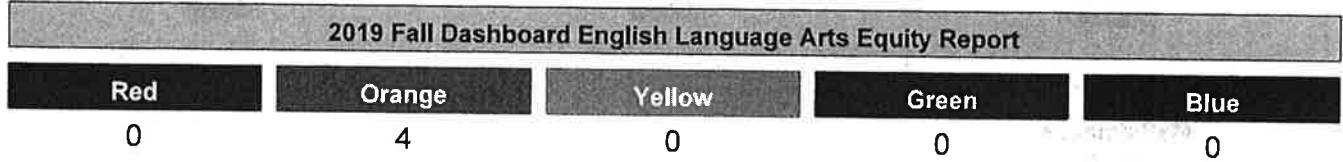
School and Student Performance Data

Academic Performance English Language Arts

The performance levels are color-coded and range from lowest-to-highest performance in the following order:







This section provides number of student groups in each color.



This section provides a view of Student Assessment Results and other aspects of this school's performance, specifically how well students are meeting grade-level standards on the English Language Arts assessment. This measure is based on student performance on the Smarter Balanced Summative Assessment, which is taken annually by students in grades 3–8 and grade 11.

2019 Fall Dashboard English Language Arts Performance for All Students/Student Group		
All Students Orange 32 points below standard Declined -5.9 points 261	English Learners Orange 53.7 points below standard Declined Significantly -17.2 points 138	Foster Youth
Homeless No Performance Color 52 points below standard Maintained ++1.3 points 14	Socioeconomically Disadvantaged Orange 34.5 points below standard Declined -6.7 points 240	Students with Disabilities Orange 117.5 points below standard Increased ++8.6 points 41

2019 Fall Dashboard English Language Arts Performance by Race/Ethnicity

African American	American Indian	Asian	Filipino
	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 1	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 3	
Hispanic	Two or More Races	Pacific Islander	White
 Orange 31.7 points below standard Declined -7.6 points 254			 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 3

This section provides a view of Student Assessment Results and other aspects of this school's performance, specifically how well students are meeting grade-level standards on the English Language Arts assessment. This measure is based on student performance on the Smarter Balanced Summative Assessment, which is taken annually by students in grades 3–8 and grade 11.

2019 Fall Dashboard English Language Arts Data Comparisons for English Learners

Current English Learner	Reclassified English Learners	English Only
106.4 points below standard Declined -6.5 points 64	8.2 points below standard Declined -3.3 points 74	23.1 points below standard Increased ++9.2 points 91

Conclusions based on this data:

1. The Reclassified English Learners did not outperform the English Only students as they did in 17-18.
2. All subgroups have a negative DFS, but the EO population made an increase.
3. Although still with a large distance from met, with students with disabilities had an increase in their performance.

School and Student Performance Data

Academic Performance Mathematics






The performance levels are color-coded and range from lowest-to-highest performance in the following order:







This section provides number of student groups in each color.

2019 Fall Dashboard Mathematics Equity Report				
Red	Orange	Yellow	Green	Blue
1	3	0	0	0

This section provides a view of Student Assessment Results and other aspects of this school's performance, specifically how well students are meeting grade-level standards on the Mathematics assessment. This measure is based on student performance on the Smarter Balanced Summative Assessment, which is taken annually by students in grades 3–8 and grade 11.

2019 Fall Dashboard Mathematics Performance for All Students/Student Group		
<p>All Students</p>  Orange 74.2 points below standard Declined -3.5 points 261	<p>English Learners</p>  Orange 87.8 points below standard Declined -4.7 points 138	<p>Foster Youth</p>
<p>Homeless</p>  No Performance Color 101.2 points below standard Increased ++5.8 points 14	<p>Socioeconomically Disadvantaged</p>  Orange 76.7 points below standard Declined -3.3 points 240	<p>Students with Disabilities</p>  Red 145.4 points below standard Maintained -2.1 points 41

2019 Fall Dashboard Mathematics Performance by Race/Ethnicity

African American	American Indian	Asian	Filipino
	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 1	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 3	
Hispanic	Two or More Races	Pacific Islander	White
 Orange 73.3 points below standard Maintained -2.8 points 254			 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 3

This section provides a view of Student Assessment Results and other aspects of this school's performance, specifically how well students are meeting grade-level standards on the Mathematics assessment. This measure is based on student performance on the Smarter Balanced Summative Assessment, which is taken annually by students in grades 3–8 and grade 11.

2019 Fall Dashboard Mathematics Data Comparisons for English Learners

Current English Learner	Reclassified English Learners	English Only
119.2 points below standard Increased ++8.6 points 64	60.6 points below standard Maintained ++0.2 points 74	68.4 points below standard Maintained ++1.8 points 91

Conclusions based on this data:

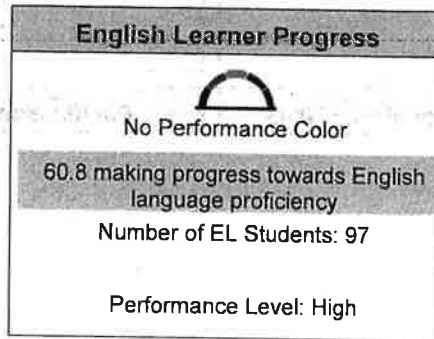
- The Reclassified English Learners outscore the EO students.
- The current ELs continue to struggle.
- Students with disabilities maintained score, but have the lowest scores of all sub groups.

School and Student Performance Data

Academic Performance English Learner Progress

This section provides a view of the percentage of current EL students making progress towards English language proficiency or maintaining the highest level.

2019 Fall Dashboard English Learner Progress Indicator



This section provides a view of the percentage of current EL students who progressed at least one ELPI level, maintained ELPI level 4, maintained lower ELPI levels (i.e. levels 1, 2L, 2H, 3L, or 3H), or decreased at least one ELPI Level.

2019 Fall Dashboard Student English Language Acquisition Results

Decreased One ELPI Level	Maintained ELPI Level 1, 2L, 2H, 3L, or 3H	Maintained ELPI Level 4	Progressed At Least One ELPI Level
10	28	2	57

Conclusions based on this data:

1. English Learner Progress indicates continued growth.
2. Students with decrease indicate the need for attention with progress monitoring.

School and Student Performance Data

Academic Engagement Chronic Absenteeism

The performance levels are color-coded and range from lowest-to-highest performance in the following order:











This section provides number of student groups in each color.

2019 Fall Dashboard Chronic Absenteeism Equity Report				
Red	Orange	Yellow	Green	Blue
0	1	3	1	0

This section provides information about the percentage of students in kindergarten through grade 8 who are absent 10 percent or more of the instructional days they were enrolled.

2019 Fall Dashboard Chronic Absenteeism for All Students/Student Group		
All Students	English Learners	Foster Youth
 Yellow 6 Maintained +0.2 432	 Orange 6.9 Increased +1.5 160	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 2
Homeless	Socioeconomically Disadvantaged	Students with Disabilities
 Green 2.9 Declined -9.6 34	 Yellow 6.5 Maintained +0.3 399	 Yellow 5 Increased +0.9 60

2019 Fall Dashboard Chronic Absenteeism by Race/Ethnicity

African American	American Indian	Asian	Filipino
 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 0	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 1	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 4	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 0
Hispanic	Two or More Races	Pacific Islander	White
 Yellow 6 Maintained +0.3 414	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 3	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 0	 No Performance Color Less than 11 Students - Data Not Displayed for Privacy 10

Conclusions based on this data:

1. Our Social Worker/Family Services Coordinator continues to work to bring these numbers down, as indicated, there is an increase in the EL attendance.
2. Overall, maintaining.

School and Student Performance Data

Conditions & Climate Suspension Rate

The performance levels are color-coded and range from lowest-to-highest performance in the following order:








This section provides number of student groups in each color.

2019 Fall Dashboard Suspension Rate Equity Report				
Red	Orange	Yellow	Green	Blue
0	2	1	2	0

This section provides information about the percentage of students in kindergarten through grade 12 who have been suspended at least once in a given school year. Students who are suspended multiple times are only counted once.

2019 Fall Dashboard Suspension Rate for All Students/Student Group		
All Students	English Learners	Foster Youth
 Green 2.5 Declined Significantly -1.4 441	 Orange 1.8 Increased +1.2 163	 No Performance Color Less than 11 Students - Data Not 2
Homeless	Socioeconomically Disadvantaged	Students with Disabilities
 Yellow 5.3 Declined -5.2 38	 Green 2.5 Declined Significantly -1.2 405	 Orange 10 Declined -2 60

2019 Fall Dashboard Suspension Rate by Race/Ethnicity

African American	American Indian  No Performance Color Less than 11 Students - Data 1	Asian  No Performance Color Less than 11 Students - Data 4	Filipino
Hispanic  Green 2.4 Declined Significantly -1.1 423	Two or More Races  No Performance Color Less than 11 Students - Data 3	Pacific Islander	White  No Performance Color Less than 11 Students - Data 10

This section provides a view of the percentage of students who were suspended.

2019 Fall Dashboard Suspension Rate by Year

2017	2018 3.9	2019 2.5
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Conclusions based on this data:

- HES has greatly decreased suspension rates, well below the State rates (6.8%). MTSS work has increased staff skill level with meeting the needs of students.
- Suspension of students with disabilities continues to be an area of challenge.

Goals, Strategies, & Proposed Expenditures

Complete a copy of the following table for each of the school's goals. Duplicate the table as needed.

LEA/LCAP Goal

HUSD will increase student performance (for all subgroups) on State and Local achievement metrics: Priorities 4,8

Goal 1

Hamilton Elementary will increase student achievement for all students by providing quality first instruction, intervention, support and enrichment through our multi-tiered support systems.

Identified Need

Students continue to struggle on SBAC assessments (ELA and Math), and because of this continued challenge it is necessary to look carefully at our first instruction (the best prevention of urgent intervention needs). Continuing to follow the same instructional practices will continue to result in similar outcomes, and as such, this year our focus is on socio-emotional supports and engaging students in learning opportunities that provide multiple entry points and access for all.

Annual Measurable Outcomes

Metric/Indicator	Baseline/Actual Outcome	Expected Outcome
CAASPP Math	18-19 -5.9 Distance From Met	19-20 increase by 3 points (-2.9 DFM)
CAASPP ELA	18-19-3.9 Distance From Met	19-20 increase by 3 points (-.9 DFM)
SWIS data	19-20 9.69 % 6+ ODR (Office Discipline Referrals)	19-20 7.69% 6 + ODR

Complete a copy of the Strategy/Activity table for each of the school's strategies/activities. Duplicate the table, including Proposed Expenditures, as needed.

Strategy/Activity 1

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

All Students

Strategy/Activity

Teacher on Special Assignment (TOSA) coaching, planning, and peer collaboration. Use of Daily 5/ CAFE and QTEL models of instruction. Targeted focus on student engagement through quality interactions and using assessments to drive instruction.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)	Source(s)
17,228	LCFF - Base
84,113	LCFF - Supplemental

Strategy/Activity 2

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

All Students

Strategy/Activity

Professional development on language objectives and integration of core content with ELD standards with Dr. Claudia Rodriguez-Mojica. Professional development centered on trauma-improved practices and strategies to engage students (Rainbow Walker and County presentations), Quality Teaching for English Learners (QTEL summer institute) and NTC/Coaching (Tehama County collaborative).

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)	Source(s)
1,200	Other
20,000	Title II Part A: Improving Teacher Quality
10,000	Title III
15,000	Other

Strategy/Activity 3

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

All students

Strategy/Activity

PLC time to set SMART goals using student achievement data to reflect on first instruction and intervention.

PLC leadership to establish and maintain focus on the 4 critical questions.

PLC leadership team weekly meetings supported by instructional leaders.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

[Redacted]

Source(s)

General Fund

Strategy/Activity 4

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

Students requiring Tier 2 and 3 interventions

Strategy/Activity

Teachers will use Wolf Time to meet the needs of students requiring small group or more individualized support in both ELA and Math. Our literacy specialist will use pull-out interventions 2nd semester to meet the needs of student requiring urgent intervention (top tier students).

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

90,000

Source(s)

Title I

Strategy/Activity 5

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

All

Strategy/Activity

Paraprofessional/yard supervisor are used to support student safety and learning in the classroom.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

50,000

Source(s)

Title I

25,000

LCFF - Supplemental

Goals, Strategies, & Proposed Expenditures

Complete a copy of the following table for each of the school's goals. Duplicate the table as needed.

LEA/LCAP Goal

HUSD will provide high quality classroom instruction to promote college and career readiness.

Goal 2

All students will develop the necessary mathematical, language and literacy proficiency that prepare them for college or post-secondary career choices as evidence by an increase on the CAASPP and CAST (Science).

Identified Need

Given that our students continue to have challenges meeting the ELA and Math proficiency standards, we are committed to ensure that teachers have updated and standards aligned curriculum as well as the training to support teaching and learning in both our English only classroom and Dual Immersion classrooms.

Annual Measurable Outcomes

Metric/Indicator	Baseline/Actual Outcome	Expected Outcome
SBAC (ELA)	18-19 -5.9 DFM	19-20 increase by 3 points (-2.9 DFM)
SBAC (Math)	18-19 -3.9 DFM	19-20 increase by 3 points (-9 DFM)
CAST		

Complete a copy of the Strategy/Activity table for each of the school's strategies/activities. Duplicate the table, including Proposed Expenditures, as needed.

Strategy/Activity 1

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

All students

Strategy/Activity

Teachers will receive training and pilot NGSS materials to develop their understanding for this new shift in teaching.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

1,000

Source(s)

LCFF - Base

Strategy/Activity 2

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

Kindergarten students

Strategy/Activity

Kindergarten teachers will shift from the use of curriculum for U of O in mathematics, to Every Day Math to be in alignment with 1-5.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

1,500

Source(s)

LCFF - Base

Strategy/Activity 3

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

EL students

Strategy/Activity

ELD teacher will provide instruction with the support of ELD Benchmark at the K-5 level. Newcomers at the 6-8 level will be placed in a classroom with emergent learners, and intermediate and above will be in a class to specifically target the needs of long term English learners.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

Source(s)

LCFF - Base

Strategy/Activity 4

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

K-5 Students

Strategy/Activity

Teachers will continue the use of Standards-based report cards in alignment with standards-based lessons.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

Source(s)

Strategy/Activity 5

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

K-2 Dual Imersion Students

Strategy/Activity

Provide decodable readers (Adelante) to support Spanish Language Acquisition.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

Source(s)

470

Title III

Strategy/Activity 6

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

Strategy/Activity

[Redacted]

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

Source(s)

Strategy/Activity 7

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

Strategy/Activity

[Redacted]

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

Source(s)

Goals, Strategies, & Proposed Expenditures

Complete a copy of the following table for each of the school's goals. Duplicate the table as needed.

LEA/LCAP Goal

HUSD will improve stakeholder participation in the learning process. Priorities 3,5,6

Goal 3

The number of parents/community members involved in outreach programs and access to parent portal will be increased.

Identified Need

Although we have many opportunities for parent involvement, our numbers continue to be low in terms of participating in our stakeholder meetings, although attendance to community, cultural events has increased. We will leverage the community events to the best of our ability, adjusting times of meetings to meet the needs of parents, to improve our home/school connection.

Annual Measurable Outcomes

Metric/Indicator	Baseline/Actual Outcome	Expected Outcome
Parents Portal Access Increased (K-5)	321	increase by 20%
Attendance at parent outreach programs		

Complete a copy of the Strategy/Activity table for each of the school's strategies/activities. Duplicate the table, including Proposed Expenditures, as needed.

Strategy/Activity 1

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

All

Strategy/Activity

Continued efforts to train parents on parent portal. Make trainings available during school events (Back to School, parent conferences, events, etc.)

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)

Source(s)

Strategy/Activity 2

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

Parents with teachers facilitating APTT groups

Strategy/Activity

Increase parent participation at APTT (academic parent teacher team) meetings by changing start times to after 5:00 pm.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)	Source(s)
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Strategy/Activity 3

Students to be Served by this Strategy/Activity

(Identify either All Students or one or more specific student groups)

All parents of all students

Strategy/Activity

Family Case Manager to support home/school connection.

Proposed Expenditures for this Strategy/Activity

List the amount(s) and funding source(s) for the proposed expenditures. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal identify the Title and Part, as applicable), Other State, and/or Local.

Amount(s)	Source(s)
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86,000	LCFF - Base
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9,000	Title I
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Budget Summary

Complete the table below. Schools may include additional information. Adjust the table as needed. The Budget Summary is required for schools funded through the ConApp, and/or that receive funds from the LEA for Comprehensive Support and Improvement (CSI).

Budget Summary

Description	Amount
Total Funds Provided to the School Through the Consolidated Application	\$185,000
Total Federal Funds Provided to the School from the LEA for CSI	\$
Total Funds Budgeted for Strategies to Meet the Goals in the SPSA	\$410,511.00

Other Federal, State, and Local Funds

List the additional Federal programs that the school is including in the schoolwide program. Adjust the table as needed. If the school is not operating a Title I schoolwide program this section is not applicable and may be deleted.

Federal Programs	Allocation (\$)
Title I	\$149,000.00
Title II Part A: Improving Teacher Quality	\$20,000.00
Title III	\$10,470.00

Subtotal of additional federal funds included for this school: **\$179,470.00**

List the State and local programs that the school is including in the schoolwide program. Duplicate the table as needed.

State or Local Programs	Allocation (\$)
LCFF - Base	\$105,728.00
LCFF - Supplemental	\$109,113.00
Other	\$16,200.00

Subtotal of state or local funds included for this school: **\$231,041.00**

Total of federal, state, and/or local funds for this school: **\$410,511.00**

School Site Council Membership

California Education Code describes the required composition of the School Site Council (SSC). The SSC shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school. The current make-up of the SSC is as follows:

- 1 School Principal
- 3 Classroom Teachers
- 3 Other School Staff
- 5 Parent or Community Members

Name of Members	Role
Kathy Thomas	Principal
Dianna Camarena	Other School Staff
Maggie Sawyer	Other School Staff
Gloria Godinez	Classroom Teacher
Nancy Heffley	Classroom Teacher
Jack Campbell	Classroom Teacher
Jazmin Martinez	Other School Staff
Kristi Holloway	Parent or Community Member
Nola Polino	Parent or Community Member
Teresa Polino	Parent or Community Member
Gabriella Sanchez	Parent or Community Member
Lourdes	Parent or Community Member

At elementary schools, the school site council must be constituted to ensure parity between (a) the principal, classroom teachers, and other school personnel, and (b) parents of students attending the school or other community members. Classroom teachers must comprise a majority of persons represented under section (a). At secondary schools there must be, in addition, equal numbers of parents or other community members selected by parents, and students. Members must be selected by their peer group.

Recommendations and Assurances

The School Site Council (SSC) recommends this school plan and proposed expenditures to the district governing board for approval and assures the board of the following:

The SSC is correctly constituted and was formed in accordance with district governing board policy and state law.

The SSC reviewed its responsibilities under state law and district governing board policies, including those board policies relating to material changes in the School Plan for Student Achievement (SPSA) requiring board approval.

The SSC sought and considered all recommendations from the following groups or committees before adopting this plan:

Signature

Committee or Advisory Group Name

English Learner Advisory Committee

Special Education Advisory Committee

Other: School Leadership Team

The SSC reviewed the content requirements for school plans of programs included in this SPSA and believes all such content requirements have been met, including those found in district governing board policies and in the local educational agency plan.

This SPSA is based on a thorough analysis of student academic performance. The actions proposed herein form a sound, comprehensive, coordinated plan to reach stated school goals to improve student academic performance.

This SPSA was adopted by the SSC at a public meeting on .

Attested:

Principal, Kathryn Thomas on

SSC Chairperson, Kristi Holloway on

Instructions

The School Plan for Student Achievement (SPSA) is a strategic plan that maximizes the resources available to the school while minimizing duplication of effort with the ultimate goal of increasing student achievement. SPSA development should be aligned with and inform the Local Control and Accountability Plan process.

The SPSA consolidates all school-level planning efforts into one plan for programs funded through the consolidated application (ConApp), and for federal school improvement programs, including schoolwide programs, Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), and Additional Targeted Support and Improvement (ATSI), pursuant to California Education Code (EC) Section 64001 and the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act (ESSA). This template is designed to meet schoolwide program planning requirements. It also notes how to meet CSI, TSI, or ATSI requirements, as applicable.

California's ESSA State Plan supports the state's approach to improving student group performance through the utilization of federal resources. Schools use the SPSA to document their approach to maximizing the impact of federal investments in support of underserved students. The implementation of ESSA in California presents an opportunity for schools to innovate with their federally-funded programs and align them with the priority goals of the school and the LEA that are being realized under the state's Local Control Funding Formula (LCFF).

The LCFF provides schools and LEAs flexibility to design programs and provide services that meet the needs of students in order to achieve readiness for college, career, and lifelong learning. The SPSA planning process supports continuous cycles of action, reflection, and improvement. Consistent with EC 65001, the Schoolsite Council (SSC) is required to develop and annually review the SPSA, establish an annual budget, and make modifications to the plan that reflect changing needs and priorities, as applicable.

For questions related to specific sections of the template, please see instructions below:

Instructions: Linked Table of Contents

The SPSA template meets the requirements of schoolwide planning (SWP). Each section also contains a notation of how to meet CSI, TSI, or ATSI requirements.

Stakeholder Involvement

Goals, Strategies, & Proposed Expenditures

Planned Strategies/Activities

Annual Review and Update

Budget Summary

Appendix A: Plan Requirements for Title I Schoolwide Programs

Appendix B: Plan Requirements for Schools to Meet Federal School Improvement Planning Requirements

Appendix C: Select State and Federal Programs

For additional questions or technical assistance related to LEA and school planning, please contact the Local Agency Systems Support Office, at LCFF@cde.ca.gov.

For programmatic or policy questions regarding Title I schoolwide planning, please contact the local educational agency, or the CDE's Title I Policy and Program Guidance Office at TITLEI@cde.ca.gov.

For questions or technical assistance related to meeting federal school improvement planning requirements (for CSI, TSI, and ATSI), please contact the CDE's School Improvement and Support Office at SISO@cde.ca.gov.

Purpose and Description

Schools identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI) must respond to the following prompts. A school that has not been identified for CSI, TSI, or ATSI may delete the Purpose and Description prompts:

Purpose

Briefly describe the purpose of this plan by selecting from Schoolwide Program, Comprehensive Support and Improvement, Targeted Support and Improvement, or Additional Targeted Support and Improvement)

Description

Briefly describe the school's plan for effectively meeting ESSA requirements in alignment with the Local Control and Accountability Plan and other federal, state, and local programs.

Stakeholder Involvement

Meaningful involvement of parents, students, and other stakeholders is critical to the development of the SPSA and the budget process. Schools must share the SPSA with school site-level advisory groups, as applicable (e.g., English Learner Advisory committee, student advisory groups, tribes and tribal organizations present in the community, as appropriate, etc.) and seek input from these advisory groups in the development of the SPSA.

The Stakeholder Engagement process is an ongoing, annual process. Describe the process used to involve advisory committees, parents, students, school faculty and staff, and the community in the development of the SPSA and the annual review and update.

[This section meets the requirements for TSI and ATSI.]

[When completing this section for CSI, the LEA shall partner with the school in the development and implementation of this plan.]

Resource Inequities

Schools eligible for CSI or ATSI must identify resource inequities, which may include a review of LEA- and school-level budgeting as a part of the required needs assessment. Identified resource inequities must be addressed through implementation of the CSI or ATSI plan. Briefly identify and describe any resource inequities identified as a result of the required needs assessment and summarize how the identified resource inequities are addressed in the SPSA.

[This section meets the requirements for CSI and ATSI. If the school is not identified for CSI or ATSI this section is not applicable and may be deleted.]

Goals, Strategies, Expenditures, & Annual Review

In this section a school provides a description of the annual goals to be achieved by the school. This section also includes descriptions of the specific planned strategies/activities a school will take to meet the identified goals, and a description of the expenditures required to implement the specific strategies and activities.

Goal

State the goal. A goal is a broad statement that describes the desired result to which all strategies/activities are directed. A goal answers the question: What is the school seeking to achieve?

It can be helpful to use a framework for writing goals such as the S.M.A.R.T. approach. A S.M.A.R.T. goal is one that is **S**pecific, **M**easurable, **A**chievable, **R**ealistic, and **T**ime-bound. A level of specificity is needed in order to measure performance relative to the goal as well as to assess whether it is reasonably achievable. Including time constraints, such as milestone dates, ensures a realistic approach that supports student success.

A school may number the goals using the "Goal #" for ease of reference.

[When completing this section for CSI, TSI, and ATSI, improvement goals shall align to the goals, actions, and services in the LEA LCAP.]

Identified Need

Describe the basis for establishing the goal. The goal should be based upon an analysis of verifiable state data, including local and state indicator data from the California School Dashboard (Dashboard) and data from the School Accountability Report Card, including local data voluntarily collected by districts to measure pupil achievement.

[Completing this section fully addresses all relevant federal planning requirements]

Annual Measurable Outcomes

Identify the metric(s) and/or state indicator(s) that the school will use as a means of evaluating progress toward accomplishing the goal. A school may identify metrics for specific student groups. Include in the baseline column the most recent data associated with the metric or indicator available at the time of adoption of the SPSA. The most recent data associated with a metric or indicator includes data reported in the annual update of the SPSA. In the subsequent Expected Outcome column, identify the progress the school intends to make in the coming year.

[When completing this section for CSI the school must include school-level metrics related to the metrics that led to the school's identification.]

[When completing this section for TSI/ATSI the school must include metrics related to the specific student group(s) that led to the school's identification.]

Strategies/Activities

Describe the strategies and activities being provided to meet the described goal. A school may number the strategy/activity using the "Strategy/Activity #" for ease of reference.

Planned strategies/activities address the findings of the needs assessment consistent with state priorities and resource inequities, which may have been identified through a review of the local educational agency's budgeting, its local control and accountability plan, and school-level budgeting, if applicable.

[When completing this section for CSI, TSI, and ATSI, this plan shall include evidence-based interventions and align to the goals, actions, and services in the LEA LCAP.]

[When completing this section for CSI and ATSI, this plan shall address through implementation, identified resource inequities, which may have been identified through a review of LEA- and school-level budgeting.]

Students to be Served by this Strategy/Activity

Indicate in this box which students will benefit from the strategies/activities by indicating "All Students" or listing one or more specific student group(s) to be served.

[This section meets the requirements for CSI.]

[When completing this section for TSI and ATSI, at a minimum, the student groups to be served shall include the student groups that are consistently underperforming, for which the school received the TSI or ATSI designation. For TSI, a school may focus on all students or the student group(s) that led to identification based on the evidence-based interventions selected.]

Proposed Expenditures for this Strategy/Activity

For each strategy/activity, list the amount(s) and funding source(s) for the proposed expenditures for the school year to implement these strategies/activities. Specify the funding source(s) using one or more of the following: LCFF, Federal (if Federal, identify the Title and Part, as applicable), Other State, and/or Local.

Proposed expenditures that are included more than once in a SPSA should be indicated as a duplicated expenditure and include a reference to the goal and strategy/activity where the expenditure first appears in the SPSA. Pursuant to Education Code, Section 64001(g)(3)(C), proposed expenditures, based on the projected resource allocation from the governing board or governing body of the LEA, to address the findings of the needs assessment consistent with the state priorities including identifying resource inequities which may include a review of the LEA's budgeting, its LCAP, and school-level budgeting, if applicable.

[This section meets the requirements for CSI, TSI, and ATSI.]

[NOTE: Federal funds for CSI shall not be used in schools identified for TSI or ATSI. In addition, funds for CSI shall not be used to hire additional permanent staff.]

Annual Review

In the following Analysis prompts, identify any material differences between what was planned and what actually occurred as well as significant changes in strategies/activities and/ or expenditures from the prior year. This annual review and analysis should be the basis for decision-making and updates to the plan.

Analysis

Using actual outcome data, including state indicator data from the Dashboard, analyze whether the planned strategies/activities were effective in achieving the goal. Respond to the prompts as instructed. Respond to the following prompts relative to this goal. If the school is in the first year of implementing the goal the Annual Review section is not required and this section may be deleted.

- Describe the overall implementation of the strategies/activities and the overall effectiveness of the strategies/activities to achieve the articulated goal.
- Briefly describe any major differences between either/or the intended implementation or the budgeted expenditures to implement the strategies/activities to meet the articulated goal.
- Describe any changes that will be made to the goal, expected annual measurable outcomes, metrics/indicators, or strategies/activities to achieve this goal as a result of this analysis and analysis of the data provided in the Dashboard, as applicable. Identify where those changes can be found in the SPSA.

[When completing this section for CSI, TSI, or ATSI, any changes made to the goals, annual measurable outcomes, metrics/indicators, or strategies/activities, shall meet the CSI, TSI, or ATSI planning requirements. CSI, TSI, and ATSI planning requirements are listed under each section of the Instructions. For example, as a result of the Annual Review and Update, if changes are made to a goal(s), see the Goal section for CSI, TSI, and ATSI planning requirements.]

Budget Summary

In this section a school provides a brief summary of the funding allocated to the school through the ConApp and/or other funding sources as well as the total amount of funds for proposed expenditures described in the SPSA. The Budget Summary is required for schools funded through the ConApp and that receive federal funds for CSI. If the school is not operating a Title I schoolwide program this section is not applicable and may be deleted.

From its total allocation for CSI, the LEA may distribute funds across its schools that meet the criteria for CSI to support implementation of this plan. In addition, the LEA may retain a portion of its total allocation to support LEA-level expenditures that are directly related to serving schools eligible for CSI.

Budget Summary

A school receiving funds allocated through the ConApp should complete the Budget Summary as follows:

- **Total Funds Provided to the School Through the Consolidated Application:** This amount is the total amount of funding provided to the school through the ConApp for the school year. The school year means the fiscal year for which a SPSA is adopted or updated.
- **Total Funds Budgeted for Strategies to Meet the Goals in the SPSA:** This amount is the total of the proposed expenditures from all sources of funds associated with the strategies/activities reflected in the SPSA. To the extent strategies/activities and/or proposed expenditures are listed in the SPSA under more than one goal, the expenditures should be counted only once.

A school receiving federal funds for CSI should complete the Budget Summary as follows:

- Total Federal Funds Provided to the School from the LEA for CSI: This amount is the total amount of funding provided to the school from the LEA.

[NOTE: Federal funds for CSI shall not be used in schools eligible for TSI or ATSI. In addition, funds for CSI shall not be used to hire additional permanent staff.]

Appendix A: Plan Requirements

Schoolwide Program Requirements

This School Plan for Student Achievement (SPSA) template meets the requirements of a schoolwide program plan. The requirements below are for planning reference.

A school that operates a schoolwide program and receives funds allocated through the ConApp is required to develop a SPSA. The SPSA, including proposed expenditures of funds allocated to the school through the ConApp, must be reviewed annually and updated by the SSC. The content of a SPSA must be aligned with school goals for improving student achievement.

Requirements for Development of the Plan

- I. The development of the SPSA shall include both of the following actions:
 - A. Administration of a comprehensive needs assessment that forms the basis of the school's goals contained in the SPSA.
 1. The comprehensive needs assessment of the entire school shall:
 - a. Include an analysis of verifiable state data, consistent with all state priorities as noted in Sections 52060 and 52066, and informed by all indicators described in Section 1111(c)(4)(B) of the federal Every Student Succeeds Act, including pupil performance against state-determined long-term goals. The school may include data voluntarily developed by districts to measure pupil outcomes (described in the Identified Need); and
 - b. Be based on academic achievement information about all students in the school, including all groups under §200.13(b)(7) and migratory children as defined in section 1309(2) of the ESEA, relative to the State's academic standards under §200.1 to—
 - i. Help the school understand the subjects and skills for which teaching and learning need to be improved; and
 - ii. Identify the specific academic needs of students and groups of students who are not yet achieving the State's academic standards; and
 - iii. Assess the needs of the school relative to each of the components of the schoolwide program under §200.28.
 - iv. Develop the comprehensive needs assessment with the participation of individuals who will carry out the schoolwide program plan.
 - v. Document how it conducted the needs assessment, the results it obtained, and the conclusions it drew from those results.
 - B. Identification of the process for evaluating and monitoring the implementation of the SPSA and progress towards accomplishing the goals set forth in the SPSA (described in the Expected Annual Measurable Outcomes and Annual Review and Update).

Requirements for the Plan

- II. The SPSA shall include the following:
 - A. Goals set to improve pupil outcomes, including addressing the needs of student groups as identified through the needs assessment.

- B. Evidence-based strategies, actions, or services (described in Strategies and Activities)
1. A description of the strategies that the school will be implementing to address school needs, including a description of how such strategies will--
 - a. provide opportunities for all children including each of the subgroups of students to meet the challenging state academic standards
 - b. use methods and instructional strategies that:
 - i. strengthen the academic program in the school,
 - ii. increase the amount and quality of learning time, and
 - iii. provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education.
 - c. Address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, so that all students demonstrate at least proficiency on the State's academic standards through activities which may include:
 - i. strategies to improve students' skills outside the academic subject areas;
 - ii. preparation for and awareness of opportunities for postsecondary education and the workforce;
 - iii. implementation of a schoolwide tiered model to prevent and address problem behavior;
 - iv. professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data; and
 - v. strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs.
- C. Proposed expenditures, based on the projected resource allocation from the governing board or body of the local educational agency (may include funds allocated via the ConApp, federal funds for CSI, any other state or local funds allocated to the school), to address the findings of the needs assessment consistent with the state priorities, including identifying resource inequities, which may include a review of the LEAs budgeting, it's LCAP, and school-level budgeting, if applicable (described in Proposed Expenditures and Budget Summary). Employees of the schoolwide program may be deemed funded by a single cost objective.
- D. A description of how the school will determine if school needs have been met (described in the Expected Annual Measurable Outcomes and the Annual Review and Update).
1. Annually evaluate the implementation of, and results achieved by, the schoolwide program, using data from the State's annual assessments and other indicators of academic achievement;
 2. Determine whether the schoolwide program has been effective in increasing the achievement of students in meeting the State's academic standards, particularly for those students who had been furthest from achieving the standards; and
 3. Revise the plan, as necessary, based on the results of the evaluation, to ensure continuous improvement of students in the schoolwide program.

- E. A description of how the school will ensure parental involvement in the planning, review, and improvement of the schoolwide program plan (described in Stakeholder Involvement and/or Strategies/Activities).
- F. A description of the activities the school will include to ensure that students who experience difficulty attaining proficient or advanced levels of academic achievement standards will be provided with effective, timely additional support, including measures to
 - 1. Ensure that those students' difficulties are identified on a timely basis; and
 - 2. Provide sufficient information on which to base effective assistance to those students.
- G. For an elementary school, a description of how the school will assist preschool students in the successful transition from early childhood programs to the school.
- H. A description of how the school will use resources to carry out these components (described in the Proposed Expenditures for Strategies/Activities).
- I. A description of any other activities and objectives as established by the SSC (described in the Strategies/Activities).

Authority Cited: S Title 34 of the Code of Federal Regulations (34 CFR), sections 200.25-26, and 200.29, and sections-1114(b)(7)(A)(i)-(iii) and 1118(b) of the ESEA. EC sections 6400 et. seq.

Appendix B:

Plan Requirements for School to Meet Federal School Improvement Planning Requirements

For questions or technical assistance related to meeting Federal School Improvement Planning Requirements, please contact the CDE's School Improvement and Support Office at SISO@cde.ca.gov.

Comprehensive Support and Improvement

The LEA shall partner with stakeholders (including principals and other school leaders, teachers, and parents) to locally develop and implement the CSI plan for the school to improve student outcomes, and specifically address the metrics that led to eligibility for CSI (Stakeholder Involvement).

The CSI plan shall:

1. Be informed by all state indicators, including student performance against state-determined long-term goals (Goal, Identified Need, Expected Annual Measurable Outcomes, Annual Review and Update, as applicable);
2. Include evidence-based interventions (Strategies/Activities, Annual Review and Update, as applicable) (For resources related to evidence-based interventions, see the U.S. Department of Education's "Using Evidence to Strengthen Education Investments" at <https://www2.ed.gov/policy/elsec/leg/essa/guidanceuseseseinvestment.pdf>);
3. Be based on a school-level needs assessment (Goal, Identified Need, Expected Annual Measurable Outcomes, Annual Review and Update, as applicable); and
4. Identify resource inequities, which may include a review of LEA- and school-level budgeting, to be addressed through implementation of the CSI plan (Goal, Identified Need, Expected Annual Measurable Outcomes, Planned Strategies/Activities; and Annual Review and Update, as applicable).

Authority Cited: Sections 1003(e)(1)(A), 1003(i), 1111(c)(4)(B), and 1111(d)(1) of the ESSA.

Targeted Support and Improvement

In partnership with stakeholders (including principals and other school leaders, teachers, and parents) the school shall develop and implement a school-level TSI plan to improve student outcomes for each subgroup of students that was the subject of identification (Stakeholder Involvement).

The TSI plan shall:

1. Be informed by all state indicators, including student performance against state-determined long-term goals (Goal, Identified Need, Expected Annual Measurable Outcomes, Annual Review and Update, as applicable); and
2. Include evidence-based interventions (Planned Strategies/Activities, Annual Review and Update, as applicable). (For resources related to evidence-based interventions, see the U.S. Department of Education's "Using Evidence to Strengthen Education Investments" <https://www2.ed.gov/policy/elsec/leg/essa/guidanceuseseseinvestment.pdf>.)

Authority Cited: Sections 1003(e)(1)(B), 1003(i), 1111(c)(4)(B) and 1111(d)(2) of the ESSA.

Additional Targeted Support and Improvement

A school identified for ATSI shall:

1. Identify resource inequities, which may include a review of LEA- and school-level budgeting, which will be addressed through implementation of its TSI plan (Goal, Identified Need, Expected Annual Measurable Outcomes, Planned Strategies/Activities, and Annual Review and Update, as applicable).

Authority Cited: Sections 1003(e)(1)(B), 1003(i), 1111(c)(4)(B), and 1111(d)(2)(c) of the ESSA.

Single School Districts and Charter Schools Identified for School Improvement

Single school districts (SSDs) or charter schools that are identified for CSI, TSI, or ATSI, shall develop a SPSA that addresses the applicable requirements above as a condition of receiving funds (EC Section 64001[a] as amended by Assembly Bill [AB] 716, effective January 1, 2019).

However, a SSD or a charter school may streamline the process by combining state and federal requirements into one document which may include the local control and accountability plan (LCAP) and all federal planning requirements, provided that the combined plan is able to demonstrate that the legal requirements for each of the plans is met (EC Section 52062[a] as amended by AB 716, effective January 1, 2019).

Planning requirements for single school districts and charter schools choosing to exercise this option are available in the LCAP Instructions.

Authority Cited: EC sections 52062(a) and 64001(a), both as amended by AB 716, effective January 1, 2019.

Appendix C: Select State and Federal Programs

For a list of active programs, please see the following links:

Programs included on the Consolidated Application: <https://www.cde.ca.gov/fg/aa/co/>

ESSA Title I, Part A: School Improvement: <https://www.cde.ca.gov/sp/sw/t1/schoolsupport.asp>

Available Funding: <https://www.cde.ca.gov/fg/fo/af/>

Developed by the California Department of Education, January 2019

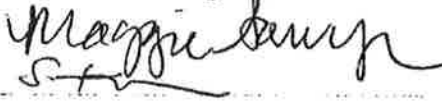
Recommendations and Assurances

The School Site Council (SSC) recommends this school plan and proposed expenditures to the district governing board for approval and assures the board of the following:

The SSC is correctly constituted and was formed in accordance with district governing board policy and state law.

The SSC reviewed its responsibilities under state law and district governing board policies, including those board policies relating to material changes in the School Plan for Student Achievement (SPSA) requiring board approval.

The SSC sought and considered all recommendations from the following groups or committees before adopting this plan:

Signature	Committee or Advisory Group Name
	English Learner Advisory Committee
	Special Education Advisory Committee
	Other: School Leadership Team

The SSC reviewed the content requirements for school plans of programs included in this SPSA and believes all such content requirements have been met, including those found in district governing board policies and in the local educational agency plan.

This SPSA is based on a thorough analysis of student academic performance. The actions proposed herein form a sound, comprehensive, coordinated plan to reach stated school goals to improve student academic performance.

This SPSA was adopted by the SSC at a public meeting on 2/4/2020

Attested:

	Principal, Kathryn Thomas on 2/4/2020
	SSC Chairperson, Kristi Holloway on

10/10/10

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Quarterly Report on Williams Uniform Complaints

(Education Code § 35186)

Person completing this form: Jeremy Powell

Title: Superintendent

Quarterly Report Submission Date:

(check one)

- January 2020
 April 2020
 July 2020
 October 2020

Date for information to be reported publicly at governing board meeting: February 26, 2020

Please check the box that applies:

- No complaints were filed with any school in the district during the quarter indicated above.
 Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

	Total No. of Complaints	No. Resolved	No. Unresolved
Textbooks and Instructional Materials			
Teacher Vacancy or Misassignment			
Facilities Conditions			
TOTALS			



Dr. Jeremy Powell, Superintendent

2-19-2020

Date Signed

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$$\frac{d}{dx} x^{-2} = -2x^{-3}$$

$$= -\frac{2}{x^3}$$

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School Site Council
February 4, 2020 Minutes

Item 1 Call to order at 5:31 PM

Item 2 Staff: K. Thomas, N. Heffley, M. Sawyer, J. Martinez, D. Camarena
Parents: Kristi Holloway, Teresa Carmona

Item 3: Public comments

Dianna mentioned that we will now be selling school shirts. Keep an eye out for flyers going home soon.

Item 5: Approval of minutes (October Minutes)

Motion: Nancy Heffley makes motion to approve minutes from October 2019. Seconded by Kristi Holloway.

Item 6: Roles and responsibilities of SSC members

K. Thomas reviewed roles and the responsibilities of members and parent roles in decision-making.

Item 8: School safety plan – approval

Safety plan action steps have been reviewed since beginning of school year with members. Kristi Holloway made motion to approve Safety plan and send to Board Meeting for final approval. Teresa Polino seconded.

Item 9: SPSA Approval

KThomas overview SPSA and shared PowerPoint presentation with those present. T. Carmona had question on how are we targeting and meeting the needs of students that are struggling in class. N. Heffley elaborated on how it looks in the classroom with intervention groups.

T. Carmona made motion to approve. Kristi seconded.

Meeting adjourned: 6:22 PM

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author details the various methods used to collect and analyze the data. This includes both primary and secondary research techniques. The primary research involved direct observation and interviews with key stakeholders, while the secondary research focused on reviewing existing literature and industry reports.

The third section presents the findings of the study. It highlights several key trends and patterns that emerged from the data analysis. These findings are crucial for understanding the current state of the market and identifying potential opportunities for growth.

Finally, the document concludes with a series of recommendations based on the research findings. These suggestions are designed to help the organization make more informed decisions and improve its overall performance. The author also notes that the research is ongoing and that future studies should continue to explore these areas in greater depth.

HES SSC APPROVED Minutes October 4, 2019

Item 1: Meeting called to order at 7:27 AM

Item 2: Establish Quorum

Staff Present: Dianna Camarena, Gloria Godinez, Jazmin Martinez, Emily Peery, Shaina Dickerson, Kathy Thomas

Parents Present: Elia Ruiz, Juan Hernandez, Alfredo Flores, Kristi Holloway, Brandy Gonzalez

Item 3: Verification of Posting of Agenda: 9/30/19

Item 4: No Public Comment

Item 5: Approval of Minutes

Gloria Godinez made motion to approve August/September Minutes

Jazmin Martinez seconded.

All in favor.

Item 6: Voting of *Chair, Vice Chair, Secretary*

D. Camarena volunteered to be secretary, Kristi Holloway to be Chair, and Liz Cox to be Vice Chair.

Emily Peery made motion to approve seats for this school year. Gloria Godinez seconded. All in Favor.

Item 7: MTSS Updates:

Academic- Mrs. Peery and Miss Shaina spoke about the intensive intervention groups in both English and math this school year. Small group of students working more one on one with teachers understanding concepts and tracking growth.

Socio-Emotional- Mrs. Thomas updated on the focus this year and the addition of social emotional learning added to the schedule this year. Mrs. Cox uses her SEL time during transitions (recess, lunch, etc.) to talk about common issues amongst her students and their peers.

Behavior- D. Camarena updated on our SWIS Behavior Tracking and going away from punitive approach to more restorative. Different graphs were shared to show how we drill down on behaviors school wide. We bring up our behavior tracking to our SSC members as this tracking is paid by grant monies.

Item 8: Student Led Conferences—Suggestions made as to students who are in risk of failing a class can possibly receive a phone call from teachers privately. Comments on student led conferences being powerful and giving students' confidence and accountability.

No Action Items

Meeting Adjourned at 8:03 AM

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

LECTURE NOTES

These notes are intended to supplement the lectures and provide a more detailed treatment of the topics discussed in class. They are not meant to replace the textbook or the lectures.

For further information, please contact the instructor.

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For more information on this book, please contact the publisher. The publisher's name and address are given on the inside cover of the book.

The University of Chicago is pleased to have this book published. The book is a valuable contribution to the field of physical chemistry and will be of great interest to students and researchers alike.

The University of Chicago is a leading institution of higher learning and is committed to the advancement of knowledge and the education of students. This book is a testament to the university's commitment to excellence in research and scholarship.

Chicago, Illinois

1998

Vendor/Addr Remit name	Reg Reference	Date	Description	Tax ID num	Deposit Type	Fd Res	Y	Goal	Func	Obj	ABA num	Account num	T9MFS	EE ES	E-Term	E-ExtRef
														Lig Amt	Net Amount	

001391/00	ABSOLUTE HEATING & AIR INC	510664349														
200158	PO-019600	01/07/2020	19-0218;ROOM 201&203 HVAC ELEM	1	01-6230-0-0000-8100-6500-000-000-00000	NN	P							19,342.00		19,342.00
200158	PO-019600	01/07/2020	19-0217;ELEM CAFE HVAC	1	01-6230-0-0000-8100-6500-000-000-00000	NN	F							31,098.00		31,098.00
			TOTAL PAYMENT AMOUNT											50,440.00 *		50,440.00

000717/00	ARK DESIGN CONSTRUCTION	832519847														
	PV-000076	01/14/2020	GUTTER CLEAN OUT; 800		01-8150-0-0000-8100-5630-000-000-00000	NY								202.50		202.50
			TOTAL PAYMENT AMOUNT											202.50 *		202.50

000794/00	BUSWEST - NORTH															
	PO-000421	01/09/2020	XA410018379-01		1 01-0000-0-0000-3600-4300-000-000-00000	NN	P							0.00		150.17
			TOTAL PAYMENT AMOUNT											150.17 *		150.17

002024/00	CHICO PRINTING															
200323	PO-020408	01/09/2020	26319;ADULT ED CLASS SCHED	1	11-6391-0-4110-1000-4300-000-000-00000	NN	F							745.59		678.36
			TOTAL PAYMENT AMOUNT											678.36 *		678.36

001534/00	CSU CHICO															
200327	PO-020413	01/13/2020	CHICO/BUTTE FIELD DAY		1 01-7010-0-3800-1000-5200-000-000-00000	NN	F							75.00		75.00
			TOTAL PAYMENT AMOUNT											75.00 *		75.00

001023/00	FP MAILING SOLUTIONS															
	PO-000424	01/03/2020	JAN-MAR R1104324469		1 01-0000-0-1110-1000-5620-000-000-00000	NN	P							0.00		167.31
			TOTAL PAYMENT AMOUNT											167.31 *		167.31

000113/00	HAMILTON CITY COMMUNITY SVC															
	PO-000414	01/01/2020	JAN-FEB HUH52	1	01-0000-0-0000-8100-5590-000-000-00000	NN	P							0.00		642.86
	PO-000414	01/01/2020	JAN-FEB HUH52	2	01-0000-0-0000-8100-5590-100-000-00000	NN	P							0.00		964.27
	PO-000414	01/01/2020	JAN-FEB HAMIE	3	01-0000-0-0000-8100-5590-800-000-00000	NN	P							0.00		2,295.90
	PO-000414	01/01/2020	JAN-FEB ELLAB HUH53	4	01-0000-0-3200-8100-5590-000-000-00000	NN	P							0.00		76.53
	PO-000414	01/01/2020	JAN-FEB ADED HUH51	5	11-6391-0-4110-8100-5590-000-000-00000	NN	P							0.00		76.53
	PO-000414	01/01/2020	JAN-FEB PRESCH HUH54	6	12-6105-0-1110-8100-5590-000-000-00000	NN	P							0.00		76.53
			TOTAL PAYMENT AMOUNT											4,132.62 *		4,132.62

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Req Reference	Date														Lig	Amt	Net	Amount

001003/00 INFINITY COMMUNICATIONS & CONS

200036 PO-020125 01/10/2020 OTR3-YEAR 23 CAT 10222
 1 01-9150-0-0000-2420-5890-000-000-000000 NN P 1,575.00 * 1,575.00
 TOTAL PAYMENT AMOUNT 1,575.00 * 1,575.00

000148/00 LRT GRAPHICS

200328 PO-020414 01/09/2020 ADULT ED BANNER.INV#27061
 1 11-6391-0-4110-1000-4300-000-000-000000 NN F 248.05 * 248.05
 TOTAL PAYMENT AMOUNT 248.05 * 248.05

000592/00 MISSION UNIFORM & LINEN

PO-000405 01/09/2020 511595302
 1 13-5310-0-0000-3700-4300-000-000-000000 NN P 47.56
 PO-000405 01/09/2020 511595303
 1 13-5310-0-0000-3700-4300-000-000-000000 NN P 77.65
 TOTAL PAYMENT AMOUNT 125.21 * 125.21

000436/00 PIERCE HIGH SCHOOL

200324 PO-020410 01/13/2020 ATTN: ARBUCKLE FIELD DAY
 1 01-7010-0-3800-1000-5200-000-000-000000 NN F 130.00
 TOTAL PAYMENT AMOUNT 130.00 * 130.00

000185/00 SAVE MART SUPERMARKETS

200320 PO-020404 12/18/2019 TED-4237; 8100837
 1 01-0000-0-1110-1000-4300-000-000-000000 NN F 36.71 * 36.71
 TOTAL PAYMENT AMOUNT 36.71 * 36.71

000137/00 SCHOOL SERVICES OF CALIF INC

PO-000426 01/01/2020 0123566-IN; JANUARY 2020
 1 01-0000-0-1110-1000-5890-000-000-000000 NN P 305.00 * 305.00
 TOTAL PAYMENT AMOUNT 305.00 * 305.00

001274/00 TIFFANY WILHELM

200228 PO-020314 01/14/2020 REIMS HOTEL CHGD TO HER CARD
 1 01-0000-0-0000-2700-5200-000-000-000000 NN F 172.33 * 172.33
 TOTAL PAYMENT AMOUNT 172.33 * 172.33

012 HAMILTON UNIFIED SCHOOL DIST. J18952
 BATCH 33; FEBRUARY 26 2020

ACCOUNTS PAYABLE PRELIST
 BATCH: 0033 BATCH 33; FEBRUARY 26 2020 << Open >>

APY500 L.00.18 01/15/20 14:13 PAGE 3

Vendor/Addr Reg Reference	Date	Description	Tax ID num	Deposit type	Fd Res	Y	ABA num	ABA num	Account num	Sit	Bdr	DD	T9MPS	EE	ES	E-Term	E-ExtRef	Liq Amt	Net Amount	
000315/00	UC REGENTS																			

200325 PO-020411 01/13/2020 AG & SCIENCE FIELD DAY
 1 01-7010-0-3800-1000-5200-000-000-00000 NN F 156.00 156.00
 TOTAL PAYMENT AMOUNT 156.00 *

TOTAL BATCH PAYMENT	58,594.26	***	0.00	58,594.26
TOTAL DISTRICT PAYMENT	58,594.26	****	0.00	58,594.26
TOTAL FOR ALL DISTRICTS:	58,594.26	****	0.00	58,594.26

Number of checks to be printed: 15, not counting voids due to stub overflows.

Printed: 01/15/2020 14:19:15

Prepared by	Date
<i>Christina</i>	1/15/20
Authorized by	Date

012 HAMILTON UNIFIED SCHOOL DIST. J19571
 BATCH 35: FEBRUARY 26, 2020

ACCOUNTS PAYABLE PRELIST
 BATCH: 0035 BATCH 35: FEBRUARY 26, 2020 << Open >>
 APY500 L.00.18 01/27/20 14:40 PAGE 1

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	Fd Res	Y	Goal	Func	Obj	ABA num	Account num	Sit	Bdr	DD	T9MPS	EE	ES	E-Ext	Ref	Net Amount	
000008/00	CALIFORNIA'S VALUED TRUST H/W																				
	FO-000444	01/21/2020 FEBRUARY 2020		1	01-0000-0-0000-0000-9571-000-000-000000	NN	P											0.00		31,337.59	
	FO-000444	01/21/2020 FEBRUARY 2020		2	01-0000-0-0000-0000-9572-000-000-000000	NN	P											0.00		63,246.83	
	FO-000444	01/21/2020 FEBRUARY 2020		3	01-0000-0-0000-0000-9573-000-000-000000	NN	P											0.00		7,523.02	
		TOTAL PAYMENT AMOUNT			102,107.44	*														102,107.44	

000522/00	LESLIE ANDERSON-MILLS		573472011																		
	PO-000433	01/21/2020 FEB - CASH IN LIEU HEALTH BEN		1	01-0000-0-1110-1000-3701-000-000-000000	NY	P											791.67		791.67	
		TOTAL PAYMENT AMOUNT			791.67	*														791.67	

000584/00	STANDARD																				
	PO-000408	01/27/2020 FEBRUARY 2020		1	01-0000-0-0000-0000-9573-000-000-000000	NN	P											0.00		348.80	
		TOTAL PAYMENT AMOUNT			348.80	*														348.80	

TOTAL BATCH PAYMENT	103,247.91	***	0.00	103,247.91
TOTAL DISTRICT PAYMENT	103,247.91	***	0.00	103,247.91
TOTAL FOR ALL DISTRICTS:	103,247.91	****	0.00	103,247.91

Number of checks to be printed: 3, not counting voids due to stub overflows. 103,247.91

Prepared by	Date
<i>Polina Tan</i>	1/27/20
Authorized by	Date

Vendor/Addr Remit name Description Tax ID num Deposit type ABA num Account num EE ES E-Term E-ExtRef
 Req Reference Date 001187/00 ACCULARM SECURITY SYSTEMS 555586858
 Fd Res Y Goal Func Obj Sit Bdr DD T9MPS Liq Amt Net Amount

PV-000079 01/23/2020 IN#248167; KEYPAD REPL @ HS CA 01-8150-0-0000-8100-5630-000-000-000000 NY 162.50
 TOTAL PAYMENT AMOUNT 162.50 *

000010/00 ALHAMBRA & SIERRA SPRINGS
 PC-000406 12/27/2019 DEC HS 9858589 122719 1 01-0000-0-0000-2700-4300-100-000-000000 NN P 0.00 52.00
 PC-000406 12/27/2019 DEC MAINT 9858589 122719 2 01-8150-0-0000-8100-4300-000-000-000000 NN P 0.00 1.00
 PC-000406 12/27/2019 DEC ELLAB 9858589 122719 3 01-0000-0-3200-1000-4300-000-000-000000 NN P 0.00 22.50
 PC-000406 12/27/2019 DEC ELEM 9858589 122719 4 01-0000-0-0000-2700-4300-800-000-000000 NN P 0.00 62.50
 PC-000406 12/27/2019 DEC ADULT ED 9858589 122719 5 11-6391-0-4110-1000-4300-000-000-000000 NN P 0.00 7.50
 TOTAL PAYMENT AMOUNT 145.50 *

000253/00 APPEAL-DEMOCRAT 462220622
 PC-000441 01/23/2020 CHANGE STRING; PER CM 1 01-0000-0-0000-2700-5990-000-000-000000 NY C 0.00 0.00
 TOTAL PAYMENT AMOUNT 0.00 *

001075/00 AT&T
 PC-000403 01/12/2020 JAN 14163899 1 01-0000-0-0000-2700-5990-000-000-000000 NN P 0.00 41.25
 PC-000403 01/12/2020 JAN 14162455 1 01-0000-0-0000-2700-5990-000-000-000000 NN P 0.00 111.80
 TOTAL PAYMENT AMOUNT 153.05 *

000444/00 BARCO PRODUCTS
 200301 PC-020387 01/03/2020 #SORCOS5875 1 01-0000-0-0000-2700-5990-000-000-000000 YN F 96.21 96.21
 TOTAL PAYMENT AMOUNT 96.21 *
 TOTAL USE TAX AMOUNT

000794/00 BUSWEST - NORTH
 PC-000421 01/21/2020 XMA10018649;01 1 01-0000-0-0000-3600-4300-000-000-000000 NN P 0.00 295.76
 TOTAL PAYMENT AMOUNT 295.76 *

001456/00 DALLAS DEATHERAGE
 PV-000085 01/24/2020 1/24/20 MEAL REIMB 01-0000-0-0000-3600-5200-000-000-000000 NN 25.00 25.00
 TOTAL PAYMENT AMOUNT 25.00 *

Vendor/Addr	Remit name	Description	Tax ID num	Deposit type	Fd Res	Y	Goal	Func	Obj	AEA num	Account num	Sit	Bdr	DD	T9MPS	EE	ES	E-Term	E-ExtRef	
Req Reference	Date															Liq	Amt	Net	Amount	
000764/00	DANIELSON CO																			
PO-000425	01/13/2020	216828	1	13-5310-0-0000-3700-4300-000-000-00000	NN	P										0.00			48.24	
PO-000425	01/13/2020	216883	1	13-5310-0-0000-3700-4300-000-000-00000	NN	P										0.00			243.10	
PO-000425	01/13/2020	216883	2	13-5310-0-0000-3700-4700-000-000-00000	NN	P										0.00			1,271.89	
PO-000425	01/13/2020	216828	2	13-5310-0-0000-3700-4700-000-000-00000	NN	P										0.00			1,166.99	
PO-000425	01/13/2020	216912	3	13-5320-0-0000-3700-4300-000-049-00000	NN	P										0.00			28.99	
PO-000425	01/13/2020	216912	4	13-5320-0-0000-3700-4700-000-049-00000	NN	P										0.00			498.53	
PO-000425	01/21/2020	217868	1	13-5310-0-0000-3700-4300-000-000-00000	NN	P										0.00			54.93	
PO-000425	01/21/2020	217826	1	13-5310-0-0000-3700-4300-000-000-00000	NN	P										0.00			77.25	
PO-000425	01/27/2020	218492	1	13-5310-0-0000-3700-4300-000-000-00000	NN	P										0.00			97.20	
PO-000425	01/27/2020	218579	1	13-5310-0-0000-3700-4300-000-000-00000	NN	P										0.00			176.78	
PO-000425	01/27/2020	218579	2	13-5310-0-0000-3700-4700-000-000-00000	NN	P										0.00			1,039.45	
PO-000425	01/27/2020	218492	2	13-5310-0-0000-3700-4700-000-000-00000	NN	P										0.00			1,179.55	
PO-000425	01/21/2020	217826	2	13-5310-0-0000-3700-4700-000-000-00000	NN	P										0.00			1,180.36	
PO-000425	01/21/2020	217871	3	13-5320-0-0000-3700-4300-000-049-00000	NN	P										0.00			1,368.91	
PO-000425	01/27/2020	218581	3	13-5320-0-0000-3700-4300-000-049-00000	NN	P										0.00			18.31	
PO-000425	01/27/2020	218581	4	13-5320-0-0000-3700-4700-000-049-00000	NN	P										0.00			70.71	
PO-000425	01/21/2020	217871	4	13-5320-0-0000-3700-4700-000-049-00000	NN	P										0.00			301.42	
																0.00			358.74	
																0.00			9,181.35	

000431/00	DAVE ELKIN																			
PV-000080	01/23/2020	DRIVER MEALS/TRANSPORTATION		01-0000-0-0000-3600-5200-000-000-00000	NN															80.00
																				80.00

000632/00	GIGAKOM																			
200248	PO-020346	12/09/2019	3015458																	

000209/00	GOLD STAR FOODS																			
PO-000415	12/30/2019	3013702-SEPT BOX FEE		3 13-5310-0-0000-3700-5890-000-000-00000	NN	P														21.60
PO-000415	12/30/2019	3014101-Q1 STATE FEE		3 13-5310-0-0000-3700-5890-000-000-00000	NN	P														72.90
PO-000415	01/16/2020	3056366-NOV STORAGE FEES		3 13-5310-0-0000-3700-5890-000-000-00000	NN	P														29.45
PO-000415	01/16/2020	3063078-DEC STORAGE FEES		3 13-5310-0-0000-3700-5890-000-000-00000	NN	P														38.95
PO-000415	01/13/2020	3015458		2 13-5310-0-0000-3700-4700-000-000-00000	NN	P														358.09
PO-000415	01/27/2020	3078293		2 13-5310-0-0000-3700-4700-000-000-00000	NN	P														1,614.38
																				2,135.37

Vendor/Addr Remit name Description Tax ID num Deposit type Fd Res Y Goal Func Obj ABA num Account num Sit Bdr DD T9MPS EE ES E-Term E-ExtRef
 Req Reference Date

000763 (CONTINUED)
 PO-000407 01/27/2020 6767127 2 13-5310-0-0000-3700-4300-000-000-000000 NN P 0.00 67.86
 PO-000407 01/21/2020 6765418 2 13-5310-0-0000-3700-4300-000-000-000000 NN P 0.00 67.86
 PO-000407 01/21/2020 6765421 3 13-5320-0-0000-3700-4700-000-049-000000 NN P 0.00 163.23
 TOTAL PAYMENT AMOUNT 4,672.10 * 4,672.10

000134/00 QUILL CORPORATION
 200335 PO-020420 01/14/2020 3975435 1 01-1100-0-1110-1000-4300-800-000-000000 NN F 81.02 81.02
 TOTAL PAYMENT AMOUNT 81.02 *

001510/00 RAY MORGAN COMPANY
 PO-000413 01/03/2020 JAN COPY EST USE 7 01-0000-0-0000-2700-4300-000-000-000000 NN P 0.00 645.65
 PO-000413 01/20/2019 FEB COPY EST USE 7 01-0000-0-0000-2700-4300-000-000-000000 NN P 0.00 645.65
 PO-000413 01/03/2020 JAN DIST 2817907 1 01-0000-0-0000-2700-5620-000-000-000000 NN P 0.00 166.44
 PO-000413 01/20/2020 FEB DIST 2839616 2 01-0000-0-0000-2700-5620-000-000-000000 NN P 0.00 166.44
 PO-000413 01/03/2020 JAN HS 2817907 1 01-0000-0-1110-1000-5620-100-000-000000 NN P 0.00 370.12
 PO-000413 01/03/2020 JAN ELEM 2817907 3 01-0000-0-1110-1000-5620-800-000-000000 NN P 0.00 995.19
 PO-000413 01/03/2020 JAN ELIAB 2817907 4 01-0000-0-3200-1000-5620-000-000-000000 NN P 0.00 104.03
 PO-000413 01/20/2019 FEB HS 2839616 2 01-0000-0-1110-1000-5620-100-000-000000 NN P 0.00 370.12
 PO-000413 01/20/2019 FEB ELEM 2839616 3 01-0000-0-1110-1000-5620-800-000-000000 NN P 0.00 995.19
 PO-000413 01/03/2020 JAN ADULT ED 2817907 4 01-0000-0-3200-1000-5620-000-000-000000 NN P 0.00 104.03
 PO-000413 01/20/2019 FEB ADULT ED 2839616 5 11-6391-0-4110-1000-5620-000-000-000000 NN P 0.00 202.58
 PO-000413 01/03/2020 JAN PRESCH 2817907 5 11-6391-0-4110-1000-5620-000-000-000000 NN P 0.00 202.58
 PO-000413 01/20/2019 FEB PRESCH 2817907 6 12-6105-0-1110-1000-5620-000-000-000000 NN P 0.00 104.02
 PO-000413 01/20/2019 FEB PRESCH 2839616 6 12-6105-0-1110-1000-5620-000-000-000000 NN P 0.00 104.02
 TOTAL PAYMENT AMOUNT 5,176.06 * 5,176.06

000191/00 SMALL SCHOOL DISTRICTS ASSN
 200331 PO-020418 01/16/2020 17-02580;JP CONF REG 1 01-0000-0-0000-7150-5200-000-000-000000 NN F 448.00
 200331 PO-020418 01/16/2020 17-02580;GL CONF REGIST 2 01-0000-0-0000-7110-5200-000-000-000000 NN F 403.00
 200347 PO-020430 01/30/2020 INV#17-02632;R ODOM REGIST 1 01-0000-0-0000-7110-5200-000-000-000000 NN F 295.00
 TOTAL PAYMENT AMOUNT 1,146.00 * 1,146.00

002036/00 TOYOTA MATERIAL HANDLING
 200116 PO-020409 08/27/2019 LSOBGL; AUG 27 SERVICE 1 11-6391-0-4110-1000-5630-000-021-000000 NN P 139.00
 200116 PO-020409 01/09/2020 LSOHGH 1 11-6391-0-4110-1000-5630-000-021-000000 NN F 0.00
 TOTAL PAYMENT AMOUNT 304.96 * 304.96

Vendor/Addr Remit name Description Tax ID num Deposit type ABA num Account num EE ES E-Term E-ExtRef
 Reg Reference Date U S BANK CORPORATE 001382/00

PO-000447 01/23/2020 CHANGE STRING; PER CM 1 01-0000-0-0000-2700-5990-000-000-000000 NN C 0.00 0.00
 TOTAL PAYMENT AMOUNT 0.00 *

TOTAL BATCH PAYMENT 56,029.66 *** 0.00 56,029.66
 TOTAL USE TAX AMOUNT 6.98

TOTAL DISTRICT PAYMENT 56,029.66 **** 0.00 56,029.66
 TOTAL USE TAX AMOUNT 6.98

TOTAL FOR ALL DISTRICTS: 56,029.66 ***** 0.00 56,029.66
 TOTAL USE TAX AMOUNT 6.98

Number of checks to be printed: 27, not counting voids due to stub overflows.
 Number of zero dollar checks: 3, will be skipped.

Printed: 01/30/2020 17:35:06

Prepared by Chris Sabrew / 1/31/20
 Date
 Authorized by _____
 Date

Vendor/Addr Remit name Description Tax ID num Deposit type ABA num Account num EE ES E-Term E-ExtRef
 Req Reference Date

000884/00 AERIES SOFTWARE

200316 PO-020397 01/27/2020 RW-13197 1 01-0000-0-1110-1000-5200-000-000-00000 NN P 100.00 100.00
 TOTAL PAYMENT AMOUNT 100.00 *

000053/00 CALIFORNIA WATER SERVICE CO

PO-000422 01/27/2020 FEB 0669843652 1 01-0000-0-0000-8100-5590-000-000-00000 NN P 0.00 1,014.99
 PO-000422 01/27/2020 FEB 3624177777 1 01-0000-0-0000-8100-5590-000-000-00000 NN P 0.00 10.24
 PO-000422 01/27/2020 FEB 7314177777 1 01-0000-0-0000-8100-5590-000-000-00000 NN P 0.00 388.62
 PO-000422 01/27/2020 FEB 4328876467 1 01-0000-0-0000-8100-5590-000-000-00000 NN P 0.00 88.88
 PO-000422 01/27/2020 FEB 6314177777 1 01-0000-0-0000-8100-5590-000-000-00000 NN P 0.00 132.69
 PO-000422 01/30/2020 FEB 4141117777 1 01-0000-0-0000-8100-5590-000-000-00000 NN P 0.00 51.63
 PO-000422 01/30/2020 FEB 3141117777 1 01-0000-0-0000-8100-5590-000-000-00000 NN P 0.00 51.63
 TOTAL PAYMENT AMOUNT 1,738.68 *

000764/00 DANIELSON CO

PO-000425 02/03/2020 219218 1 13-5310-0-0000-3700-4300-000-000-00000 NN P 0.00 60.24
 PO-000425 02/03/2020 219309 1 13-5310-0-0000-3700-4300-000-000-00000 NN P 0.00 91.55
 PO-000425 02/03/2020 219309 2 13-5310-0-0000-3700-4700-000-000-00000 NN P 0.00 925.20
 PO-000425 02/03/2020 219218 2 13-5310-0-0000-3700-4700-000-000-00000 NN P 0.00 1,070.46
 TOTAL PAYMENT AMOUNT 2,147.45 *

001042/00 EDUCATIONAL FACILITIES PROGRAM 050597395

200118 PO-020219 02/04/2020 INV#6; JAN 2018 BOND 2 21-0000-0-0000-8500-5890-000-000-00000 NY P 2,380.00 2,380.00
 TOTAL PAYMENT AMOUNT 2,380.00 *

000415/00 EMPLOYMENT DEVELOPMENT DEPT

PV-000086 01/06/2020 LL478730976-DEC EXP FEES 01 0000-0-1110-1000-3501-000-000-00000 NN 154.00 154.00
 TOTAL PAYMENT AMOUNT 154.00 *

000276/00 GAGER DISTRIBUTING INC

PO-000404 01/28/2020 120115 1 13-5310-0-0000-3700-4300-000-000-00000 NN P 40.73 40.73
 TOTAL PAYMENT AMOUNT 40.73 *

Vendor/Addr Remit name Description Tax ID num Deposit type Pd Res Y Goal Func Obj ABA num Account num EE ES E-Term E-ExtRef
 Req Reference Date

000209/00 GOLD STAR FOODS

FO-000415 02/04/2020 3125664-JAN STORAGE FEES 3 13-5310-0-0000-3700-5890-000-000-000000 NN P 0.00 62.70
 TOTAL PAYMENT AMOUNT 62.70 *

000163/00 HAMILTON HIGH SCHOOL

FV-000091 02/04/2020 50 BAGS OF MANDERINS-DEC 13-5310-0-0000-3700-4700-000-000-000000 NN 250.00
 TOTAL PAYMENT AMOUNT 250.00 *

000114/00 HAMILTON UNIFIED REVOLVING FND

FV-000088 01/06/2020 CK#1662; ELEM BB OFFICIAL 2/3 01-0000-0-1110-1000-5890-800-006-000000 NN 47.00
 PV-000089 01/06/2020 CK#1663; ELEM BB OFFICIAL 2/3 01-0000-0-1110-1000-5890-800-006-000000 NN 42.00
 TOTAL PAYMENT AMOUNT 89.00 *

000072/00 HILLYARD INC

FO-000412 01/29/2020 212613 1 01-8150-0-0000-8100-4300-000-000-000000 NN P 0.00 15.85
 TOTAL PAYMENT AMOUNT 15.85 *

001231/00 J SOON CONSULTING 046059402

200027 PO-020118 02/01/2020 JAN-FEB SERVICES 1 01-0000-0-1110-1000-5890-000-000-000000 NY P 1,500.00
 TOTAL PAYMENT AMOUNT 1,500.00 *

001283/00 JOHN'S TIRE & MUFFLER SERVICE 825167211

PO-000410 01/08/2020 6999-FLAT REPAIR 1 01-8150-0-0000-8100-5630-000-000-000000 NY P 0.00 15.00
 TOTAL PAYMENT AMOUNT 15.00 *

000640/00 KRISTEN HAMMAN

FV-000087 01/06/2020 1/29/20 MILEERGE; BUDGET WORKSH 01-0000-0-0000-7300-5200-000-000-000000 NN 26.45
 TOTAL PAYMENT AMOUNT 26.45 *

Vendor/Addr Req Reference	Remit name Date	Description	Tax ID num	Deposit type	FG Res	Y	Goal	Func	Obj	ABA num	Account num	Sit	BDR	DD	TEMPS	ES	ES	E-Term	E-ExtRef	Liq Amt	Net Amount																				
001382/00	U S BANK CORPORATE																																								
200094	PO-020175	01/31/2020 MTG SUPPLIES																			0.00	109.23																			
200151	PO-020215	01/31/2020 AIG TRAVEL/FUEL																			346.36	346.36																			
200240	PO-020315	01/27/2020 DUPLICATE; SEE 20-344																			158.49	0.00																			
200265	PO-020344	01/27/2020 PAID 10/9 USED PV																			158.49	0.00																			
200326	PO-020412	01/31/2020 FFA CONF HOTEL																			516.10	516.10																			
200330	PO-020415	01/31/2020 TECH SUPPLIES																			70.77	70.77																			
200333	PO-020416	01/31/2020 MTSS POSTER PROJ#1																			500.00	492.86																			
200334	PO-020417	01/31/2020 HOTEL FOR SMALL TOWN CONF																			300.00	273.20																			
200352	PO-020437	01/31/2020 HOME DEPOT-MAINT																			111.68	111.68																			
PV-000090	12/03/2019	DEC/JAN 4246044555628555																			260.13	260.13																			
TOTAL PAYMENT AMOUNT																					2,180.32 *																				2,180.32

000377/00	WASTE MANAGEMENT																																								
PO-000402	02/01/2020	FEB ELEM CAFE																			0.00	265.38																			
PO-000402	02/01/2020	FEB HS CAFE																			0.00	265.38																			
PO-000402	02/01/2020	FEB HS MAINT																			0.00	1,061.52																			
PO-000402	02/01/2020	FEB ELEM MAINT																			0.00	204.92																			
TOTAL PAYMENT AMOUNT																					1,797.20 *																				1,797.20

000743/00	WEST COAST PAPER																																								
PO-000429	02/03/2020	11603901																			0.00	76.49																			
PO-000429	02/03/2020	11603900																			0.00	581.83																			
TOTAL PAYMENT AMOUNT																					658.32 *																				658.32

001078/00	WILGUS FIRE CONTROL, INC	942412079																																							
200353	PO-020438	01/06/2020	30699	JAN SERVICE																	223.48	223.48																			
TOTAL PAYMENT AMOUNT																					223.48 *																				223.48

TOTAL BATCH PAYMENT	25,199.89 ***	0.00	25,199.89
TOTAL DISTRICT PAYMENT	25,199.89 ****	0.00	25,199.89
TOTAL FOR ALL DISTRICTS:	25,199.89 ****	0.00	25,199.89

Number of checks to be printed: 23, not counting voids due to stub overflows.

Printed: 02/05/2020 14:49:47

Prepared by	Chris Davies 2/6/20	Date	
Authorized by		Date	

Vendor/Addr Remit name Description Tax ID num Deposit type ABA num Account num EE ES E-Term E-ExtRef
 Reg Reference Date Date Pd Res Y Goal Func Obj Sit Bdr DD T9MPS Lig Amt Net Amount
 000005/00 ACSA

200360 PO-020445 12/17/2019 MSAWYER COACHING CACP 1 01-1100-0-1110-1000-5890-000-000-000000 NN F 3,750.00 3,750.00
 TOTAL PAYMENT AMOUNT 3,750.00 *

000762/00 CRYSTAL CREAMERY
 FO-000445 01/23/2020 18121799 1 13-5310-0-0000-3700-4700-000-000-000000 NN P 0.00 100.25
 FO-000445 01/13/2020 18091848 1 13-5310-0-0000-3700-4700-000-000-000000 NN P 0.00 313.06
 FO-000445 01/16/2020 18091932 1 13-5310-0-0000-3700-4700-000-000-000000 NN P 0.00 303.00
 FO-000445 01/20/2020 18121513 1 13-5310-0-0000-3700-4700-000-000-000000 NN P 0.00 228.84
 FO-000445 01/23/2020 18121797 2 13-5320-0-0000-3700-4700-000-049-000000 NN P 0.00 142.41
 FO-000445 01/23/2020 18121797 2 13-5320-0-0000-3700-4700-000-049-000000 NN P 0.00 71.00
 FO-000445 01/20/2020 18121513 2 13-5320-0-0000-3700-4700-000-049-000000 NN P 0.00 113.10
 FO-000445 01/16/2020 18091932 2 13-5320-0-0000-3700-4700-000-049-000000 NN P 0.00 151.28
 FO-000445 01/13/2020 18091848 2 13-5320-0-0000-3700-4700-000-049-000000 NN P 0.00 156.80
 FO-000445 01/13/2020 18091851 1 13-5310-0-0000-3700-4700-000-000-000000 NN P 0.00 142.68
 TOTAL PAYMENT AMOUNT 1,722.42 *

001456/00 DALLAS DEATHERAGE
 PV-000094 01/13/2020 REIMB MEALS;WRESTLING CHMP 01-0000-0-1110-1000-5200-100-006-000000 NN 130.00
 TOTAL PAYMENT AMOUNT 130.00 *

000424/00 DELL MARKETING 742616805
 200350 PO-020433 02/03/2020 2008087589140 1 01-9150-0-0000-2420-5890-000-000-000000 NN F 167.44
 TOTAL PAYMENT AMOUNT 167.44 *

000338/00 GLENN COUNTY OFFICE OF ED 946002753
 200357 PO-020444 02/05/2020 6039;PRINT KINDER FLYER 1 01-1100-0-1110-1000-5890-000-000-000000 NY F 292.91
 TOTAL PAYMENT AMOUNT 292.91 *

000162/00 GRAINGER
 PO-000409 02/03/2020 9431753053 2 01-8150-0-0000-8100-4300-000-000-000000 NN P 0.00
 TOTAL PAYMENT AMOUNT 409.47 *

Vendor/Addr Remit name	Req Reference	Date	Description	Tax ID num	Deposit type	Fd Res	Y	Goal	Func	Obj	ABA num	Account num	Sit	Bdr	DD	T9MPS	EE	ES	E-Term	E-ExtRef	Lig Amt	Net Amount
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000524/00	000524/00		000524/00																				
200142	PO-020205	11/30/2019	1274481		2 01-0350-0-6000-1000-5890-000-053-00000	NN	P														19.00	19.00	
200142	PO-020205	01/31/2020	1282038		2 01-0350-0-6000-1000-5890-000-053-00000	NN	P														9.50	28.50	
TOTAL PAYMENT AMOUNT																						28.50 *	

001407/00	PARAMX SCREENING SERVICE	680179882			1 01-0000-0-0000-3600-5890-000-000-00000	NY	P														0.00	115.00	
TOTAL PAYMENT AMOUNT																						115.00 *	

000902/00	PETERSON CAT				1 01-8150-0-0000-8100-4300-000-000-00000	NN	F														45.50	45.50	
200355	PO-020442	01/31/2020	PC210007133		1 01-8150-0-0000-8100-4300-000-000-00000	NN	F														45.50	45.50	
TOTAL PAYMENT AMOUNT																						45.50 *	

000512/00	PLATT ELECTRIC SUPPLY INC				1 01-8150-0-0000-8100-4300-000-000-00000	NN	P														0.00	154.44	
PO-000432	01/29/2020	OB46885			1 01-8150-0-0000-8100-4300-000-000-00000	NN	P														154.44	154.44	
TOTAL PAYMENT AMOUNT																						154.44 *	

000137/00	SCHOOL SERVICES OF CALIF INC				1 01-0000-0-1110-1000-5890-000-000-00000	NN	P														0.00	305.00	
PO-000426	02/01/2020	0123925-IN;FEBRUARY 2020			1 01-0000-0-1110-1000-5890-000-000-00000	NN	P														0.00	305.00	
TOTAL PAYMENT AMOUNT																						305.00 *	

000191/00	SMALL SCHOOL DISTRICTS ASSN				1 01-0000-0-0000-7110-5200-000-000-00000	NN	P														395.00	395.00	
200344	PO-020434	02/07/2020	17-026646; R BOONE REGIST		1 01-0000-0-0000-7110-5200-000-000-00000	NN	P														395.00	395.00	
TOTAL PAYMENT AMOUNT																						395.00 *	

TOTAL BATCH PAYMENT																						11,743.64 ***	0.00	11,743.64
TOTAL DISTRICT PAYMENT																						11,743.64 ***	0.00	11,743.64
TOTAL FOR ALL DISTRICTS:																						11,743.64 ***	0.00	11,743.64

Number of checks to be printed: 19, not counting voids due to stub overflows.

Printed: 02/11/2020 16:30:49

Prepared by	Christy Davis 2/11/20
Authorized by	
Date	

