HAPPY VALLEY Est.1956 UNION SCHOOL DISTRICT

Happy Valley Elementary School District
Board of Trustees

Regular Board Meeting Agenda

April 09, 2025
Happy Valley Elementary Library – Open Session – 5:00 p.m.
Happy Valley Elementary Library – Closed Session – 5:05 p.m.
Happy Valley Elementary School Cafeteria – Open Session - 6:00 p.m.
17480 Palm Avenue, Anderson, CA 96007

OPEN SESSION – 5:00 PM Elementary Library

1.0 Call to Order

2.0 Roll Call

3.0 Approval of Closed Session Agenda

4.0 Public Comment on Closed Session

The public is invited to address the Board regarding items that are listed under the closed session agenda. Speakers are limited to three minutes each. The Board is not allowed under law to act on matters that are not on the Agenda.

5.0 Adjourn Open Session and Convene Closed Session

CLOSED SESSION - 5:05 PM Elementary Library

6.0 Closed Session

6.1 Public Employee Discipline/Dismissal Release (§54957)
6.2 Public Employee Performance Evaluation – Superintendent/Primary School Principal (§54957)
6.3 Public Employee Appointment (§54957) – Title: Certificated, Bus Driver, RSP/SPED Coordinator, Intervention Teacher/TOSA, Cafeteria Asst., CDS Teacher, RSP Teacher

7.0 Adjourn Closed Session and Convene Open Session

OPEN SESSION – 6:00 PM Elementary Cafeteria

8.0 Call to Order

9.0 Pledge of Allegiance

10.0 Report from Closed Session

11.0 Approval of Open Session Agenda

12.0 Presentation – Students and Staff

13.0 Information/Discussion Items (Updates; Community Events; Staff Announcements)

13.1 Community/Staff/District

a) Community
b) Certificated Staff
c) Classified Staff
d) Board Members
e) Primary Site Update
f) Elementary Site Update

14.0 Communication to the Board – None

15.0 Public Comment – Public Session Items **not on the agenda**, but within the jurisdiction of this body, may be addressed at this time or be submitted to the Superintendent in writing for Board consideration as an agenda item. Items not on the agenda are restricted in response and action by the Board and its members. A three-minute limit is set for each speaker on all items. The total time for public input on each item is limited to 20 minutes (Government Code 54952). In order to protect the rights of all involved, complaints about employees should be addressed through the District complaint process. Speaking about a personnel issue at a Board meeting may prevent the Board from being able to act on it. Please see an administrator to initiate the complaint process.

15.1 Public Comment Session Opened
15.2 Items on the Agenda
15.3 Items not on the Agenda
15.4 Public Comment Session Closed

16.0 Consent Agenda - Consent Agenda items are expected to be routine and non-controversial. They will be acted upon by the Board at one time **without discussion**. **Board Members may request that an item be removed from the Consent Agenda for later discussion**.

16.1 Approval of Minutes for Regular Board Meeting March 12, 2025 **(Pg.4)**
16.2 Approval of Warrants March 8, 2025 – April 4, 2025 **(Pg.9)**
16.3 Approve Contract with Columbia for Asst. Superintendent Services (Amy Barker) **(Pg.16)**
16.4 Quarterly Williams Report – January – March 2025 **(Pg.17)**

17.0 Personnel:

17.1 Approve Personnel Action Report **(Pg.18)**

18.0 Discussion/Action Items

18.1 Discussion/Action: Approval of Items Removed from the Consent Agenda
18.2 Discussion: Interview Governing Board Candidate
18.3 Discussion/Action: Appointment and Oath of New Governing Board Member
18.4 Discussion/Action: Approve Adoption of Reading Difficulty Risk Screener (RDRS) **(Pg.19)**
18.5 Discussion/Action: Approve June Regular & Special Board Meeting Dates
18.6 Discussion/Action: Approve Resolution #25-13 – Teacher Appreciation Week **(Pg.57)**

18.7 Discussion/Action: Approve Resolution #25-14 – Classified Employee Appreciation Week **(Pg.58)**

18.8 Discussion/Action: Policy on Student Cell Phones in School **(Pg.59)**

18.9 Discussion: December 2024 Board Policy Updates (Second Read) **(Pg.69)**

19.0 Superintendent Update

20.0 Business Manager Update

21.0 Enrollment Update as of April 4, 2025: 508 - Grades TK – 8 (includes CDS and Independent Study/Homeschool) **(Pg.448)**

22.0 Next Meetings

May 14, 2025

Board Meeting Times:
5:00 p.m. – 5:05 p.m. – Open Session – Community Comments on Closed Session – Elem. Library
5:05 p.m. – 6:00 p.m. – Closed Session – Elementary School Library
6:00 p.m. – Open Session – Regular Board Meeting – Elementary Cafeteria

23.0 Adjourn Open Session

HAPPY VALLEY UNION SCHOOL DISTRICT

Happy Valley Elementary School District
Board of Trustees

Regular Board Meeting Minutes

March 12, 2025
Happy Valley Elementary Library – Open Session – 5:00 p.m.
Happy Valley Elementary Library – Closed Session – 5:05 p.m.
Happy Valley Elementary School Cafeteria – Open Session - 6:00 p.m.
17480 Palm Avenue, Anderson, CA 96007

OPEN SESSION – 5:00 PM Elementary Library

1.0 Call to Order @ 5:01 p.m.

2.0 Roll Call – Jodi Shearman, Erin Ciapponi, Josh Hancock – Present
Cheryl Best – Absent

3.0 Approval of Closed Session Agenda

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 3-0 to approve the closed session agenda.

4.0 Public Comment on Closed Session

The public is invited to address the Board regarding items that are listed under the closed session agenda. Speakers are limited to three minutes each. The Board is not allowed under law to act on matters that are not on the Agenda.

4.1 Public comment session opened - 5:01 p.m.
4.2 Persons wishing to address the Board – Items in Closed Session – None
4.3 Public comment session closed – 5:02 p.m.

5.0 Adjourn Open Session and Convene Closed Session

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 3-0 to adjourn Open Session and Convene Closed Session @ 5:02 p.m.

CLOSED SESSION - 5:05 PM Elementary Library

6.0 Closed Session
6.1 Public Employee Discipline/Dismissal Release (§54957)
6.2 Conference Regarding Labor Negotiations (§54957.6) Classified
6.3 Public Employee Performance Evaluation (§54957) Title – Superintendent/Primary School Principal

7.0 Adjourn Closed Session and Convene Open Session

On a motion by Jodi Shearman, seconded by Josh Hancock, the board voted 3-0 to adjourn Closed Session @ 5:39 p.m.

OPEN SESSION – 6:00 PM Elementary Cafeteria

8.0 Call to order @ 6:00 p.m.

9.0 Pledge of Allegiance led by Jodi Shearman

10.0 Report from Closed Session – No reportable action was taken

11.0 Approval of Agenda –

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 3-0 to approve the agenda.

12.0 Presentation – Students/Staff

Students: James Hamilton, Tobias Taylor, Kara Hankins, Geraldine Soltero Hernandez
Staff: Janet Gandolfo, Brittany Nuzum, Bre Keown, Berit Greenbaum

13.0 Information/Discussion Items (Updates; Community Events; Staff Announcements)

13.1 Community/Staff/District

a) Community – None
b) Certificated Staff – None
c) Classified Staff – None
d) Board Members – None
e) Primary Site Update – Gina Murphy reported the following: the 2nd Trimester Showcase was held today and was live streamed for the first time; Attendance awards were also given out. Attendance awards have traditionally been given out for perfect attendance. However, there are students who have unavoidable absences that put them out of the running for perfect attendance. Based on parent feedback we have added two categories: Exemplary Attendance-at school every day with up to two tardies or early pickups and Outstanding Attendance - meeting the school goal percentage
f) Elementary Site Update – Chris Nelson reported on the following: Baseball and Softball are underway. It has been nice being able to have games on our home field; 4th/5th grade basketball has started; Spirit Week begins next week and will focus on college & career; staff & students are getting ready for state testing; cooking & gardening clubs have started; 2nd Trimester awards will be held at the end of the month.

14.0 Communications to the Board - None

15.0 Public Comment – Public Session Items **not on the agenda**, but within the jurisdiction of this body, may be addressed at this time or be submitted to the Superintendent in writing for Board consideration as an agenda item. Items not on the agenda are restricted in response and action by the Board and its members. A three-minute limit is set for each speaker on all items. The total time for public input on each item is limited to 20 minutes (Government Code 54952). In

order to protect the rights of all involved, complaints about employees should be addressed through the District complaint process. Speaking about a personnel issue at a Board meeting may prevent the Board from being able to act on it. Please see an administrator to initiate the complaint process.

15.1 Public Comment Session Opened @ 6:25 p.m.
15.2 Items on the Agenda – Two parents and a student spoke to the board about the Independent Study program (IPL) and the positive effects it has had in regards to the improvement of grades and their students' feelings towards attending school.
15.3 Items not on the Agenda – None
15.4 Public Comment Session Closed @ 6:30 p.m.

16.0 Consent Agenda - Consent Agenda items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. **Board Members may request that an item be removed from the Consent Agenda for later discussion.**

16.1 Approval of Minutes for Regular Board Meeting February 12, 2025
16.2 Approval of Warrants Feb. 08, 2025 – March 7, 2025

On a motion by Jodi Shearman, seconded by Josh Hancock, the board voted 3-0 to approve the Consent Agenda.

17.0 Personnel:

17.1 Approve Personnel Report

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 3-0 to approve the Personnel Action Report.

18.0 Discussion/Action Items

18.1 Discussion/Action: Approval of Items Removed from the Consent Agenda – None

18.2 Discussion/Action: Approve 2024-25 2nd Interim Budget

On a motion by Erin Ciapponi, seconded by Jodi Shearman, the board voted 3-0 to approve the 2024-25 2nd Interim Budget.

18.3 Discussion/Action: Approve AB1200 Public Discloser of Proposed Bargaining Agreement: Teamsters – including updated contract language & salary schedule

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 3-0 to approve the Approve AB1200 Public Discloser of Proposed Bargaining Agreement with the Teamsters.

18.4 Approve Contract with Cerami and Browning Construction as General Contractor for the TK/K Facility Project

Gina Murphy reported to the board there was an update to the contract. She had a meeting with the contractor, attorney and architect by video prior to the board meeting in regards to the district's insurance company requiring an umbrella excess liability policy in the amount of $3 million dollars to be added to the contract. Since this was unknown during the bidding process the contractor did not add the cost of the policy in his bid. He did agree to add the policy however, this will require a change order immediately after approval of the contract in order

for the district to be billed for the cost of the policy.

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 3-0 to approve the updated contract with Cerami and Browning Construction to include the $3 million umbrella excess liability policy and the change order to bill the district for the cost of the policy.

18.5 Discussion/Action: Approve Updated Travel Claim – Meal Reimbursement Allowance

The district has had the same meal reimbursement rate for many years without an increase. Due to inflation and the high cost of products the district should consider an increase in the meal reimbursement allowance. The board was presented with state reimbursement rates for FY 2025.
After several minutes of discussion, the board agreed to new reimbursement rates slightly higher than the state's recommendation: $20 for breakfast, $20 for lunch and $35 for dinner.

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 3-0 to approve the new meal reimbursement rates.

18.6 Discussion/Action: Approve Dates of June Regular & Special Board Meetings

Due to not having a full board present it was recommended this item be tabled to the April board meeting.
On a motion by Jodi Shearman, seconded by Josh Hancock, the board voted 3-0 to table the June regular and special board meeting dates to the April board meeting.

18.7 Discussion/Action: Approve Resolution #25-10 – Designation of Representatives to STSIG Joint Powers Board of Directors

On a motion by Jodi Shearman, seconded by Erin Ciapponi, the board voted 3-0 to approve Resolution #25-10.

18.8 Discussion/Action: Approve Nomination of Rick Dougherty for 2025-2027 CSBA Delegate for Sub Region 2-B (Shasta County)

On a motion by Erin Ciapponi, seconded by Jodi Shearman, the board voted 3-0 to approve the Nomination of Rick Dougherty for 2025-2027 CSBA Delegate for Sub Region 2-B (Shasta County)

18.9 Discussion: Independent Study School (plans for 25/26 school year)

Rosanne Blevins, IPL teacher, spoke to the board on behalf of the program. She gave statistics about the program, talked about how it is run and how it has helped the students who are enrolled.
Mrs. Murphy (Superintendent/Principal) told the board the district doesn't have the resources to build the program to anything more than it is at this time. She also reported the program is not self-sustaining. Because of that money has had to be redirected from the general fund to support the program.
No decision was made in regards to what the program will look like for the 25/26 school year.

18.10 Discussion: Updated Board Policies (Dec. 2024) First Read

Jodi Shearman asked to board members to read through the policies and be ready to discuss

and approve them at the April board meeting.

19.0 Superintendent Update – Gina Murphy reported she is still trying to work on the Facebook page; the district needs to have the contract to the state by March 27th in order to get the funding for the TK/K Facilities released. The goal is to break ground in April; the Return to Work forms went out to staff. There were a couple of requests from 4th/5th grade teachers to transfer to the middle school.

20.0 Business Manager Update – No update.

21.0 Enrollment Update as of March 7, 2025 – 502 - Grades TK – 8 (includes CDS and Independent Study/Homeschool)

22.0 Next Meetings

April 09, 2025 – Regular Meeting
May 14, 2025 - Regular Meeting

Board Meeting Times:
5:00 p.m. – 5:05 p.m. – Open Session – Community Comments on Closed Session – Elem. Library
5:05 p.m. – 6:00 p.m. – Closed Session – Elementary School Library
6:00 p.m. – Open Session – Open Session – Regular Board Meeting – Elementary School Cafeteria

23.0 Adjourn Open Session

On a motion by Erin Ciapponi, seconded by Jodi Shearman, the board voted 3-0 to adjourn open session @ 7:49 p.m.

Approved April 09, 2025

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Clerk of the Board

Checks Dated 03/08/2025 through 04/04/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011032408	03/13/2025	ACCU-PRINT	01-5801	FINGERPRINTING		18.00
9011032409	03/13/2025	ACE HARDWARE #12204	01-4510	ELEM. MAINT. SUPPLIES	10.32	
				FAMILY CENTER MAIN. SPLY	48.47	58.79
9011032410	03/13/2025	AMERICAN FIDELITY ASSURANCE	01-9545	02.28 Reg Payroll		678.11
9011032411	03/13/2025	CA DEPT OF EDUCATION CASHIER'S OFFICE	13-4710	STATE FOOD DELIVERY		200.85
9011032412	03/13/2025	CALIF SAFETY - ANNA SCHWA RTZ	01-5801	ALARM MONITORING		570.00
9011032413	03/13/2025	CINTAS	01-5801	LIFELINE VIEW AED AGREEMENT	109.40	
				REVIVER AED VIEW AGREEMENT	212.36	321.76
9011032414	03/13/2025	CLEAR CREEK COMMUNITY SERVICE	01-5550	BUS BARN WATER SVCS	21.09	
				ELEM. BALL PARK WATER SVCS	74.71	
				ELEM. WATER SVCS	117.11	
				PRIM. WATER SVCS	149.78	362.69
9011032415	03/13/2025	COMMON LIT	01-9330	SCHOOL ESSENTIALS PRO PLUS- 5 YEARS		28,750.00
9011032416	03/13/2025	E-Rate Advisors, Inc.	01-5801	E-RATE ADVISORS		1,000.00
9011032417	03/13/2025	ELEVATE YOUTH SOLUTIONS	01-5805	STAFFING, FACILITATION, MATERIALS & RESOURCES		14,000.00
9011032418	03/13/2025	HAPPY VALLEY FRESH FTS	13-4710	FOOD SVCS- FRUIT		358.00
9011032419	03/13/2025	MENDES SUPPLY COMPANY	01-4510	JANITORIAL SUPPLIES		792.16
9011032420	03/13/2025	MOUNTAIN VALLEY SPED JPA	01-5101	ERICS CLASS	11,393.17	
				K-8 ALL SDC	19,656.05	
				OT SVCS	8,150.49	
				PRE-SCHOOL MOD SEVERE	4,769.86	
				PSYCH SVCS	5,006.35	
				SPEECH SVCS	19,599.94	
			01-5805	BCBA- STUDENT SUPPORT SVCS	1,390.76	
				ERMHS COUNSELOR	811.53	
				FACILITY FEE	308.58-	
				NURSING SVCS 50/50	1,223.33	
				SPECIAL ED ADMIN COSTS	2,851.78	
			01-7221	ADA PASS THRU	2,062.06	76,606.74
9011032421	03/13/2025	PRODUCERS DAIRY FOODS, INC.	13-4710	ELE. CAFE SUPPLY	1,007.77	
				PRIM. CAFE SUPPLY	1,028.04	2,035.81
9011032422	03/13/2025	Professional Exterminators	01-5510	ELEM. ANTS/SPIDERS TREATMENT	90.00	
				PRIM. ANTS/SPIDERS TREATMENT	70.00	160.00
9011032423	03/13/2025	PROPACIFIC FRESH	13-4710	FOOD SVCS- MEAL SUPPLY		465.04
9011032424	03/13/2025	SHASTA WELDING SUPPLY INC	01-5610	CYLINDER RENTAL		23.80

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Checks Dated 03/08/2025 through 04/04/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011032425	03/13/2025	SSDA	01-5210	REPLACEMENT CHK. CBO CONF. R VOORHEES		99.00
9011032426	03/13/2025	TAYLOR AUTO PARTS	01-4510	TRANSPORTATION SUPPLIES		58.06
9011032427	03/13/2025	The Brass Reed	01-5630	INSTRUMENT REPAIRS		65.00
9011032428	03/13/2025	THE DANIELSEN COMPANY	13-4710	STUDENT MEAL SUPPLY		1,592.77
9011032429	03/13/2025	U.S. BANK CORP PAYMENT SYSTEMS	01-4510	ELOP CAMP LUNCHES	2,085.08	
				ELOP CLUB SNACKS/COOKING CLUB	180.14	
				ELOP COOKING CLUB SUPPLIES	314.47	
				ELOP FEB 25' CAMP	1,083.59	
				ELOP SUPPLIES	266.15	
				IT EQUIPMENT	104.44	
				MAINT. SUPPLIES	60.04	
				PRIM. MAINT. SUPPLIES	69.27	
				TRANSP. SUPPLIES	28.94	
				TRANSPORTATION SUPPLIES	36.42	
			01-4710	ELOP CLUB SNACKS/COOKING CLUB	249.99	
				ELOP COOKING CLUB SUPPLIES	167.33	
				ELOP SUPPLIES-FOOD	74.30	
			01-5210	GINA CONF. HOTEL PAYMENT	199.17	
				GINA CONF. PAYMENT	850.00	
				PROF. DEVELOPING TRAINING-T. RUSSELL	295.00	
				PROF.DEVELOPING TRAINING- K. PIAZZA	295.00	
			01-5310	ADOBE SUBSCRIPTION	239.88	
				AMAZON PRIME	16.08	
			01-5801	DOCTRANSLATOR-ENG TO SPAN.	14.99	
			01-5805	SPED SUBSCRIPTION	149.99	
			01-5814	BOARD POSTING	90.37	
			13-4710	STUDENT MEAL SUPPLY	232.36	
			13-4790	STUDENT MEAL SUPPLY	66.69	
			13-5210	L.SNYDER CONFERENCE DINNER	109.71	
			13-5801	KITCHEN VAN PARTS	120.28	7,399.68
9011032430	03/13/2025	US OMNI & TSACG COMPL SVCS INC	01-5801	RETIREMENT PLAN SVCS		15.00
9011032431	03/13/2025	VALLEY PACIFIC PETROLEUM SVCS	01-4601	BUS FUEL		492.09
9011032432	03/13/2025	VALLEY SUPPLY ACE HARDWARE	01-5630	HEATER REPLACEMENT/BAND ROOM		188.26
9011033142	03/20/2025	AMS.NET C/O FREMONT BANK	01-5801	CISCO COLLAB FLEX-5 YR		1,397.40
9011033143	03/20/2025	AT&T	01-5910	PHONE SVCS		729.62
9011033144	03/20/2025	BLUE STAR GAS	01-5525	ELEM. EASTWING PROPANE	1,165.14	

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Checks Dated 03/08/2025 through 04/04/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011033144	03/20/2025	BLUE STAR GAS	01-5525	PRIM. CLASSRM WEST PROPANE	538.86	
				PRIM. MAIN SCHOOL EAST PROPANE	2,293.32	3,997.32
9011033145	03/20/2025	CA DEPT OF EDUCATION CASHIER'S OFFICE	13-4710	STATE FOOD DELIVERY		391.95
9011033146	03/20/2025	DECKER EQUIPMENT	01-4410	LIFT GATE FEE		99.20
9011033147	03/20/2025	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	01-5801	DOJ LIVE SCAN FEES		32.00
9011033148	03/20/2025	GANNETT CALIFORNIA LOCALIQ	35-6245	TK/K PROGRAM FORMAL BIDS		934.30
9011033149	03/20/2025	HAPPY STOP MARKET	01-4601	BUS FUEL	1,653.92	
			13-4510	BUS FUEL	52.70	1,706.62
9011033150	03/20/2025	HAPPY VALLEY FRESH FTS	13-4710	FOOD SVCS- FRUIT		442.00
9011033151	03/20/2025	HYDROTEC SOLUTIONS INC.	01-5630	PRIM. RECIRC TANK MAINT.	330.00	
				RECIRC TANK REPAIR- PRIM	1,545.63	1,875.63
9011033152	03/20/2025	JACK SCHREDER & ASSOC., INC.	35-6245	TK FUNDING PROGRAM-F/U W/ARCHITECT		46.25
9011033153	03/20/2025	LOZANO SMITH	01-5810	GENERAL FACILITIES & BUSINESS	1,218.00	
				GENERAL LABOR & EMPLOYMENT-G.MURPHY	290.00	1,508.00
9011033154	03/20/2025	MENDES SUPPLY COMPANY	01-4510	MAINT. SUPPLY-ELEM GYM FLOOR		8,522.30
9011033155	03/20/2025	MMA Happy Valley Power, L.P. c /o EDPR NA Distr. Gen	01-5515	ELEM. ENERGY PRODUCTION	2,467.69	
				PRIM. ENERGY PRODUCTION	2,462.67	4,930.36
9011033156	03/20/2025	PG&E	01-5515	ELEM. CLASSROOMS ELECT.	110.69	
				ELEM. ELECTRIC	110.74	
				ELEM. MAIN SVCS	26.28	
				ELEM. ST LIGHTING	66.16	
				FAMILY CENTER ELECTRIC	26.28	
				PRIM. SCHOOL ELECT. SVCS	26.28	
				PRIM. ST. LIGHTING	11.03	377.46
9011033157	03/20/2025	PRODUCERS DAIRY FOODS, INC.	13-4710	ELEM. CAFE SUPPLY	392.61	
				PRIM. CAFE SUPPLY	681.53	1,074.14
9011033158	03/20/2025	PROPACIFIC FRESH	13-4710	FOOD SVCS- MEAL SUPPLY		1,809.90
9011033159	03/20/2025	SEMINGSON ARCHITECTS INC.	35-6211	ELEM. GENERATOR SVCS-PACE ENGINEERING	2,920.25	
				HV SCOREBOARD-RESPONSE STRUCTURAL ENGIN.	1,930.82	
				PACE ENGINEERING- HV ES GENERATOR ADDITION	1,250.00	
				RESPONSE STRUCTURAL ENGINEERS-HV ESD SCOREBOARD	1,880.00	7,981.07
9011033160	03/20/2025	SHASTA TRINITY SCHLS INS GROUP	01-9552	APRIL 25' VISION	787.50	

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Checks Dated 03/08/2025 through 04/04/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011033160	03/20/2025	SHASTA TRINITY SCHLS INS GROUP	01-9559	APRIL 25' VISION	67.50	855.00
9011033161	03/20/2025	STELLAR POSSY	01-5801	SHREK JR. MUSICAL		745.00
9011033162	03/20/2025	SYSCO - SACRAMENTO	13-4710	STUDENT MEAL SUPPLY	1,815.23	
			13-4790	STUDENT MEAL SUPPLY	370.99	2,186.22
9011033163	03/20/2025	TPX COMMUNICATIONS	01-5910	PHONE SVCS		482.01
9011033164	03/20/2025	US BANK EQUIPMENT FINANCE	01-5801	COPIER/LEASE SVCS	968.88	
			01-7439	COPIER/LEASE SVCS	1,431.84	2,400.72
9011033165	03/20/2025	VALLEY PACIFIC PETROLEUM SVCS	01-4601	BUS FUEL		852.34
9011033166	03/20/2025	WASTE MANAGEMENT ANDERSON COTTONWOOD DISPOSAL	01-5545	ELEM. GARBAGE SVCS	1,689.12	
				PRIM. GARBAGE SVCS	862.39	2,551.51
9011033933	03/27/2025	ACE HARDWARE #12204	01-4510	FAMILY CENTER/ELEM. MAINT SUPPLIES	136.73	
				IRRIGATION SUPPLIES-ELEM.	85.09	221.82
9011033934	03/27/2025	BLUE STAR GAS	01-5525	ELEM. PROPANE		2,736.81
9011033935	03/27/2025	CALIFORNIA'S VALUED TRUST ATTN: FIN DEPT	01-9550	APRIL 25' M&D	38,329.00	
			01-9551	APRIL 25' M&D	3,164.75	
			01-9559	APRIL 25' M&D	869.78	42,363.53
9011033936	03/27/2025	CHARACTER STRONG LLC	01-9330	CHARACTER STRONG PROFESSIONAL DEVELOPMENT		5,250.00
9011033937	03/27/2025	First Foundation Bank	01-7438	ENERGY PROJECT LOAN	20,000.00	
			01-7439	ENERGY PROJECT LOAN	6,120.00	26,120.00
9011033938	03/27/2025	HAPPY VALLEY FRESH FTS	13-4710	FOOD SVCS-FRUIT		372.00
9011033939	03/27/2025	LAUNDRY WORLD	01-4510	JANITORIAL SUPPLIES PRIM & ELEM.		1,329.47
9011033940	03/27/2025	MURPHY, GINA	01-5210	G. MURPHY CONFERENCE ADVANCE	259.00	
				G. MURPHY SSDA STATE CONF.	312.60	571.60
9011033941	03/27/2025	NORMAC	01-4510	IRRIGATION SOFTBALL FIELD		37.77
9011033942	03/27/2025	OMNILOGIC INC	01-5940	BUS RADIO SVCS		1,440.90
9011033943	03/27/2025	PACE SUPPLY CORP	01-4510	ELEM. GYM SUPPLY		45.30
9011033944	03/27/2025	PAINT MARTS	01-4510	PAINT-ELEM BASEBALL FIELD		251.14
9011033945	03/27/2025	PITNEY BOWES	01-5620	POSTAGE REFILL		401.00
9011033946	03/27/2025	PRODUCERS DAIRY FOODS, INC.	13-4710	ELEM. CAFE SUPPLY	1,203.39	
				PRIM. CAFE SUPPLY	1,192.57	2,395.96
9011033947	03/27/2025	PROPACIFIC FRESH	13-4710	FOOD SVCS- MEAL SUPPLY		407.80
9011033948	03/27/2025	S.C.S.A.A	01-5210	ADMINISTRATIVE ASSISTANT DINNER		210.00
9011033949	03/27/2025	SEMINGSON ARCHITECTS INC.	35-6211	10% COMPLETED COST TK/K CLASSRM PROJECT		20,250.00
9011033950	03/27/2025	SNYDER, LARRA	13-5210	L. SNYDER CASBO CONF.		645.80
9011033951	03/27/2025	SYSCO - SACRAMENTO	13-4710	STUDENT MEAL SUPPLY		830.95

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 03/08/2025 through 04/04/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011033952	03/27/2025	TEAMSTERS RETIREE TRUST	01-9559	RENEE WADOWSKI H&W		480.00
9011033953	03/27/2025	THE DANIELSEN COMPANY	13-4710	STUDENT MEAL SUPPLY		1,315.77
9011033954	03/27/2025	WORLD TELECOM	01-5630	PRIM. CAMERA TESTING		125.00
9011034599	04/03/2025	ALHAMBRA	01-4510	WATER SVCS		39.96
9011034600	04/03/2025	Amazon Capital Services	01-4310	HVP STUDENT INCENTIVES	176.84	
				OFFICE/VIKING VOUCHERS	303.16	
				PRIM. BLEVINS CAASPP TESTING MATLS	202.65	
			01-4510	2725- D.O. SUPPLIES	39.05	
				A. STOTKA 1ST YEAR PRINTER INK	29.07	
				ATTENDANCE INCENTIVES	107.55	
				CBO D.O. SPEAKER & CABLE	52.53	
				CBO- MONITOR EXTENSION LAPTOP	164.86	
				D.O. OFFICE EQUIPMENT CBO	227.03	
				D.O. PRINTER INK-CBO	71.10	
				ELOP	158.71	
				ES- SURFACE PRO CHARGER	61.66	
				ES- WIFI SIGNAL BOOSTER	75.06	
				GINA/PRIM PRINCIPAL ORDER	153.31	
				HV- COMMUNITY RM ADAPTER	95.43	
				HV- SPEAKER FOR S. GARCIA	42.88	
				HV- USB- C HUB FOR BOTH CAFES	42.84	
				HV. S GARCIA DESKTOP SETUP RETURN CREDIT	42.88-	
				HVP STAFF COPY ROOM & OFFICE	159.86	
				JAMIE M. CLASSROOM FUNDS	41.73	
				NURSING SUPPLIES	329.48	
				OFFICE/VIKING VOUCHERS	99.95	
				PBIS QUASI LEADERSHIP GROUP-PRIM.PRINC	31.08	
				PRIM. CAMPUS/OFFICE, RM 14 & CAFE SPLY	106.12	
				PRIM. PRINTER INK RETURN CREDIT	37.62-	
				PS- BNICKENS DESKTOP PC	470.67	
				TAMMY JACOBS-PRINTER INK	80.68	
			13-4510	PRIM. CAMPUS/OFFICE, RM 14 & CAFE SPLY	48.26	3,291.06
9011034601	04/03/2025	BOBAN, JESSICA D	01-5211	HOME & HOSPITAL MILEAGE REIMB.		68.46
9011034602	04/03/2025	CHROMEBOOKPARTS.COM	01-4310	TOUCHPADS FOR CB 14 G6 (HVE)		128.59

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Checks Dated 03/08/2025 through 04/04/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011034603	04/03/2025	CIAPPONI, ERIN L	01-4310	LUNCH AR FIELD TRIP-STUDENT INCENT.		124.68
9011034604	04/03/2025	FOOTHILL FIRE PROTECTION, INC	01-5630	5-YEAR FIRE HYDRANT INSPECTION-ELEM.		470.00
9011034605	04/03/2025	HILLTOP MEDICAL CLINIC	01-5801	PHYSICAL BUS DRIVER-MANNION		125.00
9011034606	04/03/2025	KEOWN, BREANNA	01-5801	CTC REIMBURSEMENT		102.65
9011034607	04/03/2025	N.C.G.T. SECURITY FUND	01-9500	APRIL 25' H & W		17,859.00
9011034608	04/03/2025	PG&E	01-5515	PRIM. ST LIGHTING		22.14
9011034609	04/03/2025	POULTON, KARA A	01-5211	FEBRUARY MILEAGE REIMBURSEMENT	37.52	
				MARCH MILEAGE REIMBURSEMENT	93.80	131.32
9011034610	04/03/2025	SETPOINT REFRIGERATION & HVAC	01-5630	PRIM. CAFE KITCHEN MINI SPLIT		374.92
9011034611	04/03/2025	SHASTA COLLEGE FOUNDATION	01-5801	24/25 MEMBERSHIP CONTRIBUTION		496.00
9011034612	04/03/2025	SYSCO - SACRAMENTO	13-4710	STUDENT MEAL SUPPLY		1,338.99
9011034613	04/03/2025	U.S. BANK CORP PAYMENT SYSTEMS	01-4310	CLUB SNACKS & SUPPLIES- ELOP	193.99	
				COOKING CLUB SUPPLIES & SNACKS-ELOP	172.42	
				COOKING CLUB SUPPLIES&SNACKS-ELOP	176.14	
				COOKING CLUB SUPPLIES-ELOP	88.92	
				ELEM. STUDENT INCENTIVES	134.78	
				ELOP COOKING CLUB SUPPLIES	154.62	
			01-4510	CLUB SNACKS & SUPPLIES- ELOP	6.40	
				COOKING CLUB SUPPLIES & SNACKS-ELOP	89.89	
				COOKING CLUB SUPPLIES&SNACKS-ELOP	84.50	
				COOKING CLUB SUPPLIES-ELOP	22.85	
				ELOP COOKING CLUB SUPPLIES	27.51	
				ELOP GARDEN CLUB SUPPLIES	428.67	
				KITCHEN/MAINT. PART SUPPLIES	220.74	
				PRIM. PRINCIPAL SUPPLY CREDIT	39.99-	
			01-5310	AMAZON PRIME SUBSCRIPTION	16.08	
			01-5801	DOCTRANSLATOR ENGLISH-SPANISH	14.99	
				FEE CHARGE	7.39	
				G. MURPHY CONF. EXPENSES	80.00	
				SSC TRAINING-G.MURPHY	195.00	
			01-5805	SPED SUBSCRIPTION	165.00	
			01-5930	USPS CERTIFIED MAIL POSTAGE	10.99	

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Checks Dated 03/08/2025 through 04/04/2025

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
9011034613	04/03/2025	U.S. BANK CORP PAYMENT SYSTEMS	01-6510	GENERATOR SHIPPING	1,512.00	
			13-4510	ELEM. KITCHEN SUPPLIES	98.35	
				KITCHEN/MAINT. PART SUPPLIES	212.36	
			13-4710	STUDENT MEAL & CAFE SUPPLIES	190.23	
				STUDENT MEAL SUPPLY	288.27	
			13-4790	STUDENT MEAL & CAFE SUPPLIES	237.95	4,790.05
9011034614	04/03/2025	WCP SOLUTIONS	01-4510	VAC. BAGS PRIM/ELEM.		132.53
				Total Number of Checks	**88**	**321,537.90**

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General	67	272,805.17
13	CafeFoodSvc	21	19,521.11
35	CountySchoolFacilities	4	29,211.62
	Total Number of Checks	**88**	321,537.90
	Less Unpaid Sales Tax Liability		.00
	Net (Check Amount)		**321,537.90**

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Docusign Envelope ID: 1762D700-B350-46A6-BCF3-47DD978C47C5

AGREEMENT BETWEEN
COLUMBIA ELEMENTARY SCHOOL DISTRICT
and
HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

The Happy Valley Union Elementary School District agrees to contract with the Columbia Elementary School District for four (4) hours per week of Assistant Superintendent services for a three (3) year term for the 2025/26, 2026/27, 2027/28. Services will primarily be provided at the Junction Elementary School District Office.

Term of Agreement: This agreement will begin on July 1, 2025 and terminate on June 30, 2028. The agreement may be renewed upon approval of both parties. Should any party choose to permanently change the agreement or discontinue this service agreement for the following year notification must be provided by **February 1st of the current academic year.**

Costs: Services will be provided according to the fee schedule listed below.

Fee scheduled as follows:
2025/26 = $ 23,475
2026/27 = $ 24,180
2027/28 = $ 24,906

CESD will invoice Happy Valley Union Elementary School District for mileage reimbursement at the current IRS rate.

CESD will invoice Happy Valley Union Elementary School District quarterly during the terms of this agreement.

Modification of Agreement: This agreement may be modified at any time during the school year with mutual consent of both parties. Any modifications to this agreement shall be a 90-day advanced written notice and signed by all parties.

Termination of Agreement: This agreement may be terminated at any time during the school year with mutual consent of both parties. Any modifications to this agreement shall be a 90-day advanced written notice and signed by all parties.

Notices: Any notices required to be given pursuant to the terms and provisions of this agreement shall be submitted in writing and sent to:

Columbia Elementary School District
Clay Ross, Superintendent
14140 Old Oregon Trail
Redding, CA 96003

COLUMBIA ELEMENTARY SCHOOL DISTRICT

DocuSigned by:
Clay Ross
AAB5867395244C8...

Clay Ross, Superintendent

3/3/2025

Date

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

Signed by:
Gina Murphy
933A98F9108F44B...

Gina Murphy, Superintendent

3/3/2025

Date

Academic School Year 2024-2025

Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]

District: Happy Valley Union Elementary School District

Form Completed By: Rhonda Grijalva Title: Executive Assistant

Quarterly Report Submission Date: *(Please check one)*

- ☐ October 2024
- ☑ April 2025
- ☐ January 2025
- ☐ July 2025

Date for information to be reported publicly at governing board meeting: 04/09/2025

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.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Misassignments	0	0	0
Facilities Conditions	0	0	0
TOTALS	0	0	0

Gina Murphy

Print Name of District Superintendent

Signature of District Superintendent

04/09/2025

Date

Submit by the 15th of the month to: Barbara Erlei at berlei@shastacoe.org

HAPPY VALLEY UNION ELEMENTARY SCHOOL DISTRICT

PERSONNEL ACTION REPORT – AGENDA ITEM #17.1

NAME OF EMPLOYEE	EMPLOYEE POSITION	EMPLOYMENT STATUS	EFFECTIVE DATE
Bruce Bear	Transportation	Retiring	06/30/2025
Jessica Dunlap	SPED Inst. Aide	Resignation	03/07/2025
Rosanne Blevins	IPL Teacher	Retiring	06/05/2025
Reginna Kinsey	Teacher	Resignation	06/05/2025

Approved List of Screening Instrument and Information Overviews

In accordance with *EC* 53008(c)(2)'s statutory deadline to create an approved list of screening instruments by December 31, 2024, on December 16, 2024, the RDRSSP approved the following list of screening instruments and corresponding information overviews.

Organization	Title	Grade Levels	Languages	Information Overviews
Distributed by Amira Learning or HMH (formerly Amira Learning, with HMH as distribution partners)	Amira	Kindergarten, Grade One, and Grade Two	English and Spanish	Amira Information Overview
Amplify Education	mCLASS with DIBELS Edition 8 and mCLASS Lectura	Kindergarten, Grade One, and Grade Two	English and Spanish	mClass with DIBELS Edition 8 and mClass Lectura Information Overview
University of California San Francisco (UCSF) Dyslexia Center	Multitudes	Kindergarten, Grade One, and Grade Two	English and Spanish	Multitudes Information Overview
Stanford University, Brain Development and Education Lab	Rapid Online Assessment of Reading (ROAR)	Grade One and Grade Two	English only	ROAR Information Overview

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

State of California

EDUCATION CODE

Section 53008

53008. (a) (1) The Legislature finds and declares that screening pupils for risk of reading difficulties, including dyslexia, is one of many tools that educators can employ to gain information about how to support their pupils' learning. Screening should be considered part of a school's comprehensive instructional strategy, and should be used by educators like other types of formative and summative assessments: to inform individualized instruction, measure a pupil's progress, identify pupil learning needs, and enable parents and educators to discuss pupil needs in a more informed way.

(2) The Legislature further finds and declares that early identification and intervention with evidence-based early literacy instructional strategies and materials improves literacy outcomes for pupils at risk of, and with, reading difficulties, including dyslexia. Dyslexia is the most common learning disability; however, many pupils on the dyslexia spectrum struggle every day to read without proper identification and support. By screening all pupils for risk of reading difficulties early, California can help families and teachers achieve the best learning and life outcomes for all pupils and close academic achievement gaps.

(3) It is the intent of the Legislature that local educational agencies be provided funding to offset costs related to administering pupil screenings pursuant to this section if the Commission on State Mandates determines that this section contains costs mandated by the state, pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

(b) On or before January 31, 2024, the state board shall appoint an independent panel of experts for the purpose of creating an approved list of evidence-based, culturally, linguistically, and developmentally appropriate screening instruments for pupils in kindergarten and grades 1 and 2 to assess pupils for risk of reading difficulties, including possible neurological disorders such as dyslexia, pursuant to this section. The state board shall not appoint any person to the panel of experts with a financial interest in the screening instruments under consideration. The state board shall establish a review process, including how screening instruments will be evaluated against the criteria specified in subdivision (g), for the panel to use to evaluate and approve screening instruments. This subdivision does not prohibit the state board from periodically reconstituting this expert panel or updating the review process, nor does it prohibit the expert panel from periodically amending the list of screening instruments described in subdivision (c) at the request of the state board.

(c) (1) The work of the panel of experts appointed by the state board pursuant to subdivision (b) is subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of

the Government Code) and all meetings of the panel are subject to the Bagley-Keene Open Meeting Act.

(2) On or before December 31, 2024, the panel of experts appointed by the state board shall, at a regularly scheduled public meeting, vote to approve a list of screening instruments pursuant to the review process and evaluation criteria established by the state board pursuant to subdivision (b). The list shall include screening instruments that are developed both for English-speaking pupils and for non-English speaking pupils, in languages reflecting the primary languages of pupils in the state, to the extent assessments in those languages are available. The panel of experts shall also identify information about the appropriate administration of each screening instrument, including the appropriate grade or grades for administration of each screening instrument.

(d) On or before June 30, 2025, the governing board or body of a local educational agency serving pupils in kindergarten or grades 1 or 2 shall adopt, at a public meeting, one or more screening instruments from the list adopted pursuant to subdivision (c) to assess pupils for risk of reading difficulties pursuant to this section. The screening instrument or instruments adopted shall provide assessments for both English-speaking pupils and non-English speaking pupils, in languages reflecting the primary languages of pupils in the local educational agency, to the extent assessments in those languages are available.

(e) Commencing no later than the 2025–26 school year, and annually thereafter, a local educational agency serving pupils in kindergarten or grades 1 or 2 shall assess each pupil in kindergarten and grades 1 and 2 for risk of reading difficulties using the screening instrument or instruments adopted by the governing board or body of the local educational agency pursuant to subdivision (d), unless the pupil's parent or guardian opts out of the screening in writing. In determining when during the school year to administer each screening instrument, a local educational agency shall consider whether pupils have received sufficient instruction in foundational reading skills to support a valid assessment. Nothing in this section restricts local educational agencies from providing additional pupil screenings or diagnostic evaluations, as appropriate. Employees administering screening instruments shall be appropriately trained to administer the instrument.

(f) If a pupil enrolls for the first time in kindergarten or grades 1 or 2 after the screening instrument or instruments have been administered to all pupils in the given grade in that school year pursuant to subdivision (e), the local educational agency shall assess the pupil using the screening instrument or instruments adopted by the governing board or body of the local educational agency pursuant to subdivision (d) within 45 calendar days of enrollment, unless the pupil's parent or guardian opts out of the screening in writing, or unless the parent or guardian provides documentation or the local educational agency has documentation that the pupil has had a similar screening in their prior school for their current grade and the parent or guardian was made aware of the results.

(g) (1) To support the adoption of high-quality screening instruments that minimize the overidentification or underidentification of pupils' risk of reading difficulties, and

offer meaningful information for followup, the state board shall consider the extent to which a screening instrument addresses the following factors when adopting evaluation criteria pursuant to subdivision (b):

(A) Use of direct measurement, supplemented by other pupil data, to determine if a pupil is at risk of a reading difficulty, including dyslexia.

(B) Measurement of domains that may predict dyslexia and other reading disorders, including, but not limited to, measures of oral language, phonological and phonemic awareness, decoding skills, letter-sound knowledge, knowledge of letter names, rapid automatized naming, visual attention, reading fluency, vocabulary, and language comprehension.

(C) Evidence that the tool is normed and validated using a contemporary multicultural and multilanguage sample of pupils, with outcome data for pupils whose home language is a language other than English as well as those who are native English speakers.

(D) Integration of relevant pupil demographic information, such as home language, English language fluency, and access to prekindergarten education, to more fully understand a pupil's performance.

(E) Guidance and resources for educators regarding how to administer screening instruments, interpret results, explain results to families, including in pupils' primary languages, and determine further educational strategies, assessments, diagnostics, and interventions that should be considered and that are specific to each type of pupil result. Guidance and resources provided pursuant to this subparagraph shall be informed by the English Language Arts/English Language Development Framework for California Public Schools developed pursuant to Section 60207 and the California Dyslexia Guidelines developed pursuant to Section 56335, as well as knowledge of effective interventions for the specific needs of individual pupils, and shall reflect a tiered interventions model aligned with the Multi-Tiered Systems of Support.

(2) Assessments administered pursuant to this section shall not be considered an evaluation or diagnostic tool to establish eligibility for special education and related services pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or an evaluation to determine eligibility for a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794). However, assessments administered pursuant to this section shall not be used to delay the child find process required under the federal Individuals with Disabilities Education Act. Additionally, assessments administered pursuant to this section may be used by a local educational agency to recommend that a pupil receive further assessment and evaluation to establish eligibility for special education and related services pursuant to the federal Individuals with Disabilities Education Act, or to determine eligibility for a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973.

(h) Pupils who do not speak sufficient English to be screened with an English-language instrument shall be screened pursuant to this section in their primary language if a screening instrument in their primary language approved pursuant to subdivision (c) is available. If a screening instrument is not available in at least one language in which a pupil is proficient, before the pupil can be screened, the pupil's

risk for reading difficulties shall be evaluated through an analysis of the pupil's developmental history, educational history, and literacy progress, taking into account the pupil's home background and evolving English language abilities, including speaking, listening, reading, spelling, and writing, consistent with the California Dyslexia Guidelines. Components of screening instruments that do not require English language proficiency may be used in this evaluation. When a pupil acquires sufficient English language knowledge and fluency to be able to be assessed using a screening instrument pursuant to this section, or if a screening instrument in their primary language becomes available, the local educational agency shall assess that pupil using the appropriate screening instrument.

(i) A pupil may be exempted from the requirements of this section with the prior written consent of the parent or guardian if any of the following criteria are satisfied:

(1) The pupil has a current identification or diagnosis of a reading difficulty, reading disorder, or other disability.

(2) The pupil is eligible for special education and related services pursuant to the federal Individuals with Disabilities Education Act or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973.

(3) The pupil is in the process of being assessed for eligibility for special education and related services pursuant to the federal Individuals with Disabilities Education Act or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, and the pupil is being evaluated with diagnostic assessments that make screening pursuant to this section redundant.

(j) A local educational agency shall provide parents or guardians of pupils eligible for screening pursuant to this section with information about the screening, including the date or dates of the screening and instructions for how parents or guardians can opt out of the screening on behalf of their child, no later than 15 calendar days before the administration of the screening instrument or instruments. A local educational agency is encouraged to provide information about screening pursuant to this section with other back-to-school materials at the beginning of the school year.

(k) Pupil results from assessments administered pursuant to this section shall be made available to the pupil's parent or guardian in a timely manner, but no more than 45 calendar days from the date the assessment was administered. These results shall include information about how to interpret the results, as well as the next steps pursuant to subdivision (*l*), if applicable.

(*l*) Screening results shall be used as a flag for potential risk of reading difficulties, not as a diagnosis of a disability. Results from a screening instrument shall be used as part of a broader process that further evaluates pupil needs and progress, identifies supports for classroom instruction, enables targeted individual intervention as needed, and allows for further diagnosis if concerns do not resolve. Accordingly, if a pupil is identified as being at risk of having reading difficulties after being screened pursuant to this section, the local educational agency shall provide the pupil with supports and services, appropriate to the specific challenges identified by the screening instrument and other pertinent information about the pupil, which may include, among other supports and services, any of the following:

(1) Evidence-based literacy instruction focused on the pupil's specific needs.

(2) Progress monitoring.

(3) Early intervention in the regular general education program.

(4) One-on-one or small group tutoring.

(5) Further evaluation or diagnostic assessment.

(m) Results of an assessment administered pursuant to this section shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, pupil grade promotion or retention, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs.

(n) Notifications to parents or guardians provided pursuant to this section shall comply with the translation requirements set forth in Section 48985.

(o) For purposes of this section, the following definitions apply:

(1) "English learner" has the same meaning as defined in subdivision (a) of Section 306.

(2) "Kindergarten" shall not include transitional kindergarten, as defined in subdivision (d) of Section 48000.

(3) "Local educational agency" means a school district, county office of education, or charter school.

(4) "Reading difficulties" means a barrier that impacts a pupil's ability to learn to read or improve reading abilities, including dyslexia.

(5) "Screening instrument" means a brief tool administered by an appropriately trained school employee, including, but not limited to, a certificated teacher of record, measuring discrete areas to determine pupils at risk of reading difficulties, including dyslexia.

(Amended by Stats. 2024, Ch. 38, Sec. 79. (SB 153) Effective June 29, 2024.)

[Insert District Logo]

[Insert Date]

Dear Parent/Guardian/Caregiver,

In order to provide early support and intervention for our young learners, our district screens all students in grades K-2 for reading difficulties risk per Ed Code 53008. This screener assessed the following measures:

- [insert measure]
- [insert measure]
- [insert measure]
- [insert measure]

The results from your child's assessment indicated that they may be at risk. Please find the attached score report for more specifics concerning their assessment.

When a student is identified as 'at risk', our team reviews the screening results and considers other data collected from their classroom teacher to determine whether they may benefit from additional support inside or outside of the classroom. We will be delivering [insert student name] with targeted small-group intervention for [insert duration] or until we see measurable progress related to the skills indicated on their screener results. Here are some things we will be considering and supporting your student with:

- ☐ evidence-based literacy instruction focused on the pupil's specific needs
- ☐ progress monitoring
- ☐ early intervention in the regular general education program
- ☐ one-on-one or small group tutoring
- ☐ further evaluation or diagnostic assessment

We have attached a Frequently Asked Questions (FAQ) document to bring further clarity to your questions and concerns. If you have any additional questions, don't hesitate to reach out to your classroom teacher.

Warm regards,

[Your Name]
[Your Position/Organization]
[Your Contact Information]

[Insert District Logo]

K-2 Reading Screening Parent/Guardian/Caregiver Opt-Out

Student Name	Date of Birth	Teacher
_____	_____	_____

Screening for reading difficulties risk is part of a comprehensive prevention model to support students' learning. If you do not want to take part in this universal screening process, it is within your rights. Please tick the box below to indicate your preference

☐ I am opting out of the district's K-2 reading risk screening.

Parent/Guardian/Caregiver Signature	Date
_____	_____

[Insert District Logo]

[Insert Date]

Dear Parent/Guardian/Caregiver,

Starting in the 2025-2026 school year, all schools in California will screen students in grades k - 2 for reading difficulties risk in compliance with Ed Code 53008. Students in our district will be screened using [name of screening instrument] which was adopted at the Board of Education meeting on [insert date of meeting]. Students will be assessed in the following measures [name relevant measures] designed to identify early indicators of reading delays. The goal is to catch any challenges early on so we can provide the right support at the right time, which research shows makes a huge difference in a child's reading success.

Since your child is in kindergarten through second grade, they will be screened between [insert date range]. You will be notified of the results of the screening within 45 days, along with details about any next steps or follow-up, if needed.

If a student is flagged for risk, it doesn't equate to a diagnosis. It simply indicates that they are not yet where they need to be relative to the literacy skills expected of them at that time. This gives our teachers information about your child as a learner that will help them intensify instruction to meet their needs. This may look like any of the following:

→ Supporting students in the general ed class with a small group that focuses on targeted skills with their classroom teacher.

→ Supporting students in the intervention classroom with a small group that delivers further intensified instruction with a qualified and trained interventionist.

Opt-Out Option: Screening enables us to better support our students' needs and catch them before difficulties arise. However, if you would prefer to opt out of this screening, please reach out to [staff person] for an opt-out form to be signed and returned by [insert date].

We have attached a Frequently Asked Questions (FAQ) document to bring further clarity to your questions and concerns. If you have any additional questions, don't hesitate to reach out to your classroom teacher.

Warm regards,

[Your Name]
[Your Position/Organization]
[Your Contact Information]

Multitudes

Bridging Science and Education UCSF

A universal reading screener created with and for California's students



Francesca Pei, PhD
Chief Operating Officer



Mariah Pospisil, MEd
Learning Interventions
Applied Research Manager

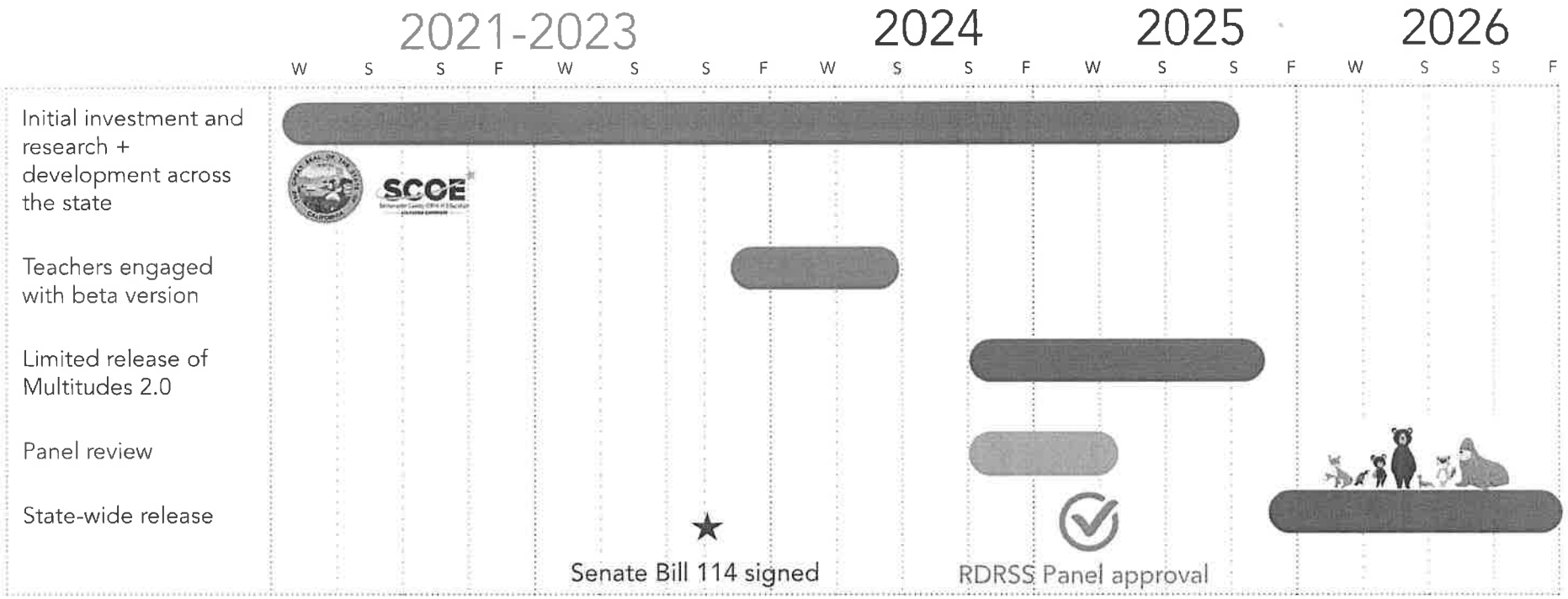


UCSF Dyslexia Center

Our multidisciplinary team translates the latest neuroscience discoveries into practice to support transformational change in literacy outcomes, educational equity, and brain health.

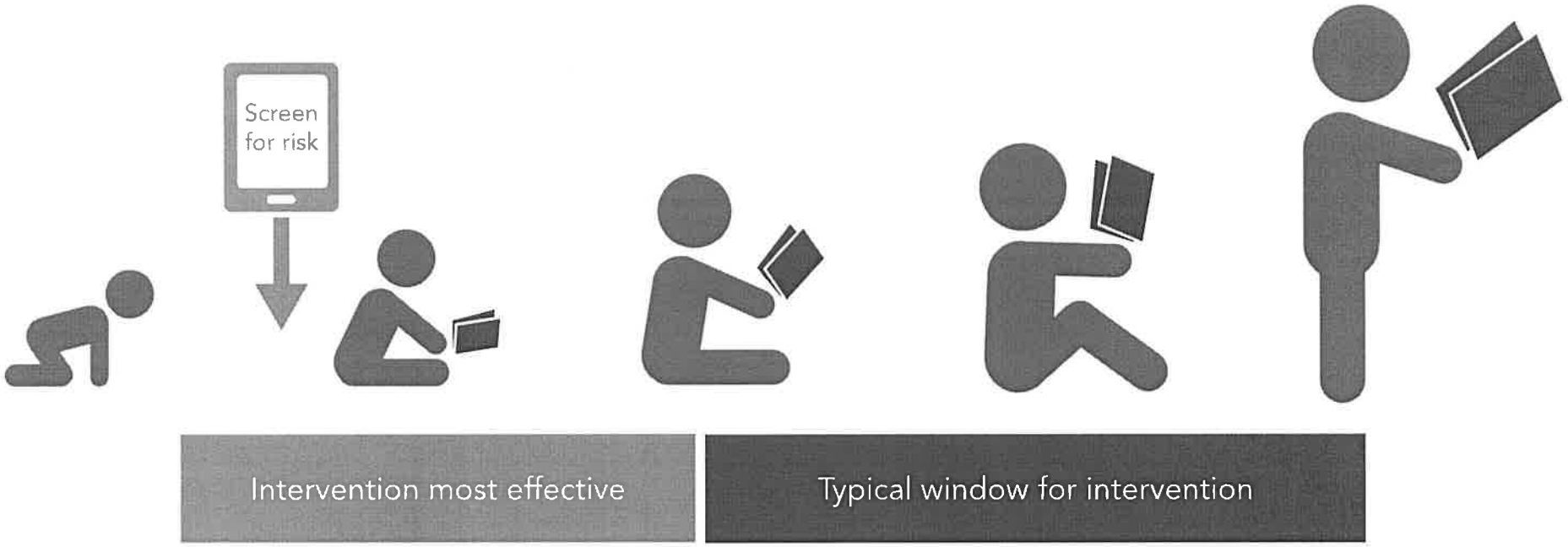
- Research
- Care
- Education
- Technology
- Policy / Justice

Multitudes research to release



Multitudes

Screening: the first step in early intervention





UCSF Multitudes

Translates the latest findings into useful tools for educators

neuroscience based

multilingual learners

Fair and accurate measurement to support equitable reading outcomes for all

Embraces the many variations in dialect, culture and region that enrich our state

culturally affirming

no cost for CA public schools

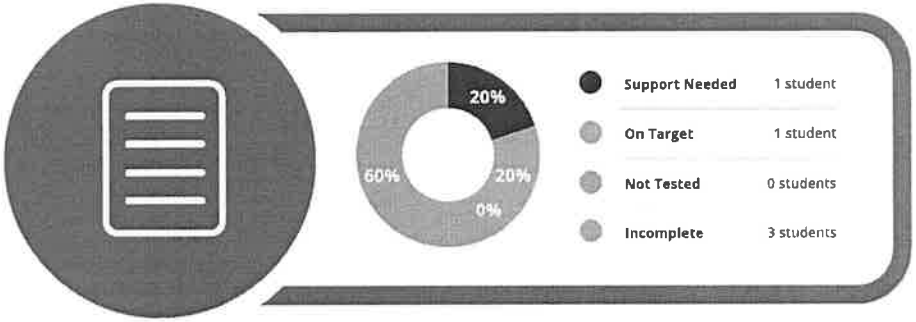
Every student can expect the best in early literacy screening for reading challenges

The complete Multitudes platform

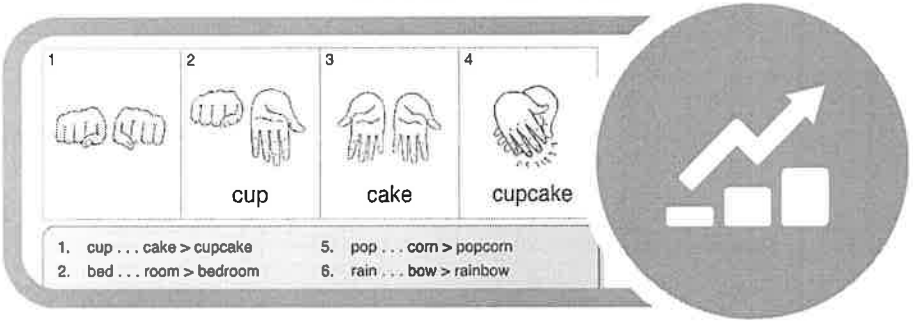
SCREENING



REPORTING



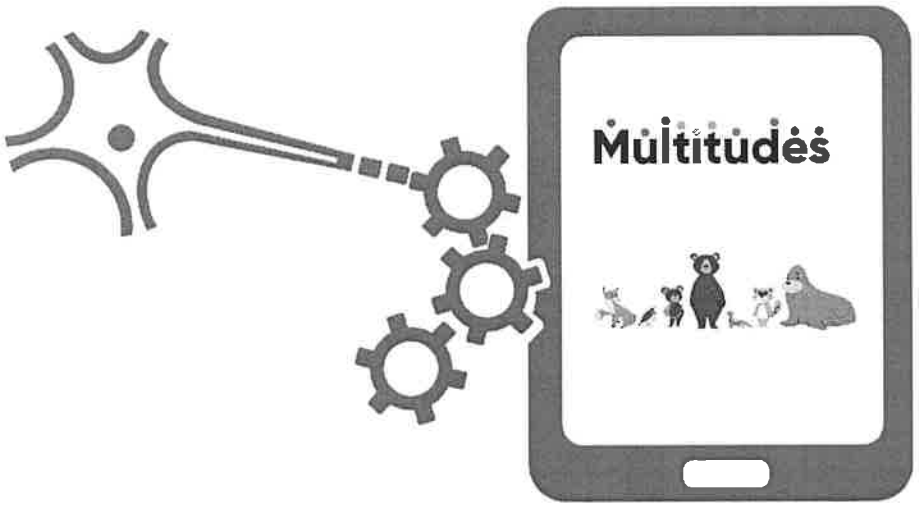
INTERVENTION



PROFESSIONAL DEVELOPMENT



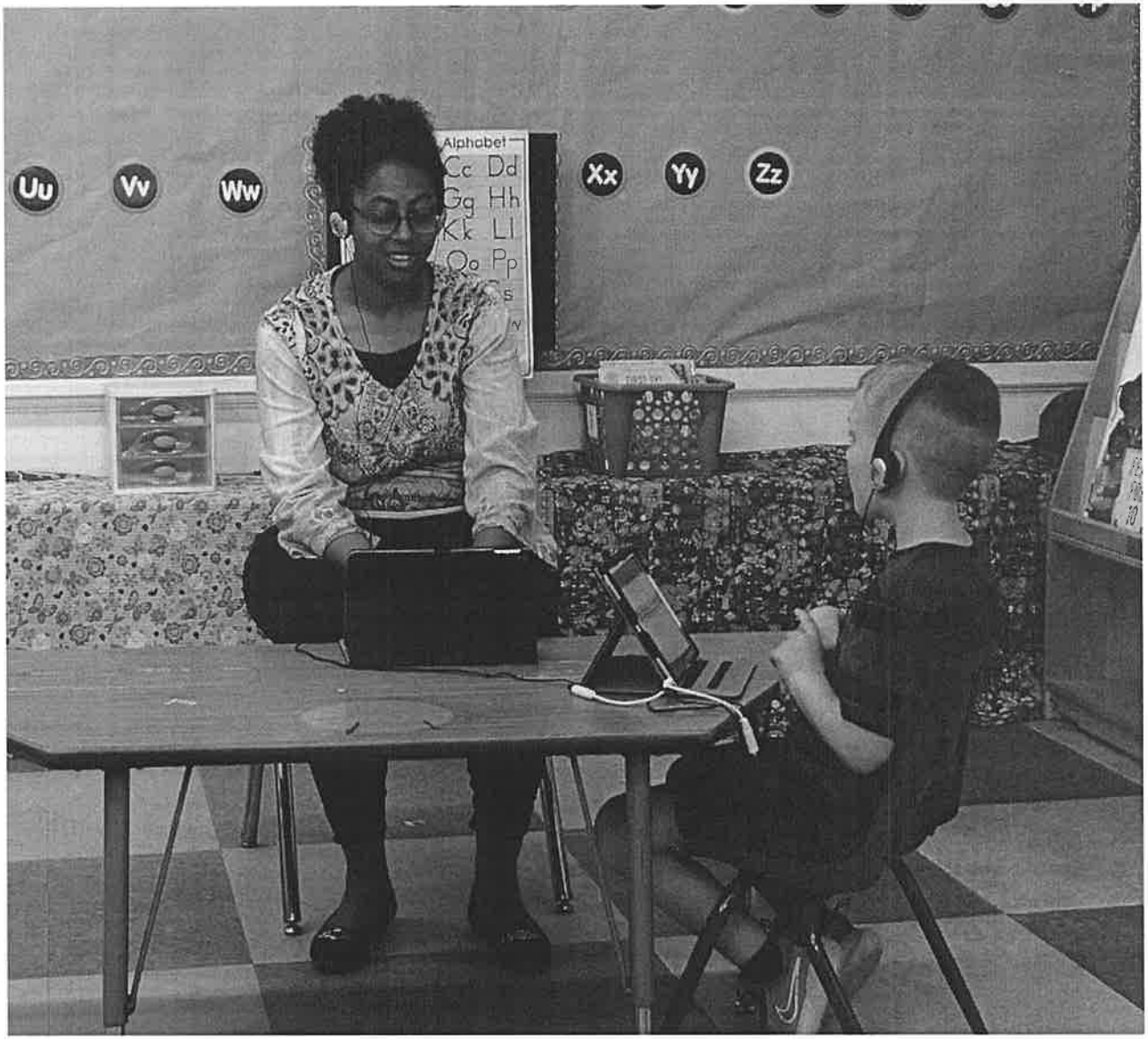
Relevant features for adoption



- DIGITAL WEB-BASED SCREENING compatible with your devices
- INSTANT RESULTS REPORTING
- INTEGRATES WITH CLEVER + CLASSLINK
- FERPA + COPPA COMPLIANT
- ALIGNED WITH MTSS

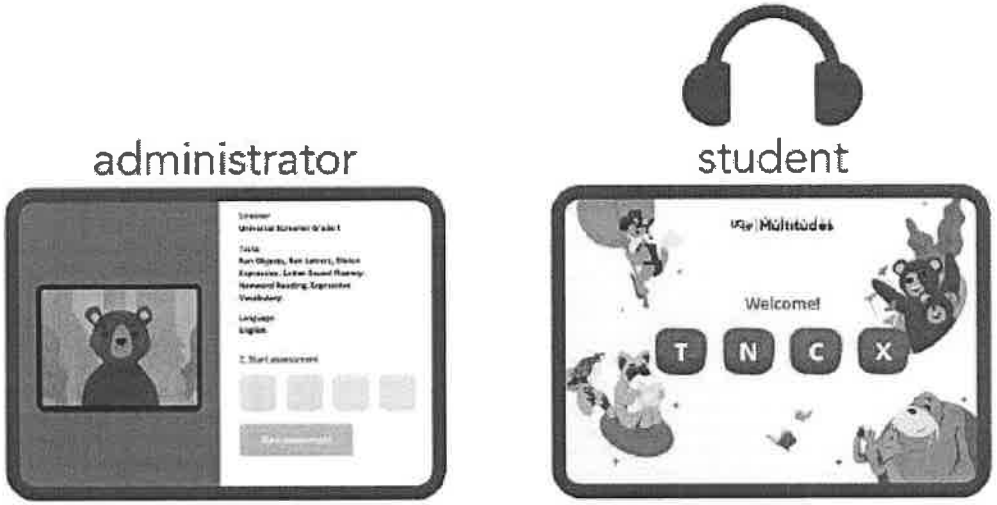
Screening with Multitudes

- ✔ 1:1 administration
- ✔ 10 minutes per child
- ✔ Once per year in fall/winter



Screening with Multitudes

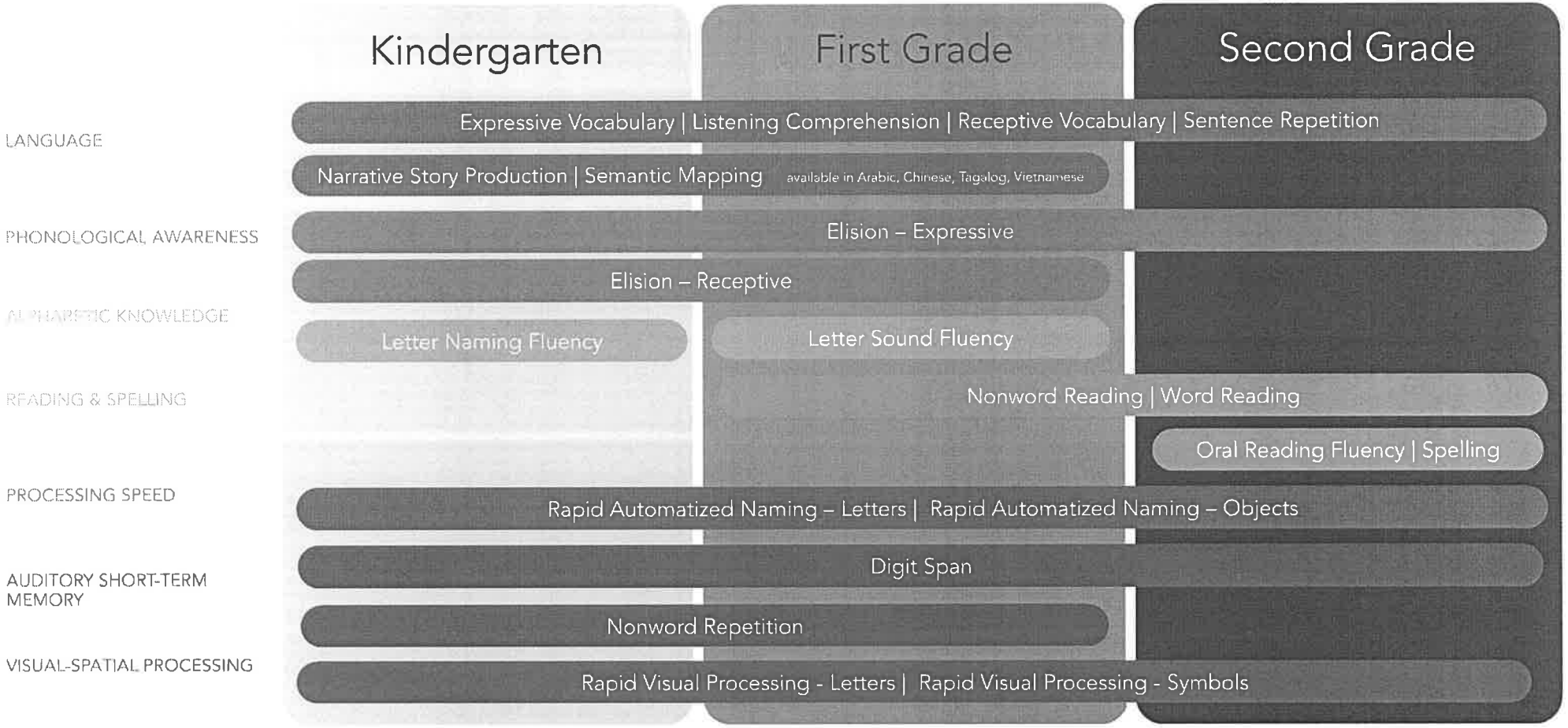
- ✔ Screen anywhere
- ✔ Two linked devices
- ✔ Headphones optional





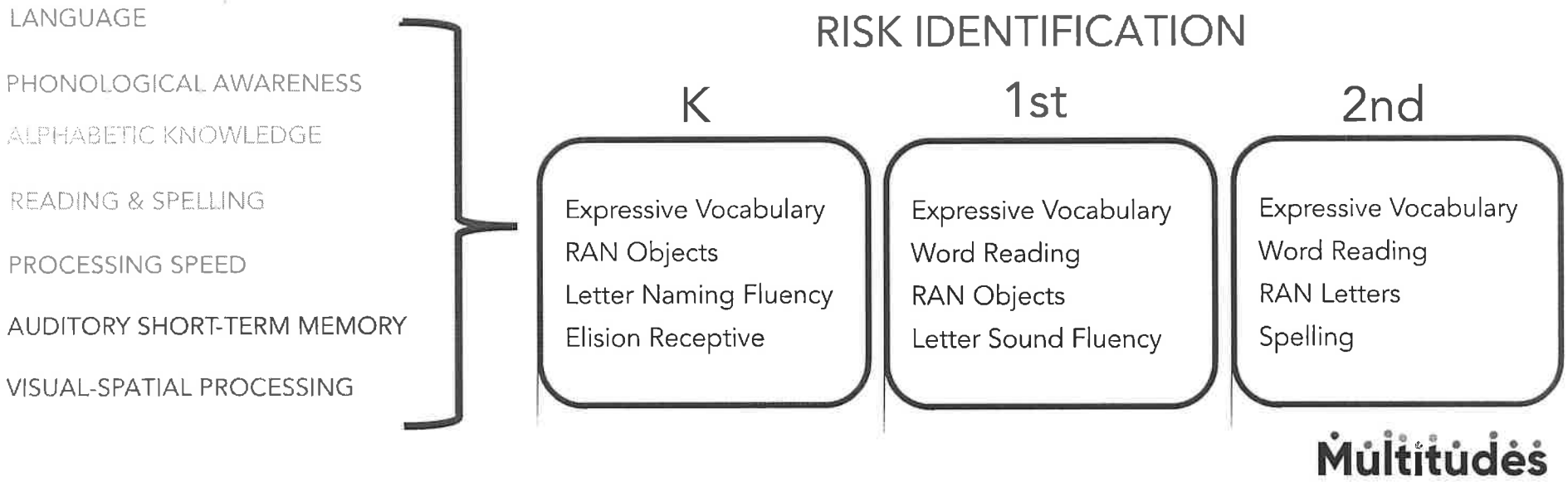
UCSF | Multitudes

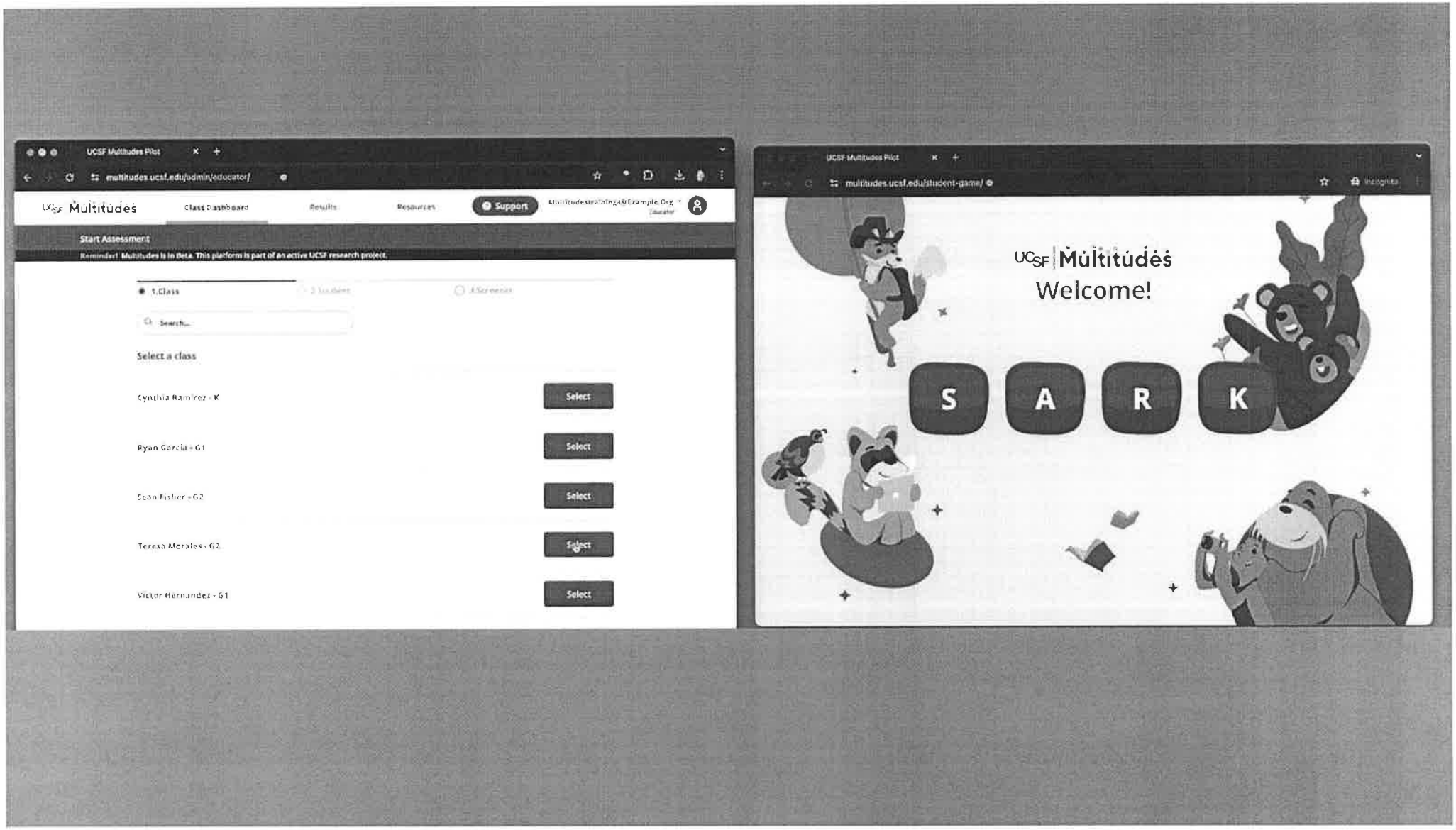
Multitudes domains and tasks in English and Spanish



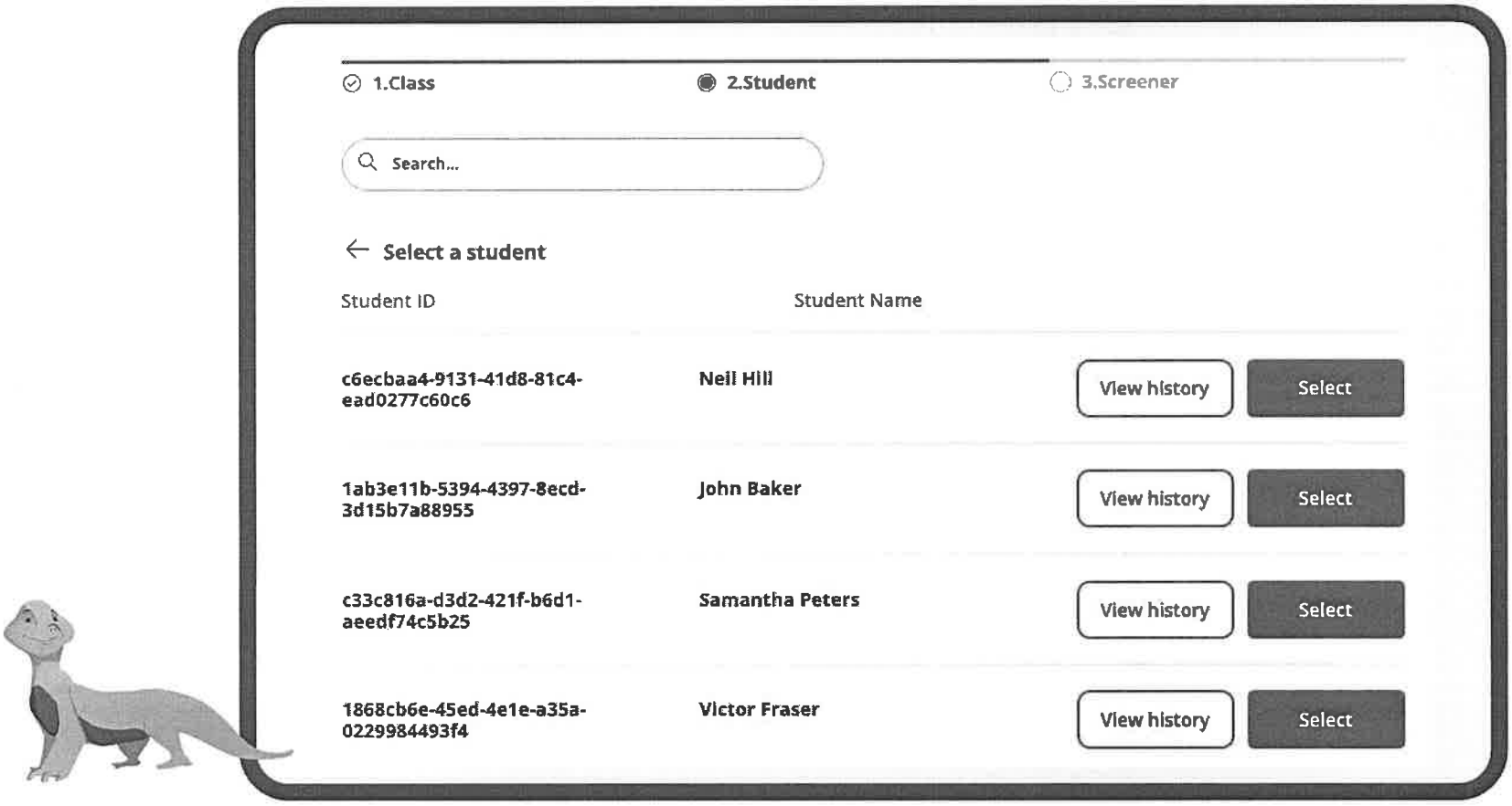
Universal Screener task selection

- ✔ The most **informative** tasks for reading development in English + Spanish
- ✔ Accurate for both English-only and multilingual learners
- ✔ Includes **predictors** of reading difficulties and dyslexia
- ✔ Minimal administration **time** with the highest reliability




UCSF Multitudes Pilot
multitudes.ucsf.edu/admin/educator/
UCSF Multitudes
Class Dashboard
Results
Resources
Support
Start Assessment
Reminder! Multitudes is in Beta. This platform is part of an active UCSF research project.
1.Class
Search...
Select a class
Cynthia Ramirez - K
Ryan Garcia - G1
Sean Fisher - G2
Teresa Morales - G2
Victor Hernandez - G1
Select
UCSF Multitudes Pilot
multitudes.ucsf.edu/student-game/
UCSF Multitudes
Welcome!
S A R K

Class Dashboard



Universal Screener scores

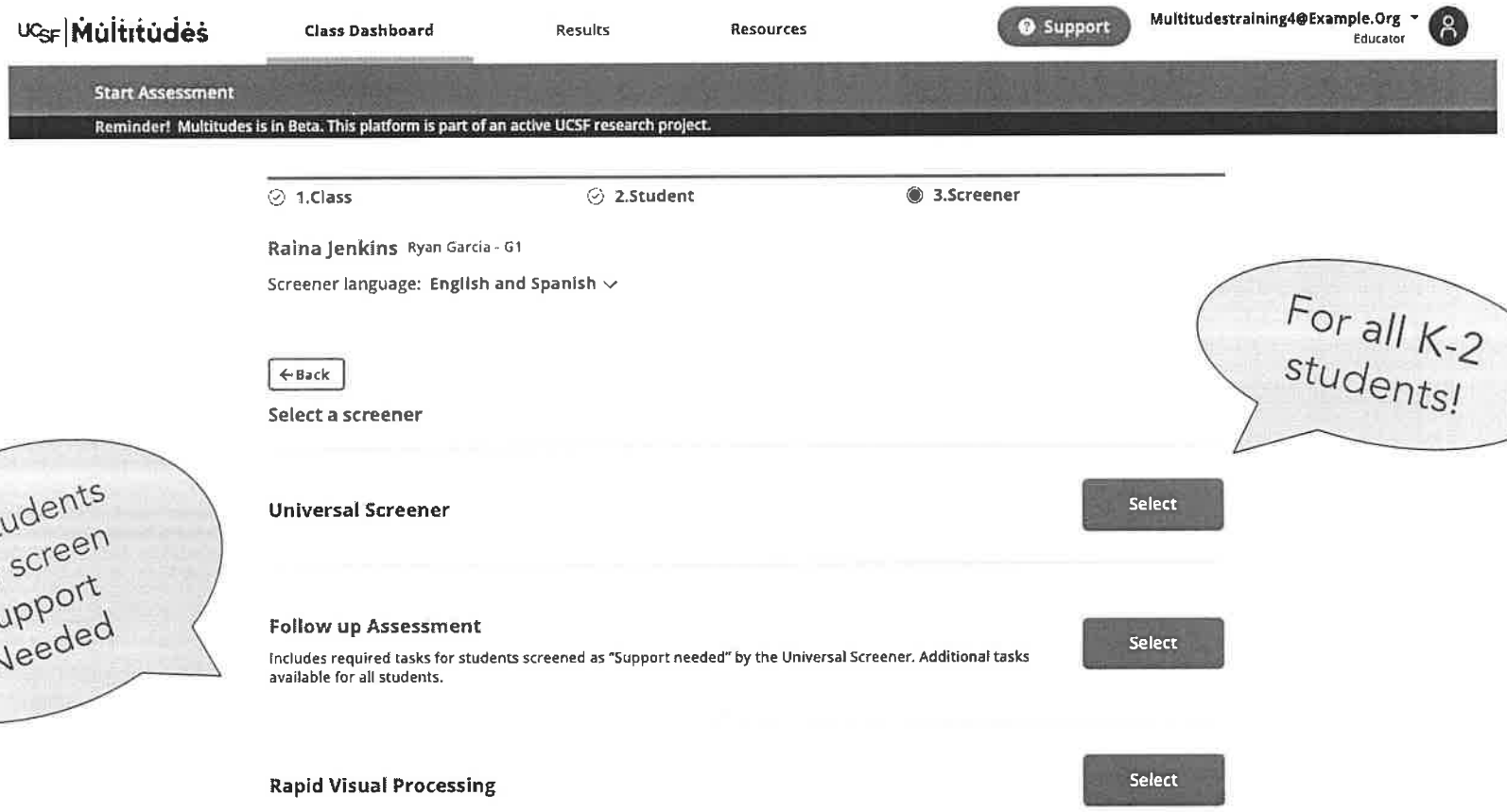
Support needed

Child needs support to strengthen their reading skills. More testing is needed to understand child's specific strengths and needs.

On target

Child's results on the universal screener meet expectations, compared to other children in their grade.

Universal Screener… and more



For all K-2 students!

For students who screen Support Needed

Multitudes

Individual task scores

Support needed

Additional support in this area is very important to strengthen the child's skills.

0-20 %ile

Some support needed

Child will benefit from support to strengthen their skills in this area.

20-60 %ile

On target

Child's performance meets expectations, compared to other children in the grade.

60-99 %ile



Multitudes

Class Results

Display results of:

School: **George Moscone Elementary** Class: **Ms. Robbins - Grade K** Language: **English**

How to read my results?

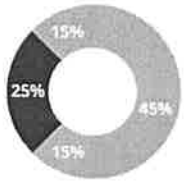
Universal screener results ● Support needed ● On target ● Incomplete

The Universal Screening score is a composite score that takes in to account the results from each of the Universal Screening task

Task level results ● Suport needed ● Some support needed ● On target ● Incomplete

The Task Level results shows where a student falls within the distribution of scores for an individual task.

Universal screener results



- **Support needed** 3 students
- **On target** 2 students
- **Incomplete** 2 students
- **Not tested** 5 students

Student Name	Universal Screener	Expressive Vocabulary	RAN Objects	Letter Naming Fluency	Elision Receptive
Chase Costa					
Elijah Stephenson					
Christian Nichols					Incomplete
Melissa Hale			Incomplete		
Maria Perez					
Sarina Mills					
Miley Robbins		Not tested	Not tested	Not tested	Not tested



Multitudes

Individual Results

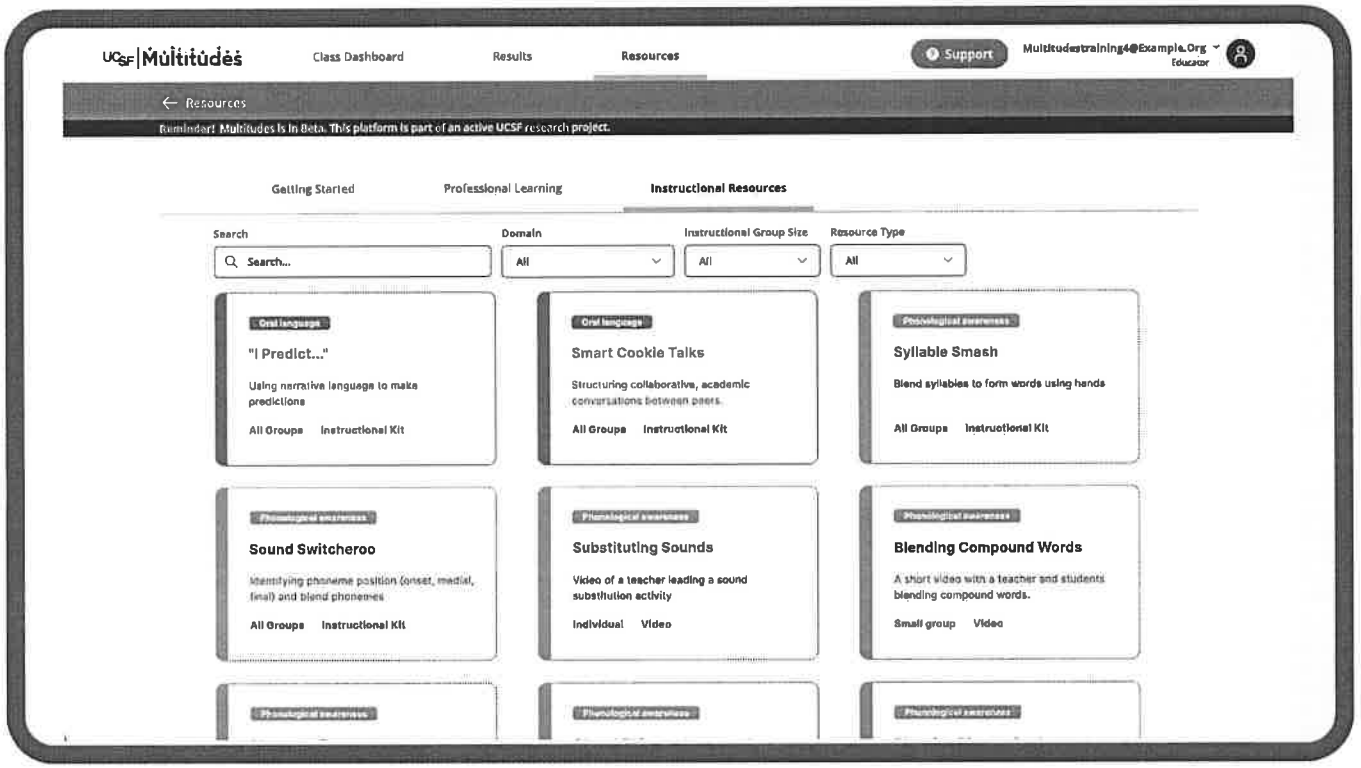




Multitudes

Resources

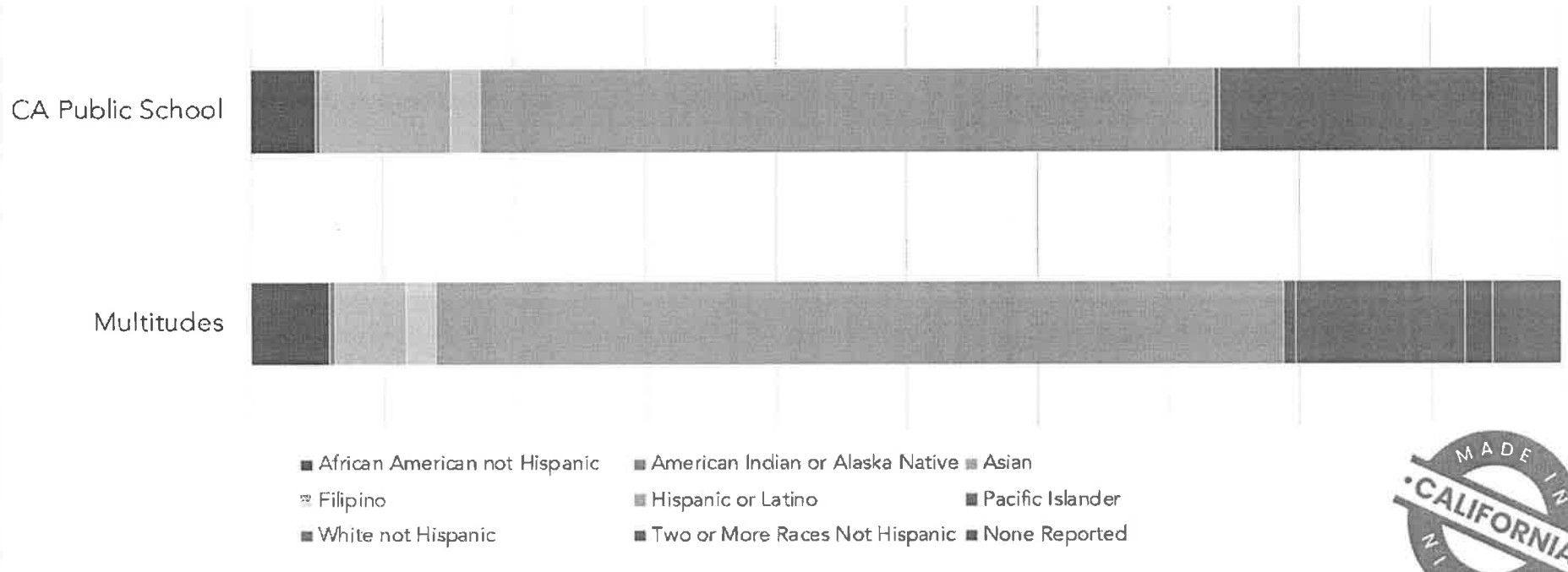
Training, professional development, instructional resources





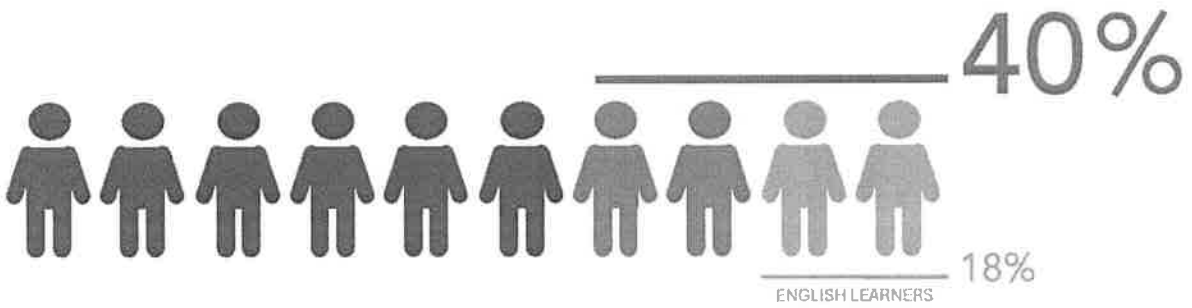
Representing California





Multilingual learners

Forty percent of California Public School Students report speaking a language other than or in addition to English at home.
This includes the eighteen percent of students identified as English learners.



Eighty percent of English Learners in California are native Spanish speakers.

https://www.cde.ca.gov/ds/ad/cefelfacts.asp

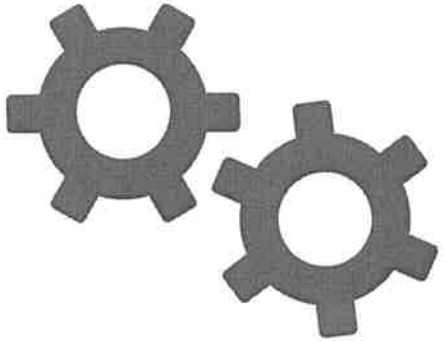
Culturally + linguistically affirming

DEMOGRAPHIC SAMPLE



Geographic + demographic representation of California with more than 15,000 unique students (25-40% EL),

MEASUREMENT DEVELOPMENT



Parallel measure development in English + Spanish. Inclusion of oral language measures. Careful selection of items.

WORKFORCE DIVERSITY

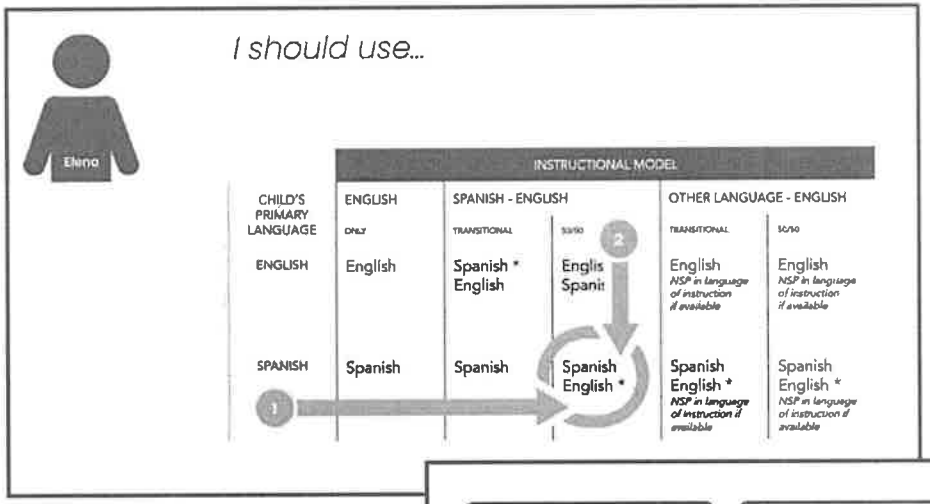


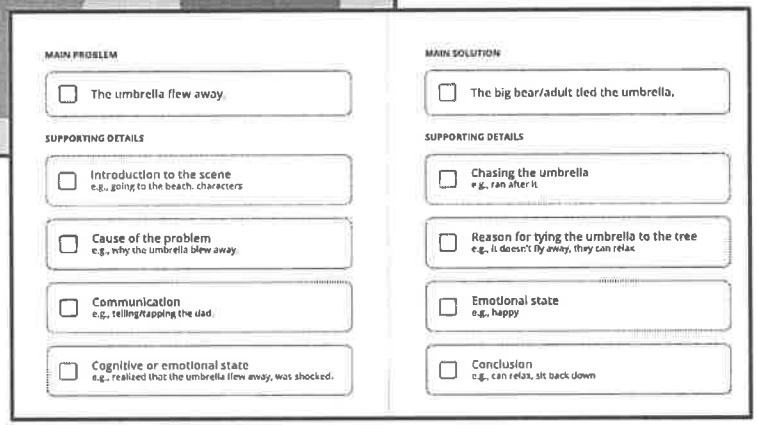
Local, native speakers who recognize and appreciate students' cultural and linguistic diversity.

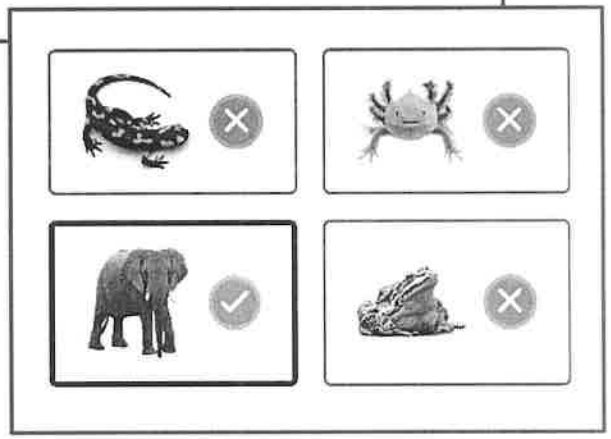
Multitudes

Screening multilingual students







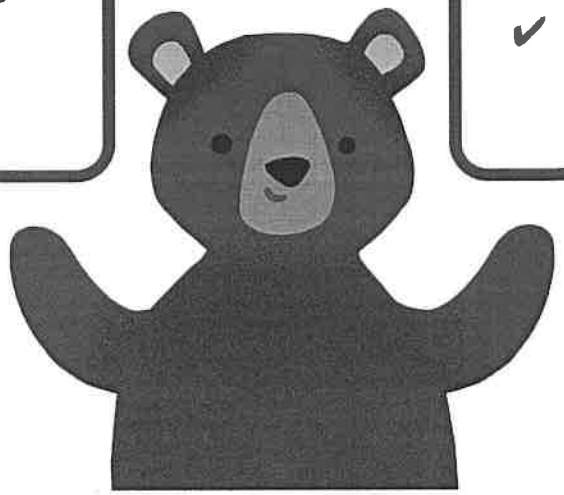


Multitudes

How much training is required?

FOUNDATIONAL

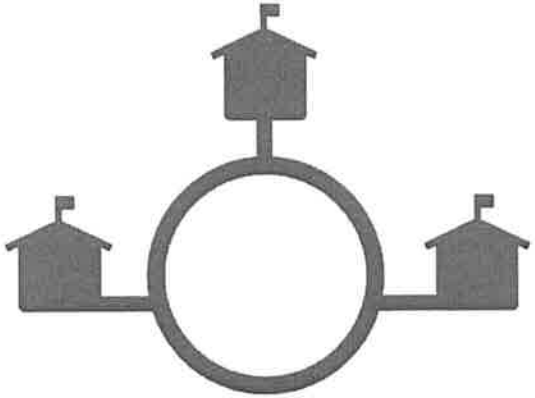
- ✔ 1-3 hours recommended
- ✔ Live or asynchronous training on Multitudes screening essentials



ADDITIONAL

- ✔ Additional asynchronous training
- ✔ Practice, observation, and feedback
- ✔ Paid virtual and onsite professional development

Adoption support
for everyone



Why Choose Multitudes?

Meet Multitudes in our introductory webinar

Jan 22, Feb 5, Feb 19

Your Multitudes Questions, Answered

15-minute, 1:1 sessions with Multitudes team members

Starting in February

Foundational Training
for Multitudes adopters



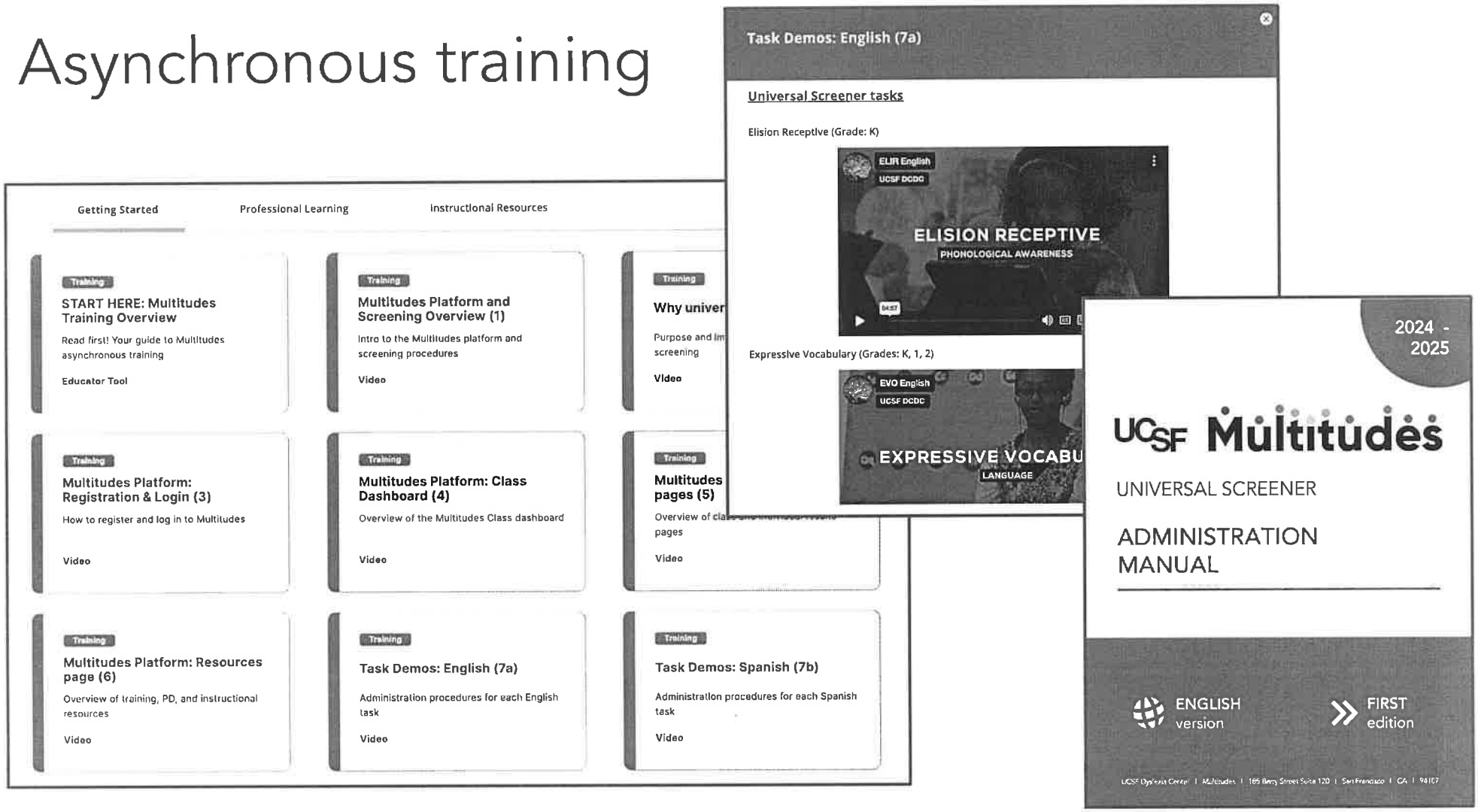
Getting Started with Multitudes

Training webinars for schools adopting Multitudes

Starting in March

Multitudes

Asynchronous training



Professional development for screening

Available by request at cost



- Platform and Screening Basics
- Administering the Universal Screener and Follow-up Assessments



- Interpreting Screening Results
- From Screening to Instructional Next Steps



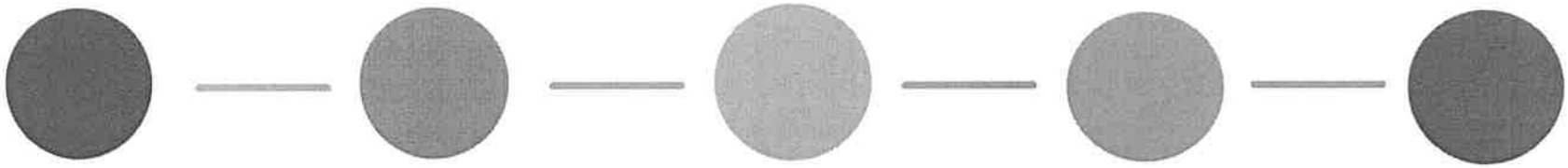
- *Coming soon*
- Effective screening and literacy practices

All trainings offered virtually and onsite.

Train-the-trainer versions available.

Multitudes

Adoption roadmap



REGISTER INTEREST

On the Multitudes website

WELCOME + INFO

Information, materials, and webinars to assist selection

DECISION + SIGN UPS

Sign Letter of Agreement

SCHOOL READINESS

Multitudes training options available

ROSTERING + SCREENING

Tech check, IT support, and rostering

Key Dates

- ✔ February 3 – formal registration begins
- ✔ March 3 – training begins

Multitudes

Thank you for being part of our community!

Multitudes

multitudesinfo.ucsf.edu



RESOLUTION OF THE BOARD OF TRUSTEES OF THE
HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT
RESOLUTION #25-13
TEACHER APPRECIATION WEEK

WHEREAS, teachers mold future citizens through guidance and education; and

WHEREAS, teachers encounter students of widely differing backgrounds; and

WHEREAS, our country's future depends upon providing quality education to all students; and

WHEREAS, teachers spend countless hours preparing lessons, evaluating progress, counseling and coaching students and performing community service; and

WHEREAS, our community recognizes and supports its teachers in educating the children of this community.

NOW, THEREFORE, BE IT RESOLVED that the Happy Valley Elementary School Board proclaims May 5-9, 2025 to be TEACHER APPRECIATION WEEK; and

BE IT FURTHER RESOLVED that the Happy Valley Elementary School Board strongly encourages all members of our community to join with it in personally expressing appreciation to our teachers for their dedication and devotion to their work.

Adopted this 9th day of April 2025.

Signed:

_____

Jodi Shearman -President Happy Valley Elementary School District Board

Attest:

_____

Gina Murphy, Superintendent

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT
RESOLUTION #25-14
CLASSIFIED EMPLOYEE APPRECIATION WEEK

WHEREAS, the Week of May 18 to May 24, 2025 is celebrated as Classified School Employees Week in the State of California; and

WHEREAS, California and Happy Valley Elementary School District employees work to ensure the success of students across the state; and

WHEREAS, the invaluable contributions of classified employees support learning by ensuring students arrive safely at school, are served nutritious meals, provided assistance in classrooms; and learn in clean and safe environments; and

WHEREAS, classified employees also contribute to the welcoming and efficient operation of schools and districts; and

WHEREAS, classified employees serve an integral role in serving California's students and families;

NOW, THEREFORE, IT BE RESOLVED, that the Happy Valley Elementary School District recognizes its Classified Employees and encourages parents and the community to honor their efforts and many contributions as we celebrate the Week of May 18 to May 24, 2025 as Classified School Employees Week.

Adopted this 9TH day of April 2025.

_____
Jodi Shearman - President Happy Valley Elementary School District

ATTESTED TO:

_____
Gina Murphy, Superintendent

Request by Board Member Josh Hancock:

Key Legal and Policy Concerns

1. **Unlawful Seizure and Retention of Student Property**
    - **California Education Code § 48901.7** allows schools to regulate cell phone *use* but not *possession*. Confiscation is only permissible if the device disrupts an active classroom.
    - The district's practice of retaining phones beyond the school day and requiring parental retrieval lacks legal authority and violates students' property rights.
    - Extended or indefinite confiscation without due process may constitute theft or extortion under **California Penal Code §§ 484 and 518**.
2. **Unauthorized Administrative Sanctions**
    - No Board policy authorizes withholding a student's phone beyond the school day or requiring a parent to retrieve it in person.
    - **California Education Code § 48900.1** mandates that any requirement for parental presence must be explicitly written into Board policy. Administrative rules alone are insufficient and unenforceable.
3. **Unauthorized Policy Changes and Lack of Transparency**
    - Administrators have altered student handbooks to include disciplinary measures not approved by the Board or supported by law.
    - The student handbook is not a legally binding document and cannot override Board policies.
    - The removal or lack of the handbook from the district website raises concerns about transparency and accountability.
4. **Unlawful Expansion to School Bus Drivers**
    - Bus drivers lack legal authority to confiscate student property. The Education Code and case law does not extend such powers to transportation staff.
    - Confiscating phones before students walk home from community bus stops poses significant safety risks, potentially violating **California Penal Code § 273a (Child Endangerment)**.
5. **Potential Violations of Constitutional Rights**
    - **Goss v. Lopez (1975)** establishes that students have property interests protected by due process. The Supreme Court held that students cannot be deprived of property (including personal items like cell phones) without due process. Indefinite confiscation without justification violates these rights.
    - **Tinker v. Des Moines (1969)** allows schools to regulate disruptive behavior but does not authorize punitive measures unrelated to maintaining order. The Court ruled that schools may only restrict student rights if the behavior "materially disrupts classwork or involves substantial disorder or invasion of the rights of others."
6. **Regulatory vs. Punitive Measures**
   Schools in California cannot issue punitive measures that violate constitutional

rights, even in the interest of protecting school operations. Any disciplinary action that affects free speech or property possession must serve a **regulatory function** rather than being purely punitive.
    - **Regulatory Function**: Setting and enforcing rules to maintain order, safety, or fairness. This is proactive and aims to guide behavior to prevent problems.
      Example: Requiring businesses to follow fire safety codes.
    - **Punitive Measure**: A punishment given after a rule has been broken. This is reactive and meant to deter future violations by penalizing the offender.
      Example: Fining a business for violating fire safety codes.
7. The district's current practices of extended or indefinite confiscation and requiring parental retrieval are punitive, not regulatory, and therefore lack legal justification.
8. **Legal & Policy Framework for Confiscation**
    - **Brief Seizure (Temporary, Reasonable)**
      Example: Confiscation for the duration of a class period due to disruption.
      Legality: Reasonable under **Education Code § 48901.7** and applicable case law.
      Return Condition: Returned at the end of the class period.
    - **Extended Seizure (Questionable but Possibly Justifiable)**
      Example: Confiscation until the end of the school day.
      Legality: Questionable if the phone is not causing ongoing disruption.
      Return Condition: Returned at the end of the day, without additional conditions.
    - **Indefinite Seizure (Punitive, Unlawful, Potentially Theft/Extortion)**
      Example: Phone held beyond the end of the school day, requiring a parent's attendance as a condition of its return.
      Legality: Unlawful, as there is no legal authority for indefinite retention.
      Potential Criminal Issues:
        - **Penal Code § 484 (Theft)**: If property is withheld without legal basis.
        - **Penal Code § 518 (Extortion)**: If property is used to coerce parent compliance.
9. **Fourth Amendment Protections and Reasonable Suspicion**
    - **New Jersey v. T.L.O. (1985)** established that school officials must have "reasonable suspicion" to search or seize a student's belongings. Confiscating and searching a student's phone without justification may violate this standard.
    - **California Constitution, Article I, Section 1** further protects students' right to privacy, which extends to their personal belongings, including cell phones.
10. **Federal and State Privacy Protections**
    - **FERPA**: Accessing a student's phone could inadvertently expose protected education records, creating liability for the district.

- **California Penal Code § 632**: School staff may violate eavesdropping laws if they access private communications on a student's phone without consent.

11. **Duty of Care and Student Safety**
    - Schools have a legal obligation to ensure student safety under their supervision. Confiscating phones before students walk home from bus stops could violate this duty, particularly in areas with safety concerns.
12. **Disability Rights and Accommodations**
    - If a student's phone is a necessary accommodation under **ADA/504**, confiscating it could violate federal disability rights laws.
13. **National Trends and Legislative Efforts**
    - Many districts are adopting policies that balance school authority with student rights, recognizing the importance of phones for communication and safety. California legislation continues to emphasize the need for legally compliant and student-centered policies.

Immediate Actions Required

1. **Review and Revise Board Policies**
   - Align cell phone confiscation policies with **Education Code § 48901.7**, limiting confiscation to instances of classroom disruption.
   - Prohibit extended retention of confiscated phones beyond the school day.
   - Remove unauthorized administrative rules requiring parental retrieval.
2. **Cease Unlawful Seizure Practices**
   - Mandate the return of confiscated phones to students by the end of the school day, unless a specific legal violation justifies further action.
   - Prohibit bus drivers from confiscating student property.
3. **Restore Transparency and Accountability**
   - Reinstate the student handbook on the district website with clear disclaimers that it does not override Board policies.
   - Ensure all disciplinary measures are explicitly approved by the Board and comply with state law.
4. **Provide Training for Staff**
   - Train administrators and staff on the legal limits of their authority regarding student property and due process rights.
   - Ensure compliance with court orders and protective measures related to student safety.

Case Law Excerpts

1. **Goss v. Lopez (1975)**
   - "Students must be given some kind of notice and afforded some kind of hearing before being deprived of a property interest as significant as education or personal belongings."
2. **Tinker v. Des Moines (1969)**

- "School officials do not possess absolute authority over their students. Students are entitled to free expression unless it materially disrupts classwork or involves substantial disorder."

3. **United States v. Place (1983)**
   - "A seizure cannot last longer than reasonably necessary to achieve its purpose."
4. **Sandoval v. County of Sonoma (2017)**
   - "Seizure policies requiring compliance with arbitrary conditions were ruled unconstitutional. Once the initial reason for impoundment is no longer valid, the item must be returned to its owner promptly to comply with Fourth Amendment protections against unreasonable seizures."

Conclusion

The district's current practices regarding cell phone confiscation are not only legally unsupportable but also pose significant risks to student safety, privacy, and district liability. By addressing these issues promptly, the Board can ensure compliance with state and federal law while fostering a safer and more transparent environment for students and families.

Please confirm receipt of this email and provide a timeline for corrective action. I am available to discuss this matter further and assist in drafting revised policies as needed.

Sincerely,

Josh Hancock

Board Member, HVUSD

COMPUTER USE POLICY

1. All students and parents will be required to agree to and sign the *Responsible Computer-Use Agreement* prior to any student accessing the internet.
2. Students will be expected to use their electronic devices responsibly inside and outside of the classroom.
3. Students will be assigned a Chromebook for the duration of the student's attendance at HVE.
4. Chromebooks will be reassigned as they are updated on a multi-year cycle.
5. If a student loses or damages a Chromebook, the family will be charged accordingly.
6. Under specific circumstances and when arrangements have been made, a student may complete community service in lieu of payment.
7. Cell phones are not to be out during school hours. In order to protect our students, students are prohibited from taking pictures with their cell phones while on campus or on the school bus. The district is not responsible for lost, stolen or broken devices.

DANCE RULES

1. Displays of overt affection on the school grounds are inappropriate. Students are expected to show respectful behavior at all times.
2. Students must be eligible to attend dances. Eligibility will be determined by classroom teachers based on behavior, missing assignments, and no D's or F's. Students may only leave the dance early if they are signed out and picked up by their parent/guardian.
3. The school dress code will be the standard; except for special dress-up and theme dances, as decided by the Student Council (Associated Student Body). . Please refer to the dance dress code hand-out that will be provided to students. No outside food or beverages are allowed into a dance.

DRESS AND APPEARANCE

Happy Valley believes that appropriate dress and grooming contribute to a productive learning environment. Happy Valley expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process. All students shall abide by the following dress code.

While clothing may be a personal choice, there are basic standards for dress in the Happy Valley Union School District. Students and parents should wear appropriate attire during the school day and at school sponsored activities. The following basic guidelines should be followed:

- All clothing, including hats, must be free of depictions of violence, graffiti, racial comments, crude language, and references to alcohol, drugs, sex, gangs, or tobacco.
- No visible undergarments.
- No pajamas/sleepwear or slippers.
- Shorts & skirts must not be shorter than 3" from the inseam. No swim shorts.
- Shirts must be long enough to touch the top of the pants while standing. No crop tops.
- Shoulder straps should measure at least 1 ½ "wide.
- Garments or accessories with studs or spikes are not permitted.
- Hats may be worn outdoors only and must be worn forward.
- Shoes must be worn at all times. Flip-flops or open-back shoes are not permitted.
- Pants or shorts must be worn around the waist.
- Sunglasses are not to be worn in class.

DRESS FOR PHYSICAL EDUCATION

1. All students are required to wear safe, skid proof shoes for P.E. (tennis shoes/ running shoes are preferred.) Sandals and boots are prohibited.
2. To ensure safety and to protect the gym floor, hard soled shoes will not be allowed in the gym.
3. An adaptive PE will be arranged for any student who may be exempted from physical activity by a doctor's excuse.
4. Student participation is expected.

ELECTRONIC DEVICES & TOYS

1. HVUSD is not responsible for **stolen, lost or damaged electronic** devices that are brought to school.
2. Students who rely on cell phones for communication with parents or guardians are expected to use the devices respectfully and responsibly. If a special circumstance applies, cell phones may be used only in the presence of an adult who has given permission to use the device. . Outside these circumstances, cell phones are not to be out during school hours.
3. Cell phones are not to be on during class time, nor taken out at recess or any other location on school grounds. With teacher's permission, phones may be used for a classroom activity.
4. Students are not to use the photo or recording features on the cell phone while on school premises or on the bus.
5. Text messaging and posting comments on social media sites is not allowed during school hours.
6. **Cyber-Bullying will not be tolerated: Consequences may include suspension and /or expulsion.**
7. 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
8. When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined and a district employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate. A parent/guardian may be required to pick up the device.

EMERGENCY DRILLS:

It is mandatory that students regard drills with the same seriousness and respect that would be required in an actual emergency. We will practice various drills regularly throughout the school year:

1. On site evacuation
2. Off-site evacuation
3. On-site emergencies

- Cell phones should not be used during drills nor actual emergencies. This may prevent school personnel and emergency personnel from having access to phone lines.
- No student should be on a computer during emergency drills.
- Students may not be checked out, nor will people be allowed to enter the school grounds during a drill or actual emergencies.

FOOD FROM OFF CAMPUS

Parents are allowed to bring special treats for their own child(ren). If they want to bring a treat for other children they must first check with their child's teacher and/or the front office.

No home baked goods (see HVUSD Wellness Policy) **Students are not to have Energy Drinks, sodas, nor coffee drinks on campus.

GRADES

Grades earned by students generally reflect the following criteria:

A: Indicates learning at the highest level. The student not only has demonstrated knowledge and understanding of the standards but also has demonstrated an ability to analyze, synthesize, and evaluate the standards with breadth and depth of understanding. An A indicates work that has gone above and beyond the expectations of an assignment.

B: The student not only has demonstrated knowledge and understanding of the standards but also applies the standards. The student will be able, on occasion, to demonstrate an ability to analyze, synthesize and evaluate the standards.

C: The student has demonstrated a basic knowledge and understanding of the standards and some ability to apply the knowledge.

D: The student has demonstrated limited effort and limited understanding of the standard and is not able to apply much of them.

F: The student has not demonstrated effort to understand the standards and therefore is not able to apply them.

Policy 5131.8: Mobile Communication Devices

Status: ADOPTED

Original Adopted Date: 12/17/2019 | **Last Reviewed Date:** 12/17/2019

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.

Students who rely on cell phones for communication with parents or guardians are expected to use the devices respectfully and responsibly. Cell phones may be used only in the front office. They are not to be out during school hours. Cell phones are not to be on during class time, nor taken out at recess. With teacher's permission, phones may be used for a classroom activity. Students are not to use the photo feature on the cell phone while on school premises or on the bus. Text messaging and posting comments on social media sites is not allowed during school hours. Cyber-bullying will not be tolerated: Consequences may include suspension and/or expulsion.

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
4. When the possession or use is required by the student's individualized education program

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

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

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

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

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

AMENDED IN SENATE AUGUST 23, 2024
AMENDED IN SENATE AUGUST 15, 2024
AMENDED IN ASSEMBLY MAY 16, 2024
AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL **NO. 3216**

Introduced by Assembly Members Hoover, *Alvarez,* Lowenthal, and Muratsuchi
(Coauthors: Assembly Members Chen and Mathis)
(Coauthors: Senators Allen, *Niello,* Stern, and Wilk)

February 16, 2024

An act to amend Section 48901.7 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 3216, as amended, Hoover. Pupils: use of smartphones.

Existing law authorizes the governing body of a school district, a county office of education, or a charter school to adopt a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee or employees of that school district, county office of education, or charter school. Existing law, however, specifies circumstances in which a pupil may not be prohibited from possessing or using a smartphone.

This bill would instead require the governing body of a school district, a county office of education, or a charter school to, by July 1, 2026, develop and adopt, and to update every 5 years, a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee or employees of that school district, county office of education, or charter school, as provided. By imposing additional duties on local educational agencies, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *This act shall be known, and may be cited, as the Phone-Free Schools Act.*

~~**SECTION 1.**~~***SEC. 2.*** The Legislature finds and declares all of the following:

(a) There is growing evidence that unrestricted use of smartphones by pupils at elementary and secondary schools during the schoolday interferes with the educational mission of the schools, lowers pupil performance, particularly among low-achieving pupils, promotes cyberbullying, and contributes to an increase in teenage anxiety, depression, and suicide.

(b) In September 2018, France adopted a nationwide smartphone ban in all primary and middle schools in order to promote pupil achievement and healthy social development.

(c) The London School of Economics and Political Science published a May 2015 study that found that test scores improved significantly at schools that banned mobile phone use, and that the most significant gains in pupil performance were made by the most disadvantaged and underachieving pupils. The study concluded that "schools could significantly reduce the education achievement gap by prohibiting mobile phone use in schools."

(d) Dr. Jean Twenge, who is a professor of psychology at San Diego State University, published a book in 2017 entitled "iGen," which presents evidence of an increase in depression and suicide among American teenagers that may be caused by increased mobile device screen time and social media use. According to Dr. Twenge, grade 8 pupils who spend 10 or more hours per week on social media are 56 percent more likely to describe themselves as unhappy than those who devote less time to social media. Moreover, teenagers who spend three hours per day or more on electronic devices are 35 percent more likely to demonstrate risk factors for suicide, such as suicidal ideation, and teenagers who spend five or more hours per day on their devices are 71 percent more likely to demonstrate a risk factor for suicide.

(e) Research demonstrates that the use of cell phones by pupils during school operating hours can create significant distractions resulting in negative effects on their academic performance and mental health. Additionally, the presence of cell phones and related technologies in classrooms may not only detract from pupils' academic performance, but also contribute to higher rates of academic dishonesty and cyberbullying.

(f) In 2015, Spain enacted a ban on mobile phones in school settings, showing an increase of pupils' test scores as well as a documented decrease in incidences of bullying.

(g) A study completed by Louis-Philippe Beland and Richard Murphy in 2016 on the impact of cell phones on pupils' academic performance reported that when cell phones were banned from classrooms, standardized test scores went up approximately 6 percent on average and more than 14 percent for low-achieving pupils.

(h) Using pupil data from England, the results from a 2015 research paper published in the Labour Economics journal suggest that after schools banned mobile phones, test scores of pupils 16 years of age increased by 6.4 percent of a standard deviation, or the equivalent to adding five days to the school year or an additional hour per week.

~~**SEC. 2.**~~***SEC. 3.*** Section 48901.7 of the Education Code is amended to read:

48901.7. (a) The governing body of a school district, a county office of education, or a charter school shall, no later than July 1, 2026, develop and adopt, and shall update every five years, a policy to limit or prohibit the use by its

pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee or employees of that school district, county office of education, or charter school. The goal of the policy shall be to promote evidence-based use of smartphone practices to support pupil learning and well-being. The development of the policy shall involve significant stakeholder participation in order to ensure that the policies are responsive to the unique needs and desires of pupils, parents, and educators in each community. *The policy may also include enforcement mechanisms that limit access to smartphones.*

(b) Notwithstanding subdivision (a), a pupil shall not be prohibited from possessing or using a smartphone under any of the following circumstances:

(1) In the case of an emergency, or in response to a perceived threat of danger.

(2) When a teacher or administrator of the school district, county office of education, or charter school grants permission to a pupil to possess or use a smartphone, subject to any reasonable limitation imposed by that teacher or administrator.

(3) When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the pupil.

(4) When the possession or use of a smartphone is required in a pupil's individualized education program.

(c) This section does not authorize monitoring, collecting, or otherwise accessing any information related to a pupil's online activities.

~~**SEC. 3.**~~***SEC. 4.*** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

CSBA POLICY GUIDE SHEET
December 2024

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.

Board Policy 0460 – Local Control and Accountability Plan

Policy updated to reflect **NEW LAW (SB 153, 2024)** which (1) requires Learning Recovery Emergency Funds received by districts to be included in the local control and accountability plan (LCAP) or annual update to the LCAP for the period July 1, 2025 to June 30, 2028, (2) extends the date to July 1, 2027 by which an Individuals with Disabilities Education Act Addendum is required to be completed by identified districts, (3) provides that if the Governing Board is unable to review local indicator data due to an emergency specified in law, the local indicator data is required to be reviewed at the next Board meeting, and a resolution describing the emergency event and the date on which the local indicator data was reviewed is required to be adopted and submitted to the California Department of Education. Additionally, policy updated to reflect **NEW LAW (SB 114, 2023)** which requires districts that receive local control funding formula equity multiplier funding to include specific goals in the LCAP for each school generating such funding. In addition, policy updated to clarify that the District English Learner Advisory Committee may serve as the district's LCAP English Learner Parent Advisory Committee.

Administrative Regulation 0460 – Local Control and Accountability Plan

Regulation updated to reflect **NEW LAW (SB 153, 2024)** which (1) requires the Superintendent to present the annual report on the update to the local control and accountability plan and budget overview for parents/guardians as a nonconsent item at a regularly scheduled meeting of the Governing Board, and (2) extends the date to July 1, 2027 by which an Individuals with Disabilities Education Act Addendum is required to be completed by identified districts.

Board Policy 1250 – Visitors/Outsiders

Policy updated to (1) emphasize in the philosophical statement that visitation by parents/guardians and community members be consistent with the policy, the accompanying administrative regulation and procedures established by the Superintendent or designee, (2) clarify that visits during school hours are required to be arranged with the principal or designee, and (3) delete options regarding required registration when entering school buildings or grounds, in keeping with the removal of the distinction between visitors and outsiders throughout the policy and accompanying administrative regulation, and instead require everyone but staff and students to register upon arrival. Additionally, policy updated to change from being permissive to required (1) the provision of a visible means of identification for anyone who is not a student or staff member, (2) for any visitor who is in a school building or on school grounds, to behave in an orderly manner, and (3) the principal or designee's request that any individual who is causing a disruption to immediately leave school grounds. In addition, policy updated to add that the principal report to the Superintendent or designee anytime a request by a registered sex offender to enter the school campus or grounds is received.

Administrative Regulation 1250 – Visitors/Outsiders

Regulation updated to remove the distinction between visitors and outsiders, requiring everyone but staff and students to register upon arrival. Regulation also updated to add language regarding the principal or designee's authorization to issue a stay away letter if a visitor has shown reasonable cause to believe that the visitor is willfully disrupting the orderly operation of a school.

Board Policy 3100 - Budget

Policy updated to clarify that regardless of the option chosen for budget advisory committees, representation of Governing Board members on the committee may not comprise a majority of the Board, since having a quorum participate in any committee would in essence create a Board meeting when the committee meets. Additionally, policy updated to reference **NEW LAW (AB 176, 2024)** which provides that (1) attendance generated through an attendance recovery program will be excluded from the average daily attendance of the

district, and (2) when a school is between base year eligibility determinations, any current or newly enrolled students who are eligible for free or reduced-priced meals may be included for purposes of the local control funding formula (LCFF). In addition, policy updated to reflect **NEW LAW (SB 114, 2023)** which requires districts that receive LCFF equity multiplier funding to include specific goals in the local control and accountability plan, and reference **NEW LAW (SB 153, 2024)** which provides that if a school which is otherwise eligible to receive LCFF equity multiplier funds is closed in the year in which the funds are to be allocated, that school is instead deemed to be ineligible, and any unspent funds provided are required to be returned to the California Department of Education. Policy also updated to clarify that the Board may approve a plan for meeting the district's long-term obligations to fund contributions to other defined pension plans such as the California State Teachers Retirement System in addition to the California Public Employees' Retirement System.

Administrative Regulation 3100 - Budget

Regulation updated to reflect **NEW LAW (AB 721, 2023)** which, beginning January 1, 2027, repeals the requirement to publish notification of the hearing date and location for inspection for the district's proposed budget in a newspaper of general circulation, and instead requires the information to be posted prominently on the district's website homepage at least three days before the availability of the proposed budget for public inspection.

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

Policy updated to delete provision that until July 1, 2024, the Governing Board may elect not to appoint a district advisory committee for the sale or lease of surplus property that has not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary or secondary instruction, as this exception has expired. Additionally, policy updated to add that before taking any action to dispose of surplus real property, the Board is required to declare, at a regular meeting supported by written findings that, under the Surplus Land Act, the land is either surplus land or exempt surplus land. In addition, policy updated to reflect **NEW LAW (AB 480, 2023)** which provides that the Board may decide not to make such a declaration if the district provides notice and opportunity for public comment, as specified. In addition, policy updated to reflect **NEW GUIDELINES** which require the Board to provide the Department of Housing and Community Development (HCD) a copy of the Board's declarations and findings supporting the Board's determination that the property is exempt surplus land at least 30 days prior to disposing of the exempt surplus land, and **NEW LAW (SB 229, 2023)** which provides that if the district has received notification from HCD, the Board may not pursue a final action to ratify or approve the proposed disposal of surplus land unless the Board holds an open and public meeting to review and consider the substance of the notice. Policy also updated to delete the provision which authorized the proceeds from the sale or lease of property purchased entirely with local funds to be used for any general fund purpose, as that authorization has expired.

Administrative Regulation 3280 – Sale of Lease of District-Owned Real Property

Regulation updated to reflect **NEW LAW (AB 480, 2023)** which adds new definitions related to surplus property.

Board Policy 3320 – Claims and Actions Against the District

Policy updated to incorporate material from the accompanying administrative regulation, as the majority of the content is related to Governing Board actions and therefore more appropriately placed in Board policy. Additionally, policy updated to reference **NEW LAW (AB 452, 2023)** which provides that there are no time limits for the commencement of actions for the recovery of damages for claims of childhood sexual assault that occurred on or after January 1, 2024, including plaintiffs who are 40 years of age or older who file certificates of merit by the plaintiff's attorney and by a licensed mental health practitioner selected by the plaintiff setting forth the facts which support the declaration, and in conjunction with **NEW LAW (SB 558, 2023),** that the statute of limitations for acts of childhood sexual assault that occurred on or before December 31, 2023 is what was set forth in law on December 31, 2023. In addition, policy updated to (1) generalize and thereby make timeless the language regarding the monetary limit for a limited civil case, (2) require the Board, when a claim is presented late and is not accompanied by an application to present a late

claim, to give written notice as specified to avoid potentially waiving certain legal defenses, and (3) clarify that the written notice indicating that a claim was not presented timely and is being returned without further action be done in accordance with a specified Government Code section. Policy also updated to reflect the legal change of the term "Roster of Public Agencies" to "Registry of Public Agencies", and to provide more detail regarding the information that is required to be filed with the Secretary of State and County Clerk.

DELETE - Administrative Regulation 3320 – Claims and Actions Against the District

Regulation deleted with material moved to Board policy, as the majority of the content is related to Governing Board actions and therefore more appropriately placed in Board policy.

Board Policy 3515.5 – Sex Offender Notification

Policy updated to clarify that a district employee to whom sex offender information is disclosed by a law enforcement entity may only disclose the information when authorized by the law enforcement entity and in the manner authorized. Additionally, policy updated to include the purposes for which a registered sex offender's electronic mail address or username used for instant messaging or social networking or other internet identifier may be used by the district police/security department or released to another law enforcement entity.

Administrative Regulation 3515.5 – Sex Offender Notification

Regulation updated to emphasize that the components of the plan for receiving and communicating information about registered sex offenders residing within district boundaries are related to the safety of children. Additionally, regulation updated to include the specific means of providing notice when the principal has granted permission to a person who is required to register as a sex offender to come into a school building or upon school grounds to volunteer at the school.

Board Policy 3540 - Transportation

Policy updated to incorporate expanded learning opportunities in the philosophical statement, and reflect **NEW LAW (SB 88, 2023)** which (1) requires the district to obtain specified attestations from any private entity with which it contracts to provide student transportation, (2) provides for requirements for vehicles used to provide student transportation for compensation, and (3) adds qualification requirements for drivers who provide transportation to students.

Board Policy 5113.1 – Chronic Absence and Truancy

Policy updated to move to the philosophical paragraph language which provides that students who are identified as chronically absent or truant receive appropriate support services and interventions as early as possible. Additionally, policy updated to incorporate strategies identified by the California Department of Education for encouraging student attendance, and reflect **NEW LAW (SB 153, 2024)** which, beginning July 1, 2025, authorizes districts to implement attendance recovery programs for students in grades transitional kindergarten-12 to make up lost instructional time and offset absences.

Administrative Regulation 5113.1 – Chronic Absence and Truancy

Regulation updated to reflect **NEW LAW (SB 691, 2024)** which revises truancy parent/guardian notification requirements. Additionally, regulation updated to delete repealed language related to the delay of driving privileges, and reflect **NEW LAW (SB 153, 2024)** and **NEW LAW (AB 176, 2024)** which, beginning July 1, 2025, authorize districts to implement attendance recovery programs for students in grades transitional kindergarten-12 to make up lost instructional time and offset absences.

Board Policy 5148 – Child Care and Development

Policy updated to delete the requirement to provide distance learning when a district child care program is physically closed by local or state public health order, as such provision is no longer required. Additionally, policy updated to reflect **NEW LAW (SB 722, 2023)** which (1) requires the district to submit a completed incidental medical services plan to the California Department of Social Services (CDSS), but authorizes the district to enroll a child prior to approval of the plan, and (2) for a child with disabilities, authorizes the child to attend the district's child care and development program prior to the approval of an incidental medical services plan or amended plan of operation, so long as the forms have been submitted to CDSS. In addition,

policy updated to add that a district is prohibited from expelling or unenrolling a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless in accordance with the procedures specified in the accompanying administrative regulation, and to require, when necessary due to a reduction in state reimbursements, families be disenrolled from subsidized child care and development services as specified in the accompanying administrative regulation. Policy also updated to add new section "Fees and Charges", which includes general language regarding when the Superintendent or designee may charge fees for services.

Administrative Regulation 5148 – Child Care and Development

Regulation updated to reflect **NEW LAW (AB 393, 2023)** which (1) requires, for any child enrolled in a general childcare and development program or migrant childcare and development program who has been identified as a dual language learner, the child's teacher or other designated staff member to conduct a family language and interest interview, and (2) prohibits a family from being compelled to complete the family language survey for identification purposes or participate in the family language and interest interview. Additionally, regulation updated to delete duplicative information regarding enrollment priority where already addressed in accompanying Board policy, and to reflect **NEW LAW (AB 1808, 2024)** which provides that a family who receives CalWORKs Stage 1, 2, or 3 is considered to meet eligibility and need requirements for services for not less than 24 months, and is eligible to receive services for at least 24 months before having the family's eligibility or need recertified.

Board Policy 5148.2 – Before/After School Programs

Policy updated to require a district to prioritize expanded learning opportunity programs (ELO) at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ELOs across their attendance area. Additionally, policy updated to reflect **NEW LAW (SB 153, 2024)** which requires, beginning in the 2025-26 fiscal year, a Governing Board to declare its operational intent to run an ELO to the Superintendent of Public Instruction, and authorizes districts to use ELO funds to support attendance recovery programs.

Administrative Regulation 5148.2 – Before/After School Programs

Regulation updated to add definition of "intersession program" and clarify, by describing when a student is considered to be enrolled in an expanded learning opportunities program (ELO), the definition of "provide access". Additionally, regulation updated to require a district that receives ELO apportionment to provide transportation to any student who attends a school that is not operating an ELO so that the student may attend at a location that is providing an ELO and return to the original location or another location that is established by the district. In addition, regulation updated to clarify that for hours of operation of an ELO program, recess and meals are included in the required nine hours of combined time per instructional day. Regulation also updated to reflect **NEW LAW (AB 723, 2023)** which requires a district that operates an intersession program to grant priority access to a foster youth and **NEW LAW (AB 373, 2023)** which grants priority access to a student experiencing homelessness, both of which provide that if a student experiencing homelessness or foster youth will be moving during an intersession period, the student's educational rights holder, or in the case of an American Indian Student, Indian custodian, may determine which school the student attends for the intersession period. Additionally, regulation updated to reflect **NEW LAW (SB 141, 2023)** which provides that a district that is temporarily prevented from operating an ELO because of a school or program site closure due to emergency conditions will not be subject to penalties if the Governing Board adopts a resolution and provides documentation substantiating the need for closure.

Board Policy 5148.3 – Preschool/Early Childhood Education

Policy updated to reflect **NEW LAW (SB 163, 2024)** which authorizes, until July 1, 2027, a district operating a California State Preschool Program (CSPP) to enroll interested two-year-old children. Additionally, policy updated to clarify that evidence of California residency may be established by providing evidence of a California street or post office address. In addition, policy updated to add that a district is prohibited from expelling or unenrolling a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the expulsion or unenrollment is in accordance with the procedures specified in the accompanying administrative regulation, and to require, when necessary due to a reduction in state reimbursements, families be disenrolled as specified in the accompanying

administrative regulation. In addition, policy updated to reorganize for clarity and to keep related content together.

Administrative Regulation 5148.3 – Preschool/Early Childhood Education

Regulation updated to reflect **NEW LAW (SB 163, 2024)** which (1) adds the definition of "two-year-old children," (2) revises eligibility criteria and enrollment priorities for part- and full-day preschool services to permit, but not require, districts to offer, until July 1, 2027, California State Preschool Program (CSPP) to eligible two-year-old children, and (3) indefinitely extends the requirement for five percent of CSPP enrollment be reserved for children with exceptional needs. Additionally, regulation updated to reflect **NEW LAW (SB 176, 2024)** which further expands eligibility and enrollment priorities for two-year-old children, and **NEW LAW (SB 153, 2024)** which requires districts to complete an observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS environment tool when CSPP and transitional kindergarten students are commingled. In addition, regulation updated to reflect the California Department of Education's federal program monitoring instrument which requires the district's policies and procedures related to CSPPs to include procedures for excused absences including best interest days and abandonment of care. Regulation also updated to delete out of date information, reorganize for clarity, and keep related content together.

Board Policy 6158 – Independent Study

Policy updated to reflect **NEW LAW (SB 153, 2024)** and **NEW LAW (AB 176, 2024)** which require a district that submits an affidavit for a school closure necessitated by an emergency condition to (1) for an emergency event occurring after September 1, 2021 but before July 1, 2026, certify that the district has a plan for offering independent study to affected students within 10 instructional days, and (2) for events occurring on or after July 1, 2026, certify that an instructional continuity plan is included in the district's comprehensive safety plan and that the district offered student engagement and instruction consistent with the instructional continuity plan or certify that it did not do so due to extenuating circumstances. Additionally, **NEW LAW (SB 153, 2024)** (1) provides that when computing average daily attendance for apportionment purposes, students participating in independent study may only be credited with one day of attendance for each calendar day, (2) makes specified independent study requirements applicable only when students are participating in an independent study program for 16 school days or more in a school year, (3) provides that evidence of student participation, in addition to other forms of evidence, may include documentation that the student participated in an instructional period either visually or verbally, (4) provides that a written agreement is required for independent study of any length of duration, (5) requires districts to obtain a signed written agreement for an independent study program of more than 15 school days before the beginning of independent study, and for an independent study program of 15 school days or fewer, during the school year in which the independent study program takes place, and (6) makes similar changes to course-based independent study. In addition, **NEW LAW (AB 176, 2024)** clarifies that the district is required to maintain documentation of hours or fraction of an hour for both student work products and the time that the student engaged in asynchronous instruction. Policy also updated to reflect **NEW LAW (SB 348, 2023)** which requires districts to make available, at no cost, a nutritionally adequate breakfast and lunch to any district student who requests a meal including an independent study student who is scheduled for educational activities, as defined in law, lasting for two or more hours at a school site, resource center, meeting space, or other satellite facility, regardless of the student's eligibility for a free or reduced-price meal, and to clarify the meaning of "caregiver" in the context of general independent study agreement requirements to make consistent with similar material related to course-based independent study agreement requirements.

Administrative Regulation 6158 – Independent Study

Regulation updated to delete material related to students with disabilities who receive services from a nonpublic, nonsectarian school through a virtual program as the law is no longer operative. Additionally, regulation updated to reflect **NEW LAW (AB 176, 2024)** which clarifies that the district is required to maintain documentation of hours or fraction of an hour for both student work products and the time that the student engaged in asynchronous instruction.

Board Policy 6170.1 – Transitional Kindergarten

Policy updated to reflect **NEW LAW (AB 2268, 2024)** which exempts students in transitional kindergarten (TK) from the requirement to be assessed in English listening and speaking for purposes of initial

identification as an English learner, and **NEW LAW (SB 153, 2024)** which requires districts that commingle TK students and California State Preschool Program children in the same classroom to complete an observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS environment tool.

Board Policy 6174 – Education for English Learners

Policy updated to reference **NEW LAW (AB 2074, 2024)** which requires the California Department of Education to develop a statewide implementation plan for the, "El Roadmap Policy". Additionally, policy updated to reflect **NEW LAW (714, 2023)** which clarifies that the term "newcomer student" has the same meaning as "immigrant children and youth" as defined in law, **NEW LAW (SB 114, 2023)** which includes long-term English learners as a numerically significant subgroup, **NEW LAW (SB 141, 2023)** which defines "long-term English learner" as a student who has not attained English language proficiency within seven years of initial classification as an English learner, and **NEW LAW (AB 2268, 2024)** which exempts students in transitional kindergarten from the requirement to be assessed in English listening and speaking for purposes of initial identification as an English learner. In addition, policy updated to remove material related to instruction collaboration agreements which is more appropriately placed in other policy, include material from the accompanying administrative regulation "Reclassification/Redesignation" section as the content is more appropriately placed in policy, and clarify the differing definitions of "long-term English learner" for the distinct purposes for which they apply.

Administrative Regulation 6174 – Education for English Learners

Regulation updated to reflect **NEW LAW (SB 114, 2023)** which includes long-term English learners as a numerically significant subgroup, **NEW LAW (SB 141, 2023)** which defines "long-term English learner" as a student who has not attained English language proficiency within seven years of initial classification as an English learner, and to clarify the differing definitions of "long-term English learner" for the distinct purposes for which they apply. Additionally, regulation updated to reflect **NEW LAW (AB 2268, 2024)** which exempts students in transitional kindergarten from the requirement to be assessed in English listening and speaking for purposes of initial identification as an English learner. In addition the section "Reclassification/Redesignation was deleted and moved to the accompanying Board policy, as the content is more appropriately placed in policy.

Board Bylaw 9240 – Board Training

Bylaw updated to include ethics training required by Governing Board members who are in office as of January 1, 2025, with completion by January 1, 2026, and every two years thereafter. Additionally, bylaw updated to add that the Board president work with the Superintendent or designee to include funds for professional development and associated reasonable travel expenses for the Board as a whole and for each individual Board member in the district's proposed annual budget and, consistent with the availability of funds in the district's adopted annual budget, (1) the Board president or designee annually develop, and bring to the Board for adoption, a Board professional development calendar designed to assist the Board as a whole, and (2) individual Board members identify and participate in additional professional development opportunities and then timely inform the Board president and the Superintendent upon doing so. In addition, bylaw updated to revise references to relevant training opportunities.

Board Bylaw 9270 – Conflict of Interest

Bylaw updated to add that Governing Boards are mandated to adopt a conflict of interest code and to adopt policies regarding incompatible offices and activities. Additionally, bylaw updated to denote "District Official" as the general term for a position to which the district's conflict of interest code applies and to reflect **NEW LAW (SB 1181, 2024) and NEW LAW (SB 1243, 2024)** which increased the threshold to $500 for certain disclosure requirements and restrictions on accepting, soliciting, or directing campaign contributions. In addition, bylaw updated to permit any District Official, who, in good faith, believes that they may be subject to the requirements of the bylaw and has questions, is unclear, or is unsure regarding the application of the requirements of the bylaw, to seek advice from the district's legal counsel with the permission of the Superintendent, Board president, or majority of the Board. Bylaw also updated to include ethics training required by Board members who are in office as of January 1, 2025, with completion by January 1, 2026, and every two years thereafter. Bylaw also reorganized for coherence, clarity, and consistent style.

Exhibit(1) 9270 – Conflict of Interest

Exhibit updated to denote "District Official" as the general term for a position to which the district's conflict of interest code applies. Additionally, exhibit updated with revised resolution language and simplified list of designated positions.

Policy 0460: Local Control And Accountability Plan

Status: ADOPTED

Original Adopted Date: 10/01/2017 | **Last Revised Date:** 12/01/~~2023~~2024 | **Last Reviewed Date:** 12/01/~~2023~~2024

CSBA NOTE: Education Code 52060-52077 require the Governing Board to adopt, on or before July 1, a local control and accountability plan (LCAP), an annual update to the LCAP, and a local control funding formula (LCFF) budget overview for parents/guardians. Pursuant to Education Code 52060, 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 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. 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.

CSBA NOTE: Pursuant to Education Code 52064, the State Board of Education (SBE) has adopted a template that districts must use to complete the LCAP and the annual update, which, as amended by SB 114 (Ch. 48, Statutes of 2023), provides for numerous changes which are required to be adopted by SBE for use in the 2024-25 school year. Additionally, Education Code 52064.4, as added by SB 153 (Ch. 38, Statutes of 2024), requires, for the period July 1, 2025 to June 30, 2028, all Learning Recovery Emergency Funds received to be included, as specified, in the LCAP or annual update. This requirement will be reflected in the template and instructions that accompany the template adopted by SBE at its November 2024 meeting. Districts should ensure that they are using the most up-to-date template, an electronic version of which is available on the California Department of Education's (CDE) website.

The Board shall adopt a districtwide local control and accountability plan (LCAP) and an annual update to the LCAP, based on the most up-to-date 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 and the annual update shall be adopted or updated, as required, on or before July 1 of each year. (Education Code 52060, 52064; 5 CCR 15494-15497)

The LCAP and the annual update 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. (Education Code 52060, 52064)

An "unduplicated student" is a student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth, as defined in Education Code 42238.01. (Education Code 42238.02)

CSBA NOTE: Education Code 52052, as amended by SB 114, has been expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.

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

CSBA NOTE: The following paragraph is for use by districts that receive LCFF equity multiplier funding. Pursuant to Education Code 42238.024 and 52064, as added and amended by SB 114, districts that receive LCFF equity multiplier funding are required to include specific goals in the LCAP for each school generating such funding. Pursuant to Education Code 42238.024, as amended by SB 153, if a school which is otherwise eligible to receive LCFF equity multiplier funds is closed in the year in which the funds are to be allocated, that school is instead deemed to be ineligible, and any unspent funds provided are required to be returned to CDE.

The LCAP shall also include focused goals, as specified in Education Code 52064, for each school generating local control funding formula (LCFF) equity multiplier funds.

CSBA NOTE: Pursuant to Education Code 52064.3, ~~by January 31, 2025,~~as amended by SB 153, the date upon which an Individuals with Disabilities Education Act (IDEA) Addendum ~~adopted by SBE relating to improvements in services for students with disabilities~~ is required to be completed by districts that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647~~.~~ has been extended to July 1, 2027. Such identified districts must comply with the requirements specified in the following paragraph.

Beginning July 1, ~~2025~~2027, if the district is identified by the California Department of Education (CDE) as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, ~~2025~~2027, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, ~~2028~~2030, whichever occurs first. The IDEA ~~addendum~~Addendum shall be developed, reviewed, and approved in conjunction with and in the same manner as the LCAP and the annual update, and shall be submitted to CDE within 15 days of adoption by the Board. (Education Code 52064.3)

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)

CSBA NOTE: Except for the IDEA Addendum, the LCFF budget overview for parents/guardians, and the school plan for student achievement, districts are not required to align the LCAP with any other district strategic documents ~~(e.g.,~~ such as the District Strategic Plan, English Learner Master Plan, or Facilities Master Plan~~)~~. However, districts are encouraged to align their LCAPs with other district strategic documents to ensure consistent implementation.

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.

CSBA NOTE: Pursuant to Education Code 52064.1, districts are required to develop an LCFF budget overview for parents/guardians in conjunction with, and attached as a cover to, the LCAP and the annual update. The budget overview is subject to the requirements of Education Code 52062 and 52070 pertaining to the adoption, review, and approval of the LCAP and the annual update.

As part of the adoption of the LCAP and the annual update, the Board shall separately adopt a ~~local control funding formula~~LCFF budget overview for parents/guardians, based on the template developed by 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)

Advisory Committees

CSBA 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 and the annual update. The district may use existing parent advisory committees for these purposes if the committee composition complies with Education Code 52063 and 5 CCR 15945. 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.

Education Code 52063 requires the LCAP parent advisory committee to include parents/guardians of currently enrolled students with disabilities.

The Board shall establish a parent advisory committee, which shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students and parents/guardians of students with disabilities. (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~~Learner Parent Advisory Committee, which shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

The District English Learner Advisory Committee (DELAC) may serve as the district's LCAP English Learner Parent Advisory Committee, as specified in Administrative Regulation 6174 – Education for English Learners.

CSBA NOTE: The following paragraph is for districts serving middle and/or high school students. Education Code ~~52063, as amended by SB 997 (Ch. 922, Statutes of 2022), requires, beginning July 1, 2024,~~52063 requires districts serving middle or high school students to include two students as full members of the existing parent advisory committee or establish a student advisory committee to provide advice to the Board and the Superintendent or designee. Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, as described below. Districts that do not serve middle or high school students may delete the following paragraphs relating to student advisory members.

~~Beginning July 1, 2024, unless~~ Unless a student advisory committee is established to provide advice to the Board and Superintendent, two students shall be included as full members of the parent advisory committee. The students shall serve for a renewable term of one full school year. (Education Code 52063)

Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, including geographical, socioeconomic, cultural, physical, and educational diversity, and particular effort shall be made to reach out to at-risk or disadvantaged students to serve as members of such committees. (Education Code 52063)

The Superintendent or designee shall present the LCAP and the annual update to each of these committee(s) before they are submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s).

LCAP Development and Consultation

The Superintendent or designee shall gather data and information needed for effective and meaningful development of the LCAP 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.

CSBA NOTE: Education Code 52060 requires consultation on LCAP 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 use of existing advisory committees, solicitation of feedback from the groups after drafts of the LCAP and annual update are available, discussion of the LCAP and the annual update at staff meetings, and communication with parent organizations, student councils, school site councils, or other established committees or organizations. The district may expand the list with whom the district seeks consultation.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP and the annual update. 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 and committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

CSBA 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)

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)

CSBA NOTE: Education Code 52062 requires notification to the public of the opportunity to submit written comments on the proposed LCAP and the annual update, 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 and the annual update. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP and the annual update shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

CSBA 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 and the annual update. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and Board Policy 3100 - Budget. (Education Code 52062)

Adoption and Submission

The Board shall adopt the LCAP and the annual update 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)

CSBA NOTE: Education Code 52070 requires the district to submit the LCAP and the annual update to the County Superintendent, who may seek written clarification of the contents and may submit recommendations for amendments as provided below. The County Superintendent is required to approve the LCAP and the annual update on or before October 8 if it is determined that (1) the LCAP and the annual update adhere to the template adopted by 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.

Not later than five days after adoption of the LCAP, the annual update, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the annual update, 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 and the annual update, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments 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 and the annual update, the Board shall accept technical assistance from the County Superintendent focused on revising the LCAP and the annual update so that they can be approved. (Education Code 52071)

CSBA NOTE: Pursuant to Education Code 52064.5, as amended by SB 153, if the Board is unable to review local indicator data (data adopted by SBE to measure district and school site performance in regard to specified state priorities), due to any emergency specified in Education Code 46392, the

Board is required to review such data at its next Board meeting, adopt a resolution describing the emergency event and the date on which the local indicator data was reviewed, and submit the resolution to CDE.

If the Board is unable to review local indicator data due to any emergency specified in Education Code 46392, the local indicator data shall be reviewed at the next Board meeting, and a resolution describing the emergency event and the date on which the local indicator data was reviewed shall be adopted and submitted to CDE. (Education Code 52064.5)

Revisions

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

Monitoring Progress and Complaints

CSBA 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 California School 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.

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

Technical Assistance

CSBA NOTE: Pursuant to Education Code 52071, if the County Superintendent does not approve a district's LCAP and annual update, including the annual update and the budget overview for parents/guardians, then technical assistance is required to be provided. For more information regarding intervention and technical assistance, see BP 0500 - Accountability and BP 0520 - Intervention in Underperforming Schools.

If the district's LCAP and the annual update are not approved, the district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071.

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

State	Description
5 CCR 15494-15497	Local control and accountability plan and spending requirements
Ed. Code 17002	State School Building Lease-Purchase Law, including definition of good repair
Ed. Code 305-306	English language education
Ed. Code 33430-33436	Learning Communities for School Success Program; grants for LCAP implementation
Ed. Code 41020	Requirement for annual audit
Ed. Code 41320-41322	Emergency apportionments
Ed. Code 42127	Public hearing on budget adoption
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 44258.9	County superintendent review of teacher assignment
Ed. Code 46392	Emergency average daily attendance
Ed. Code 47604.33	Submission of reports by charter schools
Ed. Code 47606.5	Charter schools; local control and accountability plan
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52059.5	Statewide system of support
Ed. Code ~~52059.5~~52060-52077	Local control and accountability plan
Ed. Code 52302	Regional occupational centers and programs
Ed. Code 52372.5	Linked learning program
Ed. Code 54692	Partnership academies
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution

Ed. Code 60605.8	California Assessment of Academic Achievement; Academic Content Standards Commission
Ed. Code 60900~~-60901~~	California Longitudinal Pupil Achievement Data System
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 99300-99301	Early Assessment Program
W&I Code 300	Dependent child of the court

Federal	**Description**
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6826	Title III funds; local plans
34 CFR 300.600-300.647	Education of students with disabilities; monitoring, enforcement, confidentiality, and program information
34 USC 300.600	State monitoring and enforcement

Management Resources	**Description**
California Department of Education Publication	California Career Technical Education Model Curriculum Standards, 2013 https://www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp
California Department of Education Publication	LCFF Frequently Asked Questions https://www.cde.ca.gov/Fg/aa/lc/lcfffaq.asp
California Department of Education Publication	Local Control and Accountability Plan and Annual Update (LCAP) Template https://www.cde.ca.gov/re/lc/
California Department of Education Publication	California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013 https://www.cde.ca.gov/re/cc/
California Department of Education Publication	California Common Core State Standards: Mathematics, rev. 2013 https://www.cde.ca.gov/be/st/ss/documents/ccssmathstandardaug2013.pdf
California Department of Education Publication	California English Language Development Standards, 2012 https://www.cde.ca.gov/sp/el/er/eldstandards.asp
California Department of Education Publication	California School Dashboard https://www.caschooldashboard.org/
California Department of Education Publication	Family Engagement Framework: A Tool for California School Districts, 2014

	https://www.cde.ca.gov/ls/pf/pf/documents/famengageframeenglish.pdf
California Department of Education Publication	California School Accounting Manual
CSBA Publication	The California School Dashboard and Small Districts, October 2018 https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201810GovBriefCASchoolDashboard.ashx?la=en&rev=ef641be9b91742d8a1568091b15b44a1
CSBA Publication	Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016 https://www.csba.org/GovernanceAndPolicyResources/LCFF-LCAP/~/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GBLCAPPromisingPractices.ashx
CSBA Publication	LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016 https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201608_GB_LCFFRubricsIssue1.ashx?la=en&rev=44794ecc188741d3b1fdaacee8de2123
Website	CSBA District and County Office of Education Legal Services
Website	California School Dashboard
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0000	Vision
0400	Comprehensive Plans
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.41	Charter School Oversight

0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0500	Accountability
0520	Intervention In Underperforming Schools
0520.1	Comprehensive And Targeted School Improvement
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
2121	Superintendent's Contract
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget

3110	Transfer Of Funds
3231	Impact Aid
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4112.2	Certification
4112.2	Certification
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4113	Assignment
4131	Staff Development
4140	Bargaining Units
4231	Staff Development
4240	Bargaining Units
4315	Evaluation/Supervision
4331	Staff Development
4340	Bargaining Units
5030	Student Wellness
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5137	Positive School Climate
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications

5145.6-E(1)	Parent/Guardian Notifications
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6142.5	Environmental Education
6142.92	Mathematics Instruction
6142.93	Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests

6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.4	Education For American Indian Students
6174	Education For English Learners
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6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6179	Supplemental Instruction
6184	Continuation Education
6184	Continuation Education

6190	Evaluation Of The Instructional Program
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Regulation 0460: Local Control And Accountability Plan

Status: ADOPTED

Original Adopted Date: 10/01/2017 **| Last Revised Date:** 12/01/~~2023~~2024 **| Last Reviewed Date:** 12/01/~~2023~~2024

CSBA 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 LCAP development and monitoring.

Goals and Actions Addressing State and Local Priorities

CSBA 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, students experiencing homelessness, and, as amended by SB 114 (Ch. 48, Statutes of 2023), long-term English learners when there are at least 30 students in the subgroup (or at least 15 foster youth, students experiencing homelessness, or long-term English learners) in the school or district. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.

The district's local control and accountability plan (LCAP) 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, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness~~.~~

   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

   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

CSBA NOTE: 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

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

   i. Statewide assessments of student achievement

   ii. 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; have successfully completed career technical education (CTE) sequences or programs of study that align with SBE-approved ~~career technical education~~CTE 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

   iii. The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency

   iv. The English learner reclassification rate

   v. The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher

   vi. The percentage of students who demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301

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

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

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

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

CSBA 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 Governing Board~~.~~

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~~.~~

~~3.~~ Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

CSBA 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, with approval of the State Board of Education (SBE) 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 Superintendent or designee 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 Superintendent or designee shall identify and include in the LCAP the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

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

Increase or Improvement in Services for Unduplicated Students

CSBA NOTE: The following section is for use by districts that receive local control funding formula (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~~.~~

   ~~3.~~ 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.

Timeline

CSBA NOTE: Education Code 52061-52065 only establish a limited number of date-specific requirements. For instance, Education Code 52062, as amended by SB 114, requires the Superintendent to annually report to the Board, at a regular meeting, on the annual update to the LCAP and the local control funding formula budget overview for parents/guardians on or before February 28. However, while Education Code 52062 requires that the LCAP and the annual update be presented to specified committees, it does not specify by when this must occur. Similarly, while Education Code 52062 provides these committees with the right to submit comments and requires the Superintendent to respond in writing to such comments, it does not provide any deadlines by which these actions must occur. Education Code 52062 also requires, without a specific deadline, 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 52062, as amended by SB 153 (Ch. 38, Statutes of 2024), the Superintendent is required to present the annual report on the update to the LCAP and budget overview for parents/guardians as a nonconsent item at a regularly scheduled meeting of the Board.

The following paragraphs include both required dates and recommended dates based on best practice. Districts should review the dates below carefully and modify them, as appropriate and permitted by law, to reflect district practice.

By February 28 of each year, the Superintendent or designee shall provide a report to the Board on the annual update to the LCAP and the budget overview for parents/guardians. The report, which shall be presented to the Board at a regular meeting as a nonconsent item, shall include all available midyear outcome data related to metrics identified in the current year's LCAP and all available midyear expenditure and implementation data on all actions identified in the current year's LCAP. (Education Code 52062)

By May 15, but in no event later than May 31, the Superintendent or designee shall present the drafts of the LCAP and the annual update to the committees listed in the accompanying ~~board~~Board policy for review and comment and shall provide each committee with a reasonable date by which each committee shall provide comments on the drafts. The Superintendent or designee shall respond in writing to comments received from the committee(s) no later than the public hearing on the LCAP and the annual update.

At the same time as the drafts of the LCAP and the annual update are presented to these committees, the Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. The notification shall also provide the deadline by which all written comments must be received, which shall be no later than the deadline for comments from the committee(s). All such written notifications shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

Availability

CSBA NOTE: Education Code 52065 requires the Superintendent to prominently post ~~its~~the LCAP, including any annual update or revisions to the LCAP and the ~~LCFF~~ budget overview for parents/guardians, on the homepage of its website and, as amended by SB 609 (Ch. 494, Statutes 2023), on the performance overview portion of the California School Dashboard.

~~Beginning~~Pursuant to Education Code 52064.3, as amended by SB 153, beginning July 1, ~~2025~~2027, if the district is identified by SBE as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, ~~2025~~2027, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, ~~2028~~2030.

The Superintendent or designee shall prominently post the LCAP, any updates or revisions to the LCAP, the annual update, the IDEA Addendum as applicable, and the local control funding formula budget overview for parents/guardians on the homepage of the district's website and the performance overview portion of the Dashboard. (Education Code 52064.1, 52064.3, 52065)

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

State	Description
5 CCR 15494-15497	Local control and accountability plan and spending requirements
Ed. Code 17002	State School Building Lease-Purchase Law, including definition of good repair
Ed. Code 305-306	English language education
Ed. Code 33430-33436	Learning Communities for School Success Program; grants for LCAP implementation
Ed. Code 41020	Requirement for annual audit
Ed. Code 41320-41322	Emergency apportionments
Ed. Code 42127	Public hearing on budget adoption
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 44258.9	County superintendent review of teacher assignment
Ed. Code 46392	Emergency average daily attendance
Ed. Code 47604.33	Submission of reports by charter schools
Ed. Code 47606.5	Charter schools; local control and accountability plan
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52059.5	Statewide system of support
Ed. Code ~~52059.5~~52060-52077	Local control and accountability plan

Ed. Code 52302	Regional occupational centers and programs
Ed. Code 52372.5	Linked learning program
Ed. Code 54692	Partnership academies
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60605.8	California Assessment of Academic Achievement; Academic Content Standards Commission
Ed. Code 60900~~-60901~~	California Longitudinal Pupil Achievement Data System
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 99300-99301	Early Assessment Program
W&I Code 300	Dependent child of the court

Federal	**Description**
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6826	Title III funds; local plans
34 CFR 300.600-300.647	Education of students with disabilities; monitoring, enforcement, confidentiality, and program information
34 USC 300.600	State monitoring and enforcement

Management Resources	**Description**
California Department of Education Publication	California Career Technical Education Model Curriculum Standards, 2013 https://www.cde.ca.gov/ci/ct/sf/ctemcstandards.asp
California Department of Education Publication	LCFF Frequently Asked Questions https://www.cde.ca.gov/Fg/aa/lc/lcfffaq.asp
California Department of Education Publication	Local Control and Accountability Plan and Annual Update (LCAP) Template https://www.cde.ca.gov/re/lc/
California Department of Education Publication	California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013 https://www.cde.ca.gov/re/cc/
California Department of Education Publication	California Common Core State Standards: Mathematics, rev. 2013 https://www.cde.ca.gov/be/st/ss/documents/ccssmathstandardaug2013.pdf

California Department of Education Publication	California English Language Development Standards, 2012 https://www.cde.ca.gov/sp/el/er/eldstandards.asp
California Department of Education Publication	California School Dashboard https://www.caschooldashboard.org/
California Department of Education Publication	Family Engagement Framework: A Tool for California School Districts, 2014 https://www.cde.ca.gov/ls/pf/pf/documents/famengageframeenglish.pdf
California Department of Education Publication	California School Accounting Manual
CSBA Publication	The California School Dashboard and Small Districts, October 2018 https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201810GovBriefCASchoolDashboard.ashx?la=en&rev=ef641be9b91742d8a1568091b15b44a1
CSBA Publication	Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016 https://www.csba.org/GovernanceAndPolicyResources/LCFF-LCAP/~/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201611GBLCAPPromisingPractices.ashx
CSBA Publication	LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016 https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201608_GB_LCFFRubricsIssue1.ashx?la=en&rev=44794ecc188741d3b1fdaacee8de2123
Website	CSBA District and County Office of Education Legal Services
Website	California School Dashboard
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0000	Vision
0400	Comprehensive Plans
0415	Equity
0420	School Plans/Site Councils

0420	School Plans/Site Councils
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0500	Accountability
0520	Intervention In Underperforming Schools
0520.1	Comprehensive And Targeted School Improvement
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records

2121	Superintendent's Contract
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3110	Transfer Of Funds
3231	Impact Aid
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4112.2	Certification
4112.2	Certification
4113	Assignment
4113	Assignment
4131	Staff Development
4140	Bargaining Units
4231	Staff Development
4240	Bargaining Units
4315	Evaluation/Supervision
4331	Staff Development
4340	Bargaining Units
5030	Student Wellness
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5137	Positive School Climate
5144	Discipline
5144	Discipline

5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6142.5	Environmental Education
6142.92	Mathematics Instruction
6142.93	Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials

6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.4	Education For American Indian Students
6174	Education For English Learners
6174	Education For English Learners
6177	Summer Learning Programs
6178	Career Technical Education

6178	Career Technical Education
6179	Supplemental Instruction
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
7110	Facilities Master Plan
9230	Orientation
9310	Board Policies
9320	Meetings And Notices

Policy 1250: Visitors/Outsiders

Status: ADOPTED

Original Adopted Date: 07/01/2010 | **Last Revised Date:** 12/01/~~2014~~2024 | **Last Reviewed Date:** 12/01/~~2014~~2024

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program~~.~~ consistent with this Board policy, the accompanying administrative regulation, and any procedures established by the Superintendent or designee.

CSBA NOTE: In *Reeves v. Rocklin Unified School District*, a California Court of Appeal affirmed ~~districts'~~the district's authority to establish reasonable regulations for student safety and protection against disruptions on school campuses.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours ~~should~~shall be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

CSBA NOTE: Penal Code 627.2 requires "outsiders" to register upon entering school grounds during school hours~~, and Penal Code 627.1 lists individuals who are not "outsiders" for this purpose; see the accompanying administrative regulation.~~. Additionally, Education Code 32212 authorizes the Governing Board to adopt policy to control classroom interruptions consistent with local circumstances ~~(~~; see AR 6116 - Classroom Interruptions~~)~~ ~~and~~. In addition, Education Code 35160 authorizes the Board to act in any manner not inconsistent with law. Therefore, ~~it appears that~~ in order to ensure the safety of students and staff, a district ~~has the authority to~~may, in accordance with Education Code 32212, 35160 and Penal Code 627.2, require all visitors, including parents/guardians ~~as well as those not defined as "outsiders" in Penal Code 627.1,~~ to register upon entering school campus and to comply with other reasonable requirements. ~~Pursuant to Penal Code 627.1, media representatives are not "outsiders." However,~~ ~~the~~It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when requiring such registration.

The Attorney General has opined ~~(~~, in 95 Ops.Cal.Atty.Gen. 509 (1996)~~)~~), that the Board may restrict media representatives' access in the same manner as access by the general public ~~may be limited (e.g.,~~ , such as by requiring registration or accompaniment by a staff member when on school grounds~~)~~. Therefore, if a district has developed a policy requiring all visitors ~~or outsiders~~ to register upon entering school grounds, then media may be subject to the same requirements; see BP 1112 - Media Relations.

The following options may be revised to reflect district practice. Option 1 requires anyone who is not a student or staff member to register. Option 2 requires registration only for individuals who are not listed in Penal Code 627.1 (i.e., individuals who are "outsiders").

OPTION 1: Any person who is not a student or staff member shall register immediately as a visitor upon entering any school building or grounds when school is in session.
END OF OPTION 1

OPTION 2: All outsiders, as defined in law and administrative regulation, shall register immediately upon entering any school building or grounds when school is in session. (Penal Code 627.2)
END OF OPTION 2

CSBA NOTE: The remainder of this policy may be used by all districts.

The principal or designee mayshall provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (Education Code 51512)

CSBA NOTE: Pursuant to Education Code 35160, the Board is responsible for maintaining order in schools under its jurisdiction. Therefore, in accordance with law, the district may authorize school administrators to direct disruptive individuals to leave school grounds; see AR 3515.2 - Disruptions. Penal Code 626.7 provides that a person who is directed to leave the campus and fails to leave, or later reenters without following the school's posted registration requirements, may be guilty of a misdemeanor.

The following optional paragraph should be modified to reflect district practice.

The Board encourages all individuals to assistAny visitor who is in maintaining a safe and secure school environment by behavingbuilding or on school grounds when school is in session shall behave in an orderly manner while on school grounds and by utilizing the district's complaint processesprocess if they have concerns with any district program or employee. In accordance with Penal Code 626.7 and Administrative Regulation 3515.2 - Disruptions, the principal or designee mayshall request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

Presence of Sex Offender on Campus

CSBA NOTE: Pursuant to Penal Code 626.81, registered sex offenders are prohibited from school buildings and grounds except for lawful business and with written permission. As amended by SB 326 (Ch. 279, Statutes of 2013), Penal Code 626.81 requires that the written permission indicate the date(s) for which permission is granted. It also authorizes the principal to grant permission to a registered sex offender who is not the parent/guardian of a student at the school to volunteer aat the school, provided that the principal notify the parent/guardian of each student at the school at least 14 days prior to the first date for which written permission is granted ; see AR 1240-Volunteer Assistance and BP/AR 3515.5 – Sex Offender Notification.

In addition, pursuant to Education Code 49091.10 and 51101, parents/guardians, including those who are required to register as sex offenders, have a prescribed right to be involved in the education of their children. Thus, the district must adopt measures that are effective in maintaining a safe school environment while avoiding a violation of the statutory rights of such parents/guardians.

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds~~.~~ , in accordance with Board Policy and Administrative Regulation 3515.5 – Sex Offender Notification. The principal shall report to the Superintendent or designee anytime such a request is received and notify the Superintendent or designee if permission is granted or denied. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. ~~The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.~~

The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)

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State	Description
Ed. Code 32210	Willful disturbance of public school or meeting
Ed. Code 32211	Threatened disruption or interference with classes
Ed. Code 32212	Classroom interruptions
Ed. Code 35160	Authority of governing boards
Ed. Code 35292	Visits to schools ~~(~~; Board members~~)~~
Ed. Code 49091.10	Parental right to inspect instructional materials and observe school activities
Ed. Code 51101	Parents Rights Act of 2002
Ed. Code 51512	Prohibited use of electronic listening or recording device
Evid. Code 1070	Refusal to disclose news source

Lab. Code 230.8	Discharge or discrimination for taking time off to participate in child's educational activities
Pen. Code 290	Sex offenders
Pen. Code 626-626.11	Weapons on school grounds and other school crimes
Pen. Code 626.81	Misdemeanor for registered sex offender to come onto school grounds
Pen. Code 627-627.10	Access to school premises
~~Pen. Code 627.1~~	~~Definitions~~
~~Pen. Code 627.2~~	~~Necessity of registration by outsider~~
~~Pen. Code 627.7~~	~~Misdemeanors; punishment~~

Management Resources	**Description**
Attorney General Opinion	95 Ops.Cal.Atty.Gen. 509 (1996)
Court Decision	Reeves v. Rocklin Unified School District (2003) 109 Cal.App.4th 652
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	**Description**
1100	Communication With The Public
1112	Media Relations
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures

1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1700	Relations Between Private Industry And The Schools
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5142	Safety
5142	Safety
6020	Parent Involvement
6020	Parent Involvement
6116	Classroom Interruptions

Regulation 1250: Visitors/Outsiders

Status: ADOPTED

Original Adopted Date: 06/01/1996 **| Last Revised Date:** ~~07~~12/01/~~2010~~2024 **| Last Reviewed Date:** ~~07~~12/01/~~2010~~2024

CSBA NOTE: Penal Code 627.6 requires that the following notice be posted at the entrance to each school and school grounds. In addition, Education Code 32211 requires that the notice include the "school hours," defined as the period from one hour before classes begin to one hour after classes end, unless it is otherwise defined by the Governing Board.

The Superintendent or designee shall post at every entrance to each school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)

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

Unless otherwise directed by the principal or designee, a staff member shall accompany visitors~~/outsiders~~ while they are on school grounds.

~~**Outsider Registration**~~

~~CSBA NOTE: The following section should be used only by districts that select Option 2 of the accompanying Board policy, which requires registration only for "outsiders" as defined in Penal Code 627.2.~~

~~Outsiders~~ Any person who is not a student or staff member shall register immediately upon entering any school ~~premises during~~building or grounds when school ~~hours. Any person other than the following is considered an outsider:~~ ~~(Evidence Code 1070; Penal Code 627.1, 627.2~~is in session. (Education Code 35160)

~~1. A student of the school, unless currently under suspension~~

~~2. A parent/guardian of a student of the school~~

~~3. A Governing Board member or district employee~~

~~4. A public employee whose employment requires being on school grounds, or any person who is on school grounds at the school's request~~

~~5. A representative of a school employee organization who is engaged in activities related to the representation of school employees~~

~~6. An elected public official~~

7. A publisher, editor, reporter, or other person connected with or employed by a newspaper, magazine, other periodical publication, press association or wire service, radio station, or television station

Registration Procedure

CSBA NOTE: Registration items listed below are those required by Penal Code 627.3 when "outsiders" register at a school. Pursuant to Education Code 32212 which authorizes districts to adopt a policy to control classroom interruptions, any district choosing Option 1 in the accompanying Board policy may also use the following list. When a district choosing Option 1 wishes to require the same information of all visitors, "outsider" should be changed to "visitor" in the following section.

In order to register, an outsidera visitor shall, upon request, furnish the principal or designee with the following information: (Penal Code 627.3)

1. His/her nameName, address, and occupation
2. His/her ageAge, if less than 21
3. His/her purposePurpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

Principal's Registration Authority

CSBA NOTE: Pursuant to Penal Code 627.4, the following section applies to districts that choose Option 2 in the accompanying Board policy. However, pursuant to Education Code 32212, districts that choose Option 1 also may use the section, if consistent with their local circumstances. When a district choosing Option 1 wishes to use this section, "outsider" should be changed to "visitor" throughout the following section.

The principal or designee may refuse to register any outsider if he/shevisitor if the principal or designee reasonably concludes that the individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee or school security officer may revoke any outsider'svisitor's registration if he/she hasthere is a reasonable basis for concluding that the individual's presence on school grounds would interfere, or is interfering, with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff. (Penal Code 627.4)

When an outsidera visitor fails to register, or when the principal or designee denies or revokes an outsider'sa visitor's registration privileges, the principal or designee mayshall request that the individual promptly leave school grounds. If a visitor is shown reasonable cause to believe that the visitor is willfully disrupting the orderly operation of a school the principal or designee may issue a "Stay Away Letter" in accordance with Penal Code 626.4.

When ~~an outsider~~a visitor is directed to leave, the principal or designee shall inform ~~him/her~~the visitor that if ~~he/she~~the visitor reenters the school within seven days ~~he/she~~the visitor may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

Appeal Procedure

Any person who is denied registration or whose registration is revoked may appeal ~~to the Superintendent or principal~~either of these determinations by submitting, within five days after the person's departure from school, a written request for a hearing~~.~~ to either the Superintendent or the principal of the school at which the registration was denied or revoked. This request must state why ~~he/she~~the person believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or principal shall be held within seven days after receipt of the request. (Penal Code 627.5)

Policy Reference UPDATE Service
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State	Description
Ed. Code 32210	Willful disturbance of public school or meeting
Ed. Code 32211	Threatened disruption or interference with classes
Ed. Code 32212	Classroom interruptions
Ed. Code 35160	Authority of governing boards
Ed. Code 35292	Visits to schools ~~(~~; Board members~~)~~
Ed. Code 49091.10	Parental right to inspect instructional materials and observe school activities
Ed. Code 51101	Parents Rights Act of 2002
Ed. Code 51512	Prohibited use of electronic listening or recording device
Evid. Code 1070	Refusal to disclose news source
Lab. Code 230.8	Discharge or discrimination for taking time off to participate in child's educational activities
Pen. Code 290	Sex offenders

Pen. Code 626-626.11	Weapons on school grounds and other school crimes
Pen. Code 626.81	Misdemeanor for registered sex offender to come onto school grounds
Pen. Code 627-627.10	Access to school premises
~~Pen. Code 627.1~~	~~Definitions~~
~~Pen. Code 627.2~~	~~Necessity of registration by outsider~~
~~Pen. Code 627.7~~	~~Misdemeanors; punishment~~

Management Resources	**Description**
Attorney General Opinion	95 Ops.Cal.Atty.Gen. 509 (1996)
Court Decision	Reeves v. Rocklin Unified School District (2003) 109 Cal.App.4th 652
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	**Description**
1100	Communication With The Public
1112	Media Relations
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures

1313	Civility
1700	Relations Between Private Industry And The Schools
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5142	Safety
5142	Safety
6020	Parent Involvement
6020	Parent Involvement
6116	Classroom Interruptions

Policy 3100: Budget

Status: ADOPTED

Original Adopted Date: 10/01/2015 **| Last Revised Date:** ~~03~~12/01/~~2019~~2024 **| Last Reviewed Date:** ~~03~~12/01/~~2019~~2024

The Governing Board recognizes its critical responsibility for adopting a sound budget each fiscal year which is aligned with and reflects the district's vision, goals, priorities, local control and accountability plan (LCAP), and other comprehensive plans. The district budget shall guide decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 42122)

Budget Development and Adoption Process

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

The Superintendent or designee shall oversee the preparation of a proposed district budget for approval by the Board and shall involve appropriate staff in the development of budget projections.

CSBA NOTE: Education Code 42103 and 42127 require the district to hold a public hearing prior to adoption of the budget. A public hearing on the district's local control and accountability plan (LCAP) must occur at the same meeting as the public hearing on the proposed budget. See the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan for requirements pertaining to the public hearing.

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 a local control funding formula (LCFF) budget overview for parents/guardians with specified information, based on a template created by the Superintendent of Public Instruction (SPI). The budget overview must be developed in conjunction with, and attached as a cover to, the LCAP and annual update to the LCAP. The adoption, review, approval, and posting of the budget overview are subject to the same requirements as for the LCAP, including the requirement for a public hearing.

The Board shall hold a public hearing on the proposed budget in accordance with Education Code 42103 and 42127. The hearing shall occur at the same meeting as the public hearing on the district's LCAP and the local control funding formula (LCFF) budget overview for parents/guardians. (Education Code 42103, 42127, 52062, 52064.1)

The Board shall adopt the district budget at a public meeting held after the date of the public hearing, but on or before July 1 of each year. The Board shall adopt the budget following its adoption of the LCAP, or annual update to the LCAP, and the LCFF budget overview for parents/guardians. The budget shall include the expenditures necessary to implement the LCAP or the annual update to the LCAP. (Education Code 42127, 52062)

CSBA NOTE: Pursuant to Education Code 42126, the district budget must be in a format prescribed by the SPI. The SPI has established a requirement that districts use the Standardized Account Code Structure (SACS). SACS ensures that districts meet state and federal reporting guidelines and comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB). The California Department of Education's (CDE)), "California School Accounting Manual" provides guidance regarding coding of revenues and expenditures.

The budget that is presented at the public hearing as well as the budget formally adopted by the Board shall adhere to the state's Standardized Account Code Structure as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42126, 42127)

The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

CSBA NOTE: Education Code 42127 requires the district to file the adopted budget with the County Superintendent of Schools as described below. If the district fails to submit a budget by July 1, the County Superintendent will, at district expense, develop a budget by September 15 and transmit that budget to the Governing Board.

No later than five days after the Board adopts the district budget or by July 1, whichever occurs first, the Board shall file the adopted district budget with the County Superintendent of Schools. The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

CSBA NOTE: Pursuant to Education Code 42127, on or before September 15, the County Superintendent must approve, conditionally approve, or disapprove the district's adopted budget. Education Code 42127 requires that this determination be based on a consideration of whether the district's adopted budget complies with state standards and criteria, will allow the district to meet its current and multiyear financial obligations, includes the expenditures necessary to implement the LCAP or annual update to the LCAP, satisfies all conditions established by the County Superintendent in the case of a conditionally approved budget, and complies with the requirements pertaining to ending fund balances that exceed the state minimum recommended reserve.

Education Code 42127 also requires the County Superintendent to consider other studies, reports, evaluations, or audits that may indicate that the district is in fiscal distress; see the Fiscal Crisis and Management Assistance Team's , "Fiscal Oversight Guide" and BP 3460 - Financial Reports and Accountability.

If the County Superintendent disapproves or conditionally approves the district's budget, the Board shall review and respond to the County Superintendent's recommendations at a regular public

meeting on or before October 8. The response shall include any revisions to the adopted budget and any other proposed actions to be taken as a result of those recommendations. (Education Code 42127)

Budget Advisory Committee

CSBA NOTE: The following optional section is for use by districts that choose to establish a budget advisory committee to provide input during the budget development process. The committee may be appointed by the Superintendent or designee (Option 1), by the Board (Option 2), or may be a Board subcommittee composed exclusively of Board members (Option 3). Regardless of whether the district chooses Option 1, 2, or 3, representation of Board members on the committee should be less than a majority of the Board, since having a quorum participate in any committee would in essence create a Board meeting when the committee meets. Committees established by Board action are subject to the Brown Act; see BP/AR 1220 - Citizen Advisory Committees. Districts should delete or modify the following options as appropriate. See the accompanying administrative regulation for optional language regarding the committee's composition and duties.

This committee is different from the budget review committee that is required pursuant to Education Code 42127 and 42127.1 if the County Superintendent disapproves the district's budget; see the accompanying administrative regulation.

OPTION 1: (Budget advisory committee appointed by the Superintendent)

The Superintendent or designee may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

OPTION 1 ENDS HERE

OPTION 2: (Budget advisory committee appointed by the Board)

The Board may appoint a budget advisory committee composed of staff, Board representatives, and/or members of the community.

~~OPTION 2 ENDS HERE~~

~~OPTION 3: OPTION 3 ENDS HERE~~

OPTION 2 ENDS HERE

OPTION 3: (Budget advisory committee is a Board subcommittee)

The Board may establish a budget subcommittee composed exclusively of Board members.

OPTION 3 ENDS HERE

~~CSBA NOTE: The following paragraph is for use by districts that selected either Option 1, 2, or 3 above.~~

Board representation on any budget advisory committee shall not comprise a majority of the Board.

The committee shall submit recommendations during the budget development process and its duties shall be assigned each year based on district needs. All recommendations of the committee shall be advisory only and shall not be binding on the Board.

Budget Criteria and Standards

CSBA NOTE: Pursuant to Education Code 46211, as amended by AB 176 (Ch. 998, Statutes of 2024), attendance generated through an attendance recovery program will be excluded from the average daily attendance (ADA) of the school district.

The district budget shall be developed in accordance with state criteria and standards specified in 5 CCR 15440-15450 as they relate to projections of average daily attendance (ADA), enrollment, ratio of ADA to enrollment, LCFF revenue, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund balance, and reserves. In addition, the Superintendent or designee shall provide the supplemental information specified in 5 CCR 15451, which addresses the methodology and budget assumptions used, contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, status of collective bargaining agreements, the LCAP, and LCAP expenditures. (Education Code 33128, 33129, 42127.01; 5 CCR 15440-15451)

CSBA NOTE: The following paragraph is for use by districts that receive supplemental and concentration funding within the LCFF based on the number and concentration of "unduplicated students" ~~(i.e.,~~", students who are eligible for free or reduced-price meals, English learners, and foster youth~~)~~, pursuant to Education Code 42238.02 and 42238.03. 5. CCR 15496 addresses the method of determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year. Pursuant to 5 CCR 15496, the district's LCAP must include evidence demonstrating how LCFF funding apportioned on the basis of unduplicated students is used to support such students; see AR 0460 - Local Control and Accountability Plan.

Pursuant to Education Code 42238.01, as amended by AB 176, when a school is between base year eligibility determinations, any current or newly enrolled students who are eligible for free or reduced-priced meals may be included for purposes of the LCFF.

The district budget shall provide for increased or improved 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 in accordance with 5 CCR 15496. Unduplicated students are students who are eligible for free or reduced-price meals, English learners, and/or foster youth. (Education Code 42238.07; 5 CCR 15496)

CSBA NOTE: The following paragraph is for use by districts that receive LCFF equity multiplier funding. Pursuant to Education Code 42238.024 and 52064, as added and amended by SB 114 (Ch. 48, Statutes of 2023), districts that receive LCFF equity multiplier funding are required to include specific goals in the LCAP for each school generating such funding. Pursuant to Education Code 42238.024, as amended by SB 153 (Ch. 38, Statutes of 2024), if a school which is otherwise eligible to receive LCFF equity multiplier funds is closed in the year in which the funds are to be allocated, that school is instead deemed to be ineligible, and any unspent funds provided are required to be returned to CDE.

Additionally, the district budget shall provide for increased or improved services for each school which generates LCFF equity multiplier funding. (Education Code 42238.024, 52064)

The Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, program requirements, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

Fund Balance

CSBA NOTE: The following section should be revised to reflect district practice. GASB Statement 54 addresses the way fund balances (i.e., the gross differences between assets and liabilities reflected on the balance sheet) in governmental funds are reported in external financial reports. Fund balances must be classified as nonspendable, restricted, committed, assigned, and unassigned in accordance with GASB 54 definitions~~; also~~. For more information regarding reporting and accounting of district funds, see AR 3460 - Financial Reports and Accountability. Pursuant to GASB 54, the Board has sole authority to specify purposes of funds classified as "committed" and also must express, or delegate the authority to express, intended purposes of resources that result in the "assigned" fund balance. The Board may modify the following section to reflect its fund balance policy or may adopt a formal resolution containing the required components.

The district shall classify fund balances in compliance with Governmental Accounting Standards Board (GASB) Statement 54, as follows:

1. Nonspendable fund balance includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact~~.~~

2. Restricted fund balance includes amounts constrained to specific purposes by their providers or by law~~.~~

CSBA NOTE: For purposes of the committed fund balance, GASB 54 requires that the Board commit funds no later than the end of the reporting period. ~~In~~ CDE's, "New Requirements for Reporting Fund Balance in Governmental Funds~~, the CDE~~," clarifies that for districts the end of the reporting period is June 30.

3. Committed fund balance includes amounts constrained to specific purposes by the Board.

   For this purpose, all commitments of funds shall be approved by a majority vote of the Board. The constraints shall be imposed no later than the end of the reporting period (June 30), although the actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements.

4. Assigned fund balance includes amounts which are intended for a specific purpose but do not meet the criteria to be classified as restricted or committed.

   The Board delegates authority to assign funds to the assigned fund balance to the Superintendent and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements. The Superintendent shall have discretion to further delegate the authority to assign funds.

5. Unassigned fund balance includes amounts that are available for any purpose.

When multiple types of funds are available for an expenditure, the district shall first utilize funds from the restricted fund balance as appropriate, then from the committed fund balance, then from the assigned fund balance, and lastly from the unassigned fund balance.

CSBA NOTE: Although not required by GASB 54, the Government Finance Officers Association (GFOA) recommends that public agencies adopt a minimum fund balance policy that establishes an appropriate level of unrestricted fund balance that will be maintained in the general fund. The GFOA's , "Best Practice: Fund Balance Guidelines for the General Fund," describes a variety of factors that should be considered when developing a minimum fund balance policy, such as the predictability of its revenue and volatility of its expenditures, perceived exposure to significant one-time outlays, potential drain upon the general fund from other funds as well as the availability of resources in other funds, potential impact on bond ratings and the corresponding increased cost of borrowed funds, and portion of unrestricted fund balance already committed or assigned for a specific purpose.

The Board intends to maintain a minimum assigned and unassigned fund balance in an amount the Board deems sufficient to maintain fiscal solvency and stability and to protect the district against unforeseen circumstances.

CSBA NOTE: The GFOA recommends that the minimum fund policy address both the circumstances under which the unrestricted fund balance can be spent down and the procedure for replenishing deficiencies. The district may revise the following optional paragraph to specify the rate at which the district will attempt to recover the fund balance (e.g., the Board shall develop a plan to recover the fund balance at a rate of at least one percent each year).

If the assigned and unassigned fund balance falls below the level set by the Board due to an emergency situation, unexpected expenditures, or revenue shortfalls, the Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.

Reserve Balance

CSBA NOTE: 5 CCR 15450 establishes a minimum local reserve balance for economic uncertainties based on the district's ~~average daily attendance~~ (ADA)~~)~~.. The minimum reserve balance is the greater of five percent or $~~55~~80,000 for districts with 0-300 ADA; the greater of four percent or $~~55~~80,000 for districts with 301-1,000 ADA; three percent for districts with 1,001-30,000 ADA; two percent for districts with 30,001-~~400~~250,000 ADA; and one percent for districts with over ~~400~~250,000 ADA. The following paragraph may be revised to reflect the minimum reserve applicable to the district's ADA.

The district budget shall include a minimum reserve balance for economic uncertainties that is consistent with the percentage or amount specified in 5 CCR 15450.

CSBA NOTE: Education Code 42127.01 establishes, under certain conditions, a maximum amount of local reserve balance for economic uncertainties. Pursuant to Education Code 42127.01, if the amount of monies in the state Public School System Stabilization Account is three percent or more of the combined total of general fund revenues appropriated for school districts and allocated local proceeds of taxes, the district's combined assigned or unassigned ending general fund balance must not exceed 10 percent of those funds in the immediately following fiscal year.

Basic aid districts, as described in Education Code 42238.02, and districts with 2,500 or less ADA are exempted from this requirement and may delete the following paragraph. Other districts may also be exempted from this requirement by the County Superintendent for up to two consecutive fiscal years within a three-year period upon providing documentation of extraordinary fiscal circumstances ~~(e.g.,~~ such as multiyear infrastructure or technology projects~~)~~, that substantiate the need for a reserve in excess of the limit specified in Education Code 42127.01.

In any year following the fiscal year in which the district is notified by the SPI that the amount of monies in the state Public School System Stabilization Account equals or exceeds three percent of the combined total of general fund revenues appropriated for school districts and allocated local proceeds of taxes, the district budget shall not contain a combined assigned or unassigned ending general fund balance that is in excess of 10 percent of these funds, unless the requirement is waived in accordance with Education Code 42127.01. (Education Code 42127.01)

Long-Term Financial Obligations

The district's current-year budget and multiyear projections shall include adequate provisions for addressing the district's long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.

CSBA NOTE: The following paragraph is optional. Government Code 21710-21716~~, as added by SB 1413 (Ch. 665, Statutes of 2018),~~ establish the California Employers' Pension Prefunding Trust Program and related Trust Fund, allowing districts that provide a defined benefit pension plan to their employees to prefund required pension contributions to the California Public Employees' Retirement System (CalPERS). Districts may elect to participate in the Prefunding Trust Program for the purpose of investing payments toward their required CalPERS pension contributions.

The Board may approve a plan for meeting the district's long-term obligations to fund contributions

to the California Public Employees' Retirement System (CalPERS) or other defined pension plans such as the California State Teachers Retirement System which, to the extent possible, minimizes significant increases in annual general fund expenditures towards pension obligations. The plan may include prefunding required pension contributions through the California Employers' Pension Prefunding Trust Program pursuant to Government Code 21710-21716.

CSBA NOTE: The following two optional paragraphs are for use by districts that provide "other postemployment benefits" (OPEBs~~)~~ ~~(i.e.,~~), such as medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits to retired employees or Board members~~)~~, and should be revised to reflect district practice; see BP/AR 4154/4254/4354 - Health and Welfare Benefits and BB 9250 - Remuneration, Reimbursement and Other Benefits. CSBA recommends that districts adopt a specific funding strategy for addressing their OPEB obligations. The district may pay the premiums as they fall due ("pay-as-you-go"), but in such a case the district would then accrue a deficit with respect to future retirees which can be expected to grow as a result of an increasing retiree population and increases in benefit costs. Therefore, it is recommended that the district prefund the debt, to the extent possible, using a method and level to be determined by the Board. For example, the district may contribute a set amount or percentage of the actuarially determined "annual required contributions" to an irrevocable trust or designated fund each year.

GASB Statement 75 requires districts that do not provide OPEB through a trust to report the total unfunded liability (i.e., OPEBs that are not prefunded) in the district's financial statements; see AR 3460 - Financial Reports and Accountability.

CSBA's OPEB Solutions Program provides access to a trusted source of analysis and a GASB 75-compliant trust to prefund future obligations. See CSBA's ~~web site~~website for further information.

The Board shall approve a plan for meeting the district's long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the district's annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the district to the extent possible. The Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the district and maintains flexibility to adjust for changing budgetary considerations.

The Superintendent or designee shall annually present a report to the Board on the estimated accrued but unfunded cost of OPEBs. As a separate agenda item at the same meeting, the Board shall disclose whether ~~or not~~ it will reserve a sufficient amount of money in its budget to fund the present value of the benefits of existing retirees and/or the future cost of employees who are eligible for benefits in the current fiscal year. (Education Code 42140)

CSBA NOTE: The following optional paragraph is for use by districts that are self-insured for workers' compensation claims, either individually or as part of a joint powers agency. See AR 3460 - Financial Reports and Accountability for provisions related to reporting the estimated accrued but unfunded cost of workers' compensation claims based on an actuarial report.

The Superintendent or designee shall annually present a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims and the actuarial reports upon which the estimated costs are based. As a separate agenda item at the same meeting, the Board shall disclose whether it will reserve in the budget sufficient amounts to fund the present value of accrued but unfunded workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

Budget Amendments

CSBA NOTE: The following section is optional and should be revised to reflect district practice.

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which occur as a result of the funding made available by that Budget Act. (Education Code 42127)

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for Board approval as necessary when collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, interfund transfers are needed to meet actual program expenditures, and/or other significant changes occur that impact budget projections.

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State	Description
5 CCR 15060	Standardized account code structure
5 CCR 15440-15451	Criteria and standards for school district budgets
5 CCR 15494-15497	Local control and accountability plan and spending requirements

Ed. Code 1240	County superintendent of schools; duties
Ed. Code 33127	Standards and criteria for local budgets and expenditures
Ed. Code 41202	Determination of minimum level of education funding
Ed. Code 42103	Budget notification
Ed. Code 42122-42129	Budget requirements
Ed. Code 42130-42134	Financial reports and certifications
Ed. Code 42140-42142	Public disclosure of fiscal obligations
Ed. Code 42238-42251	Apportionments to districts
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42602	Use of unbudgeted funds
Ed. Code 42610	Appropriation of excess funds and limitation thereon
Ed. Code 45253	Annual budget of personnel commission
Ed. Code 45254	First year budget of personnel commission
Ed. Code 46211	Attendance Recovery Program
Ed. Code ~~52059.5~~52060-52077	Local control and accountability plan
Gov. Code 21710-21716	California Employer's Pension Prefunding Trust Program
Gov. Code 7900-7914	Appropriations limit

Management Resources	**Description**
California Department of Education Publication	New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011 https://www.cde.ca.gov/fg//ac/co/documents/gasb54.doc
California Department of Education Publication	California School Accounting Manual
Fiscal Crisis & Management Assistance Team Pub.	Fiscal Oversight Guide for AB 1200, AB 2756, AB 1840 and ~~Subsequent~~ Related Legislation, ~~December~~ ~~2015~~June 2019 https://www.fcmat.org/PublicationsReports/Fiscal_Oversight_Guide_final_11-8-2019.pdf
Government Finance Officers Association	Best Practice: Fund Balance Guidelines for the General Fund, September 2015 https://www.gfoa.org/materials/fund-balance-guidelines-for-the-general-fund
Governmental Accounting Standards Board Statement	Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, February 2009 https://gasb.org/page/document?pdf=GASBS+54.pdf&title=GASB%20STATEMENT%20NO.%2054,%20FUND%20BALAN

	CE%20REPORTING%20AND%20GOVERNMENTAL%20FUND%20TYPE%20DEFINITIONS
Governmental Accounting Standards Board Statement	Statement 75, Accounting and Financial Reporting for Post-employment Benefits Other Than Pensions, June 2015 ccc
Governmental Accounting Standards Board Statement	Pronouncements https://gasb.org/standards-and-guidance/pronouncements
Website	CSBA District and County Office of Education Legal Services
Website	Governmental Accounting Standards Board
Website	California Department of Finance
Website	California Department of Education, Finance and Grants
Website	Government Finance Officers Association
Website	Association of California School Administrators
Website	CSBA
Website	Fiscal Crisis and Management Assistance Team
Website	School Services of California, Inc.

Cross References

Code	Description
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0460	Local Control And Accountability Plan
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Regulation 3100: Budget

Status: ADOPTED

Original Adopted Date: 03/01/2019 **| Last Revised Date:** 12/01/2024 **| Last Reviewed Date:** ~~03~~12/01/~~2019~~2024

Budget Advisory Committee

CSBA NOTE: The following optional section is for use by districts that have established a budget advisory committee and have selected either Option 1 or 2 in the "Budget Advisory Committee" section of the accompanying Board policy.

Membership of the district's budget advisory committee may include representatives of each of the following groups:

1. Governing Board members, provided that less than a majority of the Board serves on the committee
2. District and school site administrators
3. Representatives of bargaining units
4. Certificated and/or classified staff
5. Parents/guardians
6. Representatives of the business community and/or other community members
7. Students

CSBA NOTE: The remainder of this section details the duties of the budget advisory committee and is for use by districts that selected either Option 1, 2, or 3 in the "Budget Advisory Committee" section of the accompanying Board policy.

The committee's duties may include, but are not necessarily limited to:

1. Making recommendations regarding budget priorities which align with the district's vision, goals, priorities, local control and accountability plan (LCAP), and other comprehensive plans
2. Recommending cost reduction strategies, such as identifying services that may be reduced, made more efficient, or discontinued
3. Reviewing the clarity and effectiveness of budget documents and communications
4. Presenting progress reports on the committee's work and a final report of recommendations to the Superintendent or designee and to the Board

The specific duties of the committee shall be clearly defined and presented to each member in writing, along with any background information necessary for the successful completion of the committee's charges, the timelines for reporting the committee's progress, and timelines for completion of each task.

Public Hearing

CSBA NOTE: Pursuant to Education Code 52062, the public hearing on the budget must be at the same meeting as the public hearing on the local control and accountability plan (LCAP). In addition, pursuant to Education Code 52064.1, ~~as added by AB 1808 (Ch. 32, Statutes of 2018),~~ districts are required to develop a local control funding formula budget overview for parents/guardians through a process that meets the requirements of Education Code 52062, including the requirement for a public hearing. See the accompanying Board policy and BP 0460 - Local Control and Accountability Plan.

The agenda for the public hearing on the district budget shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127, 52062)

CSBA NOTE: Pursuant to Education Code 42103, as amended by AB 721 (Ch. 811, Statutes of 2023), beginning January 1, 2027, the requirement to publish notification of the hearing date and location for inspection for the district's proposed budget in a newspaper of general circulation is repealed and instead requires the information to be posted prominently on the district's website homepage at least three days before the availability of the proposed budget for public inspection.

The Superintendent or designee shall notify the County Superintendent of Schools of the location and dates at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing, as ~~required by Education Code 42103.~~specified in Education Code 42103. Beginning January 1, 2027, this notification, rather than being published in a newspaper of general circulation as described above, shall be prominently posted on the homepage of the district's website at least three days before the availability of the proposed budget for public inspection.

Whenever the proposed district budget includes a combined assigned and unassigned ending fund balance that exceeds the minimum recommended reserve for economic uncertainties adopted by the State Board of Education, the district shall provide, for each fiscal year included in the budget, the following information for public review and discussion at the public hearing: (Education Code 42127; 5 CCR 15450)

1. The minimum recommended reserve for economic uncertainties

2. The combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve

3. A statement of reasons substantiating the need for the combined assigned and unassigned ending balances that are in excess of the minimum recommended reserve

During the hearing, any district resident may appear and object to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak. (Education Code 42103)

Budget Review Committee for Disapproved Budgets

CSBA NOTE: Pursuant to Education Code 42127, if the County Superintendent conditionally approves or disapproves the district's initial budget, the district must respond to the County Superintendent's recommendations by October 8; see the accompanying Board policy. If the County Superintendent then disapproves that revised budget, Education Code 42127 and 42127.1 require the County Superintendent to call for the formation of a budget review committee unless the Governing Board and the County Superintendent agree to waive the committee requirement and the California Department of Education agrees to the waiver. See BP 1431 - Waivers. The formation, convening procedures, and timelines of the budget review committee are set forth in Education Code 42127.1-42127.3.

Education Code 42127 provides that the County Superintendent cannot call for the formation of a budget review committee if the sole reason for disapproving the district's budget is disapproval of the district's LCAP or the annual update to the LCAP.

If the district's budget is disapproved by the County Superintendent for any reason other than disapproval of the district's LCAP or annual update to the LCAP, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)

CSBA NOTE: Pursuant to Education Code 42127.2, if the Board fails to select the budget review committee from a list of candidates provided by the Superintendent of Public Instruction (SPI) within five working days of receiving the list, as provided in ~~item~~Item #1 below, the SPI will select and convene the committee no later than 10 working days after the district's receipt of the candidate list.

This committee shall consist of either: (Education Code 42127.1, 42127.2)

1. Three persons selected by the Board from a list of candidates provided by the Superintendent of Public Instruction (SPI), who shall be selected within five working days after receiving the list of candidates

2. A regional review committee selected and convened by the County Superintendent with the approval of the Board and SPI

CSBA NOTE: Pursuant to Education Code 42127.2, the budget review committee is required to submit, by November 30, its recommendation as to whether the district's budget should be approved or disapproved and, if the recommendation is for disapproval, its recommended revisions to the budget. The SPI may extend this deadline for up to 15 working days.

If the budget review committee recommends disapproval of the district budget, the Board may submit a response to the SPI no later than five working days after receipt of the committee's report.

The response may include any revisions to the adopted final budget and any other proposed actions to be taken as a result of the committee's recommendations. (Education Code 42127.3)

If the SPI disapproves the district budget after reviewing the committee's report and the district's response, the Board shall consult with the County Superintendent to develop and adopt, by December 31, a fiscal plan and budget that will allow the district to meet its current fiscal year and multiyear financial obligations. For the current fiscal year, the district shall operate in accordance with the budget adopted by the County Superintendent. (Education Code 42127.3)

Until the district receives approval of its budget, it shall continue to operate either on the basis of the prior year's budget or on the basis of the current year's unapproved budget as adopted and revised by the Board, whichever budget contains a lower total spending authority. (Education Code 42127.4)

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

State	Description
5 CCR 15060	Standardized account code structure
5 CCR 15440-15451	Criteria and standards for school district budgets
5 CCR 15494-15497	Local control and accountability plan and spending requirements
Ed. Code 1240	County superintendent of schools; duties
Ed. Code 33127	Standards and criteria for local budgets and expenditures
Ed. Code 41202	Determination of minimum level of education funding
Ed. Code 42103	Budget notification
Ed. Code 42122-42129	Budget requirements
Ed. Code 42130-42134	Financial reports and certifications
Ed. Code 42140-42142	Public disclosure of fiscal obligations
Ed. Code 42238-42251	Apportionments to districts
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 42602	Use of unbudgeted funds
Ed. Code 42610	Appropriation of excess funds and limitation thereon

Ed. Code 45253	Annual budget of personnel commission
Ed. Code 45254	First year budget of personnel commission
Ed. Code 46211	Attendance Recovery Program
Ed. Code ~~52059.5~~52060-52077	Local control and accountability plan
Gov. Code 21710-21716	California Employer's Pension Prefunding Trust Program
Gov. Code 7900-7914	Appropriations limit

Management Resources	**Description**
California Department of Education Publication	New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011 https://www.cde.ca.gov/fg//ac/co/documents/gasb54.doc
California Department of Education Publication	California School Accounting Manual
Fiscal Crisis & Management Assistance Team Pub.	Fiscal Oversight Guide for AB 1200, AB 2756, AB 1840 and ~~Subsequent~~ Related Legislation, ~~December~~ ~~2015~~June 2019 https://www.fcmat.org/PublicationsReports/Fiscal_Oversight_Guide_final_11-8-2019.pdf
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Governmental Accounting Standards Board Statement	Statement 75, Accounting and Financial Reporting for Post-employment Benefits Other Than Pensions, June 2015 https://gasb.org/page/document?pdf=gasbs75_final_cropped.pdf&title=GASB%20Statement%20No.%2075,%20Accounting%20and%20Financial%20Reporting%20for%20Postemployment%20Benefits%20Other%20Than%20Pensions
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Policy 3280: Sale Or Lease Of District-Owned Real Property

Status: ADOPTED

Original Adopted Date: 07/01/2011 **| Last Revised Date:** ~~10~~12/01/~~2020~~2024 **| Last Reviewed Date:** ~~10~~12/01/~~2020~~2024

CSBA NOTE: The following optional policy and accompanying administrative regulation detail the procedures that govern the district's sale or lease of surplus real property, and may be revised to reflect district practice.

Education Code 17455 authorizes the sale, or lease for up to 99 years, of any district real property together with any personal property located thereon without approval of the voters within the district. To do so, the property must not or will not be needed by the district and the district must follow the procedures ~~stated~~specified in Education Code 17387-17391.

Pursuant to Education Code 33050, a district may request the State Board of Education to waive the statutory bid procedures specified in Education Code 17387-17391, in order to sell surplus real property through a request for proposal process.

Pursuant to Education Code 17219, when the district has not used a previously used site for school purposes within the preceding five years, or has not used a newly acquired site within five years of acquisition for any of grades K-8 or seven years of acquisition for any of grades 7-12, the State Allocation Board (SAB) is authorized to charge an "unused site fee" ~~pursuant to~~ in accordance with Education Code 17219-17224. For further information regarding non-use payments, see the Office of Public School Construction's , "Unused Site Program Handbook~~.~~."

Additionally, the Surplus Land Act (Government Code 54220-54234) requires local agencies, including school districts, prior to disposing of certain land, to offer to sell or lease such land to certain entities for affordable housing, parks and recreation, and other specified uses.

Due to the complexities surrounding the disposal of surplus real property, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel before initiating the process to sell or lease surplus real property.

The Governing Board believes that district facilities and resources should be utilized in an economical and practical manner. The Superintendent or designee shall periodically study the current and projected use of all district facilities to ensure the efficient utilization of space for the effective delivery of instruction.

CSBA NOTE: Pursuant to Education Code 17387-17391, before surplus real property is sold or leased, the Governing Board must appoint an advisory committee to advise the Board on the disposition of such property. Education Code 17388 and 17391 establish exceptions from this requirement~~. As amended by SB 820 (Ch. 110, Statutes of 2020), Education Code 17391 adds an exception, until July~~ , which are listed in Items #1~~, 2024, for the sale or lease of property that has~~

not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary or secondary instruction.-3 below.

Education Code 17389 requires that the advisory committee be representative of specific groups within the community and be composed of not less than seven noror more than 11 members (, commonly referred to as a "7-11 committee").Committee". See the accompanying administrative regulation for further information on the composition and duties of this committee.

Prior to the sale or lease of any surplus real property, the Board shall appoint a district advisory committee to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. The Board may elect not to appoint a district advisory committee for any of the following: (Education Code 17388, 17391)

1. A rental of property for a period of time not exceeding 30 days

2. A lease or rental of surplus property to a private educational institution for the purpose of offering summer school

3. A sale, lease, or rental of surplus property to be used for teacher or other employee housing

4. Until July 1, 2024, a sale or lease of surplus property that has not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary or secondary instruction

CSBA NOTE: Pursuant to Government Code 65402, if the county or city has adopted a general plan which is applicable in the area where the district property is located, the district must notify the county or city planning agency of the location, purpose, and extent of the proposed disposition of district property so that the. The planning agency can determine andis required to report onback to the district within 40 days, indicating whether the extent to which theproposed disposition conforms with the local planning agency's general plan. The planning agency has 40 days during which it may raise objections. If objections are not raised within 40 days, the lack of response is deemed to be a finding that the district's proposed disposition of the property is in conformity with the local planning agency's adopted general plan. Even if the planning agency disapproves of the location, purpose, or extent of the proposed disposition, the district may overrule the disapproval.

In addition, to ensure that the proposed disposition of the property conforms with any general plan adopted by the local planning agency that affects or includes the area where the surplus property is located, the Board shall submit a report to the local planning agency describing the location of the surplus property and the purpose and extent of the proposed sale or lease. (Government Code 65402)

CSBA NOTE: When proposing the sale or lease of surplus property, the district must also comply with Public Resources Code 21000-21177 (the California Environmental Quality Act) (CEQA) (Public Resources Code 21000-21177), when applicable. Pursuant to 14 CCR 15061, the sale or lease of property is exempt from detailed CEQA review if there is no possibility that the sale or

lease will have a significant environmental effect. In such cases, the district must adopt a notice of exemption in accordance with 14 CCR 15062.

The Board shall determine whether the sale or lease of the surplus property is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062)

CSBA NOTE: Pursuant to Government Code 54956.8, the Board may hold a closed session for real property negotiations, including the sale or lease of property by the district. ~~An~~The Attorney General ~~opinion~~ (opined in 94 Ops.Cal.Atty.Gen. 82 (2011)) ~~has concluded~~) that only three subjects related to real property negotiations may be considered in closed session~~:~~ , which are (1) the amount of consideration the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred~~;~~, (2) the form, manner, and timing of how that consideration will be paid~~;~~, and (3) items that are essential to arriving at the authorized price and payment terms. See BB 9321 - Closed Session.

The Board may meet in closed session with its real property negotiator prior to the sale or lease of real property by the district in order to grant its negotiator authority regarding the minimum price or rent and terms of the sale or lease. (Government Code 54956.8)

CSBA NOTE: Pursuant to Government Code 54221, the Board must first declare land to be either (1) surplus land or (2) exempt surplus land under the Surplus Land Act before taking any action to dispose of the land. If land is determined to be "exempt surplus land", certain requirements set forth in the Surplus Land Act (Government Code 54220-54234) do not apply, except for providing notice of the property's availability for sale or lease to specified public entities.

The declaration of whether land is surplus land or exempt surplus land may be done by way of a resolution, which is separate from the resolution adopted to order the sale or lease of surplus property, described below in "Resolution of Intention to Sell or Lease."

Before taking action to dispose of any land, the Board shall declare, at a regular meeting, supported by written findings that, under the Surplus Land Act, the land is either (1) surplus land or (2) exempt surplus land. (Government Code 54221)

CSBA NOTE: Pursuant to Government Code 54221, as amended by AB 480 (Ch. 788, Statutes of 2023), the Board is not required to make a resolution of intent to sell or lease described below at a public meeting for certain exempt surplus land if the district provides notice and opportunity for public comment as described below. Additionally, the Board is required to provide the Department of Housing and Community Development (HCD) notice as specified in its August 2024, "Updated Surplus Land Act Guidelines." For more information regarding land that is defined as "exempt surplus land", see the accompanying administrative regulation.

However, if the land involved is exempt surplus land as specified in Government Code 54221(f)(1), the Board, at its discretion, may decide not to make such a declaration. Instead of the declaration, the Board may identify the land as exempt surplus land in a notice that is published and available for public comment and to the entities identified in Government Code 54222 at least 30 days before the exemption takes effect. (Government Code 54221)

Additionally, at least 30 days prior to disposing of exempt surplus land, the district shall provide the Department of Housing and Community Development (HCD) a copy of the Board's declarations and findings supporting the Board's determination that the land is exempt surplus land using the form prescribed by HCD. (Government Code 54221)

CSBA NOTE: If the Board determines that under the Surplus Land Act the land involved is not exempt surplus land, then certain requirements must be followed in order to dispose of the property. Pursuant to Government Code 54230.5, before agreeing to terms for the disposition of surplus land, districts are required to provide HCD with a description of the notices of availability sent to public entities, summary of negotiations conducted with any responding public entities, and a copy of any restrictions to be recorded against the property as required by the Surplus Land Act. Pursuant to Government Code 54230.7, as added by SB 229 (Ch. 774, Statutes of 2023), districts disposing of surplus land that received a notification of violation from HCD are required to hold an open and public meeting to review and consider the substance of the notice of violation and may not take final action to ratify or approve the proposed disposal until a public meeting is held; see BB 9323.2-E(1) – Actions by the Board.

If the district has received notification from HCD that the district has violated the Surplus Land Act pursuant to Government Code 54230.5, the Board shall not pursue a final action to ratify or approve the proposed disposal of surplus land unless the Board holds an open and public meeting in compliance with Government Code 54230.7 to review and consider the substance of the notice.

CSBA NOTE: When a district is selling any surplus property or leasing it with an option to purchase, Education Code 17464 ~~lists~~and Government Code 54222 of the Surplus Land Act list the public entities that must be given priority to lease or purchase the property and the types of notice that the district must provide such entities before disposing of the property.

Pursuant to Education Code 17464, the notice is required to be mailed to specified public entities and a general notice published once each week for three successive weeks in a regularly published newspaper, with at least five days intervening between the publication dates. If a public entity(ies) desiring to purchase or lease the property responds to the notice within 60 days after the third publication, the district is required to negotiate with the public entity in an effort to arrive at a mutually satisfactory price or lease payment during that 60-day period.

Additionally, pursuant to Government Code 54222 and 54223 of the Surplus Land Act, a public entity interested in leasing or purchasing the land is required to respond within sixty days after the notice is sent and is entitled to a negotiation period of ninety days.

Under certain circumstances, districts may also need to comply with the Naylor Act (Education Code 17485-17500), which requires that priority be given to public agencies when disposing of any district property that includes a playground, playing field, or land ~~with an~~particularly suited for outdoor recreational ~~purpose.~~ or open-space purposes.

Under certain conditions, the district may grant priority to licensed child care providers pursuant to Education Code 17458 or may sell surplus property for less than fair market value to public entities for recreational purposes pursuant to Education Code 17230.

When selling or leasing district real property, the Board shall comply with applicable procedures and give priority to specified public agencies as required by law. (Education Code 17230, 17464, 17485-~~17499~~17500; Government Code ~~54222)~~ 54221-54234)

Resolution of Intention to Sell or Lease

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regularly scheduled open meeting. The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rent. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the district is located, if such a newspaper exists. (Education Code 17469)

CSBA NOTE: Education Code 17470 requires districts to take reasonable steps to notify the former owner of the property of the public meeting at which bids will be considered. However, the Board is not required to accord the former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest bid price.

At least 60 days prior to the public meeting, the Superintendent or designee shall take reasonable steps to provide written notification of the public meeting, by certified mail, to the former owner from whom the district acquired the property. (Education Code 17470)

Acceptance/Rejection of Bids

At the public meeting specified in the resolution of intention to sell or lease property, the Board shall open, examine, and declare all sealed bids. Before accepting a written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

Use of Proceeds

CSBA NOTE: Pursuant to Education Code 17462, the proceeds derived from the sale of surplus property or lease with an option to purchase must generally be used for one-time expenditures for capital outlay or maintenance, with specified exceptions. The law does not place limitations on the use of proceeds for a lease of surplus property that does not include an option to purchase.

The Superintendent or designee shall ensure that the proceeds from the sale or lease with an option to purchase of surplus district property are used for one-time expenditures and not for ongoing expenditures such as salaries and general operating expenses. (Education Code 17462; 2 CCR 1700)

Proceeds from a sale of surplus district property shall generally be used for capital outlay or maintenance costs that the Board determines will not recur within a five-year period. Proceeds from a lease of district property with an option to purchase may be deposited into a restricted fund for the routine repair of district facilities, as defined by the State Allocation Board (SAB~~,~~), for up to a five-year period. (Education Code 17462)

CSBA NOTE: Pursuant to Education Code 17462, proceeds from the sale or lease with an option to purchase may be deposited in the district's general fund when the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements. Thus, districts may not apply to the state for new construction or modernization funding during that time period unless certain conditions specified in Education Code 17462 are satisfied.

However, if the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements, the proceeds from the sale or lease with an option to purchase may be deposited in a special reserve fund for the future maintenance and renovation of school sites or in the district's general fund. (Education Code 17462)

CSBA NOTE: ~~Until July 1, 2024,~~ Pursuant to Education Code ~~17463.7, as added by SB 98 (Ch. 24, Statutes of 2020), authorizes~~17462.3, if the ~~proceeds from the sale or lease of~~district is selling real property purchased ~~entirely~~, improved, or modernized with ~~local~~ funds ~~to be used for any general fund purpose~~received from a state school facilities funding program within the previous 10 years,

the district is required to return those funds to SAB under specified conditions. The district must notify OPSC of the sale by submitting Form SAB 308, available on OPSC's website.

~~In addition, until July 1, 2024, if district surplus property was purchased entirely with local funds, the proceeds from the sale or lease of the property, together with any personal property located on the property, may be deposited into the general fund of the district and may be used for any one-time general fund purpose. Before exercising this authority, the Board shall: (Education Code 17463.7)~~

~~1. Submit to SAB documents certifying that the sale of real property does not violate the provisions of a local bond act and the real property is not suitable to meet projected school construction needs for the next 10 years~~

~~2. At a public meeting, adopt a plan for expending one-time resources from the sale or lease of the property which identifies the source and intended use of the surplus property proceeds and describes the reasons that the expenditure will not result in ongoing fiscal obligations for the district~~

~~CSBA NOTE: Pursuant to Education Code 17462.3, if the district is selling real property purchased, improved, or modernized with funds received from a state school facilities funding program within the previous 10 years, the district is required to return those funds to SAB under specified conditions. The district must notify OPSC of the sale by submitting Form SAB 308, available on OPSC's web site.~~

Whenever the district sells real property that was purchased, improved, or modernized with funds that were received from a state school facilities funding program within the previous 10 years, the district shall notify OPSC within 90 calendar days of the sale of the property if the proceeds from the sale are not used for capital outlay and the property is not sold to a charter school, another school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services. If SAB subsequently makes a finding that the sale is subject to Education Code 17462.3, the district shall return the funds to the SAB within 90 calendar days of the finding. (2 CCR 1702)

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
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State	Description
14 CCR 15061-15062	Preliminary ~~Review~~review of ~~Projects~~projects and ~~Conduct~~conduct of ~~Initial~~ ~~Study~~initial study
2 CCR 1700-1702	Surplus property; use of proceeds
Ed. Code 17219-17224	Acquisition of property not utilized as school site; nonuse payments; exemptions

Ed. Code 17230-17234	Surplus property
Ed. Code 17387-17391	Advisory committees for use of excess school facilities
Ed. Code 17400-17429	Leasing of school buildings
Ed. Code 17430-17447	Leasing facilities
Ed. Code 17453	Lease of surplus district property
Ed. Code 17455-17484	Sale or lease of real property
Ed. Code 17462.3	State Allocation Board program to reclaim funds
Ed. Code 17485-17500	Surplus school playground ~~(~~; Naylor Act~~)~~
Ed. Code 17515-17526	Joint occupancy
Ed. Code 17527-17535	Joint use of district facilities
Ed. Code 17536	Exchange of district property
Ed. Code 33050	Nonwaivable provisions
Ed. Code 38130-38139	Civic Center Act
Gov. Code 50001-50002	Definitions
Gov. Code 54220-~~54232~~54234	Surplus land
~~Gov. Code 54222~~	~~Offer to sell or lease property~~
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952	Legislative body; definition
Pub. Res. Code 21000-21177	California Environmental Quality Act of 1970

Management Resources	**Description**
Attorney General Opinion	94 Ops.Cal.Atty.Gen. 82 (2011)
Attorney General Publication	Guidance Regarding Laws Governing School Closures and Best Practices for Implementation in California, April 2023 (https://oag.ca.gov/system/files/media/letter-school-districts-school-closures-04112023.pdf)
California Department of Education Publication	~~Closing a School~~ Best Practices Guide for Potential School Closure, 2024 (https://www.cde.ca.gov/ls/fa/sf/schoolclose.asp)
California Department of Housing and Community Development Publication	Updated Surplus Land Act Guidelines, August 2024 (https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/final-updated-surplus-land-act-guidelines-2024.pdf)

Court Decision	San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356
Office of Public School Construction Publication	Unused Site Program Handbook, December 2015 (https://www.dgs.ca.gov/-/media/Divisions/OPSC/Services/Guides-and-Resources/Unused-Site-Handbook_ADA.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	Department of General Services, Office of Public School Construction
Website	Coalition for Adequate School Housing
Website	CSBA
Website	California Department of Education, School Facilities

Cross References

Code	Description
1100	Communication With The Public
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1330	Use Of School Facilities
1330	Use Of School Facilities
1431	Waivers
3100	Budget
3100	Budget
3311.2	Lease-Leaseback Contracts
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3580	District Records
3580	District Records
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs

5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6020	Parent Involvement
6020	Parent Involvement
7110	Facilities Master Plan
7111	Evaluating Existing Buildings
7160	Charter School Facilities
7160	Charter School Facilities
7210	Facilities Financing
9130	Board Committees
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board

Regulation 3280: Sale Or Lease Of District-Owned Real Property

Status: ADOPTED

Original Adopted Date: 09/01/1990 **| Last Revised Date:** ~~11~~12/01/~~2006~~2024 **| Last Reviewed Date:** ~~11~~12/01/~~2006~~2024

Definitions

CSBA NOTE: Government Code 54221, as amended by AB 480 (Ch. 788, Statutes of 2023), defines the term "dispose", as reflected below.

Dispose means either (1) the sale of surplus land or (2) the lease of surplus land for a term longer than 15 years, inclusive of any extension or renewal options included in the terms of the initial lease. Dispose does not include the entering of a lease for surplus land on which no development or demolition will occur, regardless of the term of the lease. (Government Code 54221)

CSBA NOTE: Government Code 54221, as amended by AB 480, lists what constitutes "exempt surplus land." As many of the exemptions do not apply to school districts, only some are included in the definition of exempt surplus land below. Additional information on exempt surplus land is available in the California Department of Housing and Community Development's August 2024 publication, "Updated Surplus Land Act Guidelines."

Under the Surplus Land Act, *exempt surplus land* means land, as described in Items #1-10 below, that is: (Government Code 54221)

1. Less than one-half acre in area and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes

2. Being exchanged for another property necessary for the district's use, including easements, pursuant to Education Code 17536

3. Subject to the district advisory committee pursuant to Education Code 17388

4. Jointly occupied by the district and any private person, firm, local governmental agency or corporation pursuant to Education Code 17515

5. Being transferred to a local, state, or federal agency, or to a third-party intermediary for future dedication for the receiving agency's use, or to a federally recognized California Indian tribe

6. A former street, right of way, or easement, and is conveyed to an owner of an adjacent property

7. Developed for low- or moderate-income housing development that meets specified criteria

8. Subject to a valid legal restriction that is not imposed by the district and that makes housing prohibited, such as a conservation easement

9. Transferred to a community land trust, and meets certain specified conditions

10. Included in any of the other exemptions specified in Government Code 54221

District Advisory Committee

CSBA NOTE: Prior to the sale or lease of the property, Education Code 17388 requires the Governing Board to appoint a district advisory committee ~~(~~, often referred to as the 7-11 ~~committee)~~Committee, to advise the Board in the disposition of the property. ~~See~~For more information regarding district advisory committees, including when they are not required, see the accompanying Board policy.

The district advisory committee, which may be referred to as a "7-11 Committee," on use or disposition of surplus school buildings or space shall consist of ~~7~~ not less than seven or more than 11 members representative of each of the following: (Education Code 17389)

1. The district's ethnic, age group, and socioeconomic composition

2. The business community, such as store owners, managers, or supervisors

3. Landowners or renters, with preference to representatives of neighborhood associations

4. Teachers

5. Administrators

6. Parents/guardians of students

7. Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities and counties in which the surplus property is located

This committee shall: (Education Code 17390)

1. Review projected school enrollment and other data to determine the amount of surplus space and real property

2. Establish and circulate throughout the attendance area a priority list for use of surplus space and real property that will be acceptable to the community

3. Hold hearings, with community input, on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes

4. Make a final determination of limits of tolerance of use of space and real property

5. Send the Governing Board a report recommending uses of surplus space and real property

CSBA NOTE: Pursuant to Government Code 54952, ~~open meeting laws~~ (the Brown Act) ~~apply~~ applies to a committee created by formal action of the Board, regardless of whether that body is permanent or temporary, decision making, or advisory. Thus, because Education Code 17388 specifies that the district advisory committee is appointed by the Board, meetings of that committee are subject to the Brown Act. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise regarding the applicability of Brown Act requirements to district or school committees. See AR 1220 - Citizen Advisory Committees and BB 9130 - Board Committees.

The district advisory committee shall comply with open meeting requirements of the Brown Act. (Government Code 54952)

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State	Description
14 CCR 15061-15062	Preliminary ~~Review~~review of ~~Projects~~projects and ~~Conduct~~conduct of ~~Initial~~ ~~Study~~initial study
2 CCR 1700-1702	Surplus property; use of proceeds
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Ed. Code 17430-17447	Leasing facilities
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Ed. Code 17455-17484	Sale or lease of real property
Ed. Code 17462.3	State Allocation Board program to reclaim funds
Ed. Code 17485-17500	Surplus school playground (~~:~~ Naylor Act~~)~~
Ed. Code 17515-17526	Joint occupancy
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Ed. Code 33050	Nonwaivable provisions

Ed. Code 38130-38139	Civic Center Act
Gov. Code 50001-50002	Definitions
Gov. Code 54220-~~54232~~54234	Surplus land
~~Gov. Code 54222~~	~~Offer to sell or lease property~~
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952	Legislative body; definition
Pub. Res. Code 21000-21177	California Environmental Quality Act of 1970

Management Resources	**Description**
Attorney General Opinion	94 Ops.Cal.Atty.Gen. 82 (2011)
Attorney General Publication	Guidance Regarding Laws Governing School Closures and Best Practices for Implementation in California, April 2023 (https://oag.ca.gov/system/files/media/letter-school-districts-school-closures-04112023.pdf)
California Department of Education Publication	~~Closing a School~~ Best Practices Guide for Potential School Closure, 2024 (https://www.cde.ca.gov/ls/fa/sf/schoolclose.asp)
California Department of Housing and Community Development Publication	Updated Surplus Land Act Guidelines, August 2024 (https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/final-updated-surplus-land-act-guidelines-2024.pdf)
Court Decision	San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356
Office of Public School Construction Publication	Unused Site Program Handbook, December 2015 (https://www.dgs.ca.gov/-/media/Divisions/OPSC/Services/Guides-and-Resources/Unused-Site-Handbook_ADA.pdf)
Website	CSBA District and County Office of Education Legal Services
Website	Department of General Services, Office of Public School Construction
Website	Coalition for Adequate School Housing
Website	CSBA
Website	California Department of Education, School Facilities

Cross References

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Policy 3320: Claims And Actions Against The District

Status: ADOPTED

Original Adopted Date: 03/01/2009 | **Last Revised Date:** ~~07~~12/01/~~2018~~2024 | **Last Reviewed Date:** ~~07~~12/01/~~2018~~2024

CSBA NOTE: The following optional policy ~~and accompanying administrative regulation reflect~~reflects the claims procedure in the Government Claims Act pursuant to Government Code 810-996.6. The Government Claims Act ~~details~~sets forth prelitigation requirements and deadlines for ~~the filing of~~ claims against public entities ~~such as~~, including school districts. In *City of Stockton v. Superior Court*, the California Supreme Court held that the claim requirements in Government Code 900-915.4 also apply to claims for breach of contract. For any cause of action that is excepted from the Government Claims Act pursuant to Government Code 905 but has its claim presentation procedure specified in another statute or regulation, such as childhood sexual assault, a claim must be presented in accordance with that statute or regulation. For any cause of action that is excepted from the Government Claims Act pursuant to Government Code 905 but is not governed by any procedure in another statute or regulation, the district may establish its own claim presentation procedure in accordance with Government Code 935.

Government Code 905 specifies certain types of claims which are exempted from the procedures in the Government Claims Act. Pursuant to Government Code 935, a district is authorized to establish its own claims processing procedures for those exempted claims. A local claims requirement must be similar to and be no more restrictive than those established by the Government Claims Act. For example, the district's procedures may not allow a longer time for the Governing Board to take action on a claim than the timeline provided for claims under the Government Claims Act. The following policy ~~and accompanying administrative regulation~~ may be revised to reflect district practice.

Because a district's insurance carrier or joint powers authority (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, it is strongly recommended that, prior to adoption by the ~~Governing~~ Board, this ~~board~~Board policy ~~and accompanying administrative regulation~~ be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. ~~The district's risk manager and legal counsel should also be consulted, as appropriate.~~

It is recommended that the district consult CSBA's District and County Office of Education Legal services or district legal counsel, as necessary, if questions arise regarding the proper procedure to follow for a claim against the district, and the district's insurance carrier and legal counsel for questions regarding conditions of coverage from an insurance carrier or JPA.

The Governing Board desires to conduct district operations in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public.

Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with the Government Claims Act or other applicable state or district procedures, as well as the district's joint powers authority (JPA) agreement or other insurance coverage.

CSBA NOTE: The following optional paragraph is for use by districts that choose to establish their own claims procedures for certain types of claims pursuant to Government Code 935.

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or specifically excepted by Government Code 905 shall be presented and acted upon in accordance with district-established procedures consistent with the manner and time limitations specified in ~~the accompanying administrative regulation, unless a procedure for processing such claims is otherwise provided by state or federal law or regulation. (Government Code 935)~~this Board policy. (Government Code 935)

CSBA NOTE: Pursuant to Government Code 935, claims procedures established by the district may include a requirement that a claim be presented and acted upon in accordance with such procedures as a prerequisite to the filing of a lawsuit against the district. The following paragraph extends this requirement to claims filed under other statutes and may be revised to reflect district practice.

Unless otherwise provided by law, a written claim shall be presented to and acted upon by the Board in accordance with such procedures prior to filing a lawsuit against the district for money or damages.

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

Time Limitations

CSBA NOTE: Items #1-4 below reflect timelines for presenting claims in relation to different causes of action, pursuant to the Government Claims Act and other applicable statutes.

The following time limitations apply to the presentation of claims for money or damages against the district:

1. Claims relating to a cause of action for death or for injury to a person, personal property, or growing crops shall be presented to the Board not later than six months after the accrual of the cause of action (Government Code 911.2)

2. Claims relating to any other cause of action subject to the Government Claims Act shall be filed not later than one year after the accrual of the cause of action (Government Code 911.2)

   CSBA NOTE: Claims for childhood sexual assault are governed by the timelines and procedures specified in Code of Civil Procedure 340.1 and 340.11. For claims of childhood

sexual assault that occurred on or after January 1, 2024, Code of Civil Procedure 340.1, as amended by AB 452 (Ch. 655, Statutes of 2023), provides that there are no time limits for the commencement of actions for the recovery of damages for such assaults, including plaintiffs who are 40 years of age or older who file certificates of merit by the plaintiff's attorney and by a licensed mental health practitioner selected by the plaintiff setting forth the facts which support the declaration. For claims of childhood sexual assault that occurred on or before December 31, 2023, Code of Civil Procedures 340.1, as amended by AB 452, and Code of Civil Procedure 340.11, as added by SB 558 (Ch. 877, Statutes of 2023), provide that the statute of limitations is 22 years from the date the plaintiff attains age 18 or within five years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after age 18 was caused by sexual assault, with claims by plaintiffs who are 40 years of age or older only permitted if the person or district knew or had reason to know, or was otherwise on notice, of any misconduct that creates a risk of childhood sexual assault by an employee, volunteer, representative, or agent or designee, or the person or district failed to take reasonable steps or to implement reasonable safeguards to avoid acts of childhood sexual assault.

3. Claims relating to childhood sexual assault and other causes of action which are specifically excepted from the Government Claims Act by Government Code 905, that are subject to a claims presentation procedure in another statute or regulation, shall be presented to the Board in accordance with the applicable governing statute or regulation (Government Code 905)

CSBA NOTE: Optional Item #4 below is for use by any district whose Board has chosen to exercise the authority in Government Code 935 to establish its own procedure for the presentation of claims which are excluded from the Government Claims Act by Government Code 905 and which are not governed by any other applicable statute or regulation. Pursuant to Government Code 935, the district's procedure cannot require a shorter time for presentation of a claim than the time specified in Government Code 911.2. However, the Board has the discretion to adopt a more flexible time limitation and may increase the amount of time allowed for filing such claims. If the Board adopts a more flexible time limitation, Item #4 should be revised accordingly.

4. Claims relating to any cause of action which is specifically excepted from the Government Claims Act by Government Code 905 but is not governed by any other claim presentation statute or regulation shall be presented to the Board within the time limits specified in Items #1 and 2 above, depending on the applicable cause of action (Government Code 911.2, 935)

Receipt of Claims

A claim shall be deemed presented and received when delivered to the district office or deposited in a post office, mailbox, sub-post office, substation, mail chute, or other similar facility maintained by the U.S. government, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

CSBA NOTE: Government Code 915 authorizes a claim, amendment to a claim, or application for a late claim to be submitted through electronic means, if so authorized by a Board resolution. In practice, such electronic means involve online completion of a fillable form and/or transmission by email. The following paragraph may be revised to specify the electronic means authorized by the district. If the Board has not adopted a resolution authorizing electronic submission, the district should delete the following paragraph.

Pursuant to Government Code 915.4, if the Board authorizes electronic submission, then any notice required of the district in response to a claim, amendment, or application for a late claim is required to be sent to the electronic address from which the district received the claim or application, unless the claimant or applicant specified an alternative electronic address for that purpose.

For more information regarding district notice requirements, see "Notice of Claim Insufficiency," "Late Claims," and "Action on Claims", below.

A claim may be submitted electronically in the manner specified by the Superintendent or designee. (Government Code 915, 915.2)

CSBA NOTE: In most circumstances, a district's insurance provider or JPA is responsible for claims management, including investigating, defending, and managing a district's response to a claim presented under the Government Claims Act. The following paragraph requires the Superintendent or designee to immediately forward any claims received to the district's JPA or insurance provider in order to help ensure compliance with any conditions of coverage.

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's JPA or insurance carrier in accordance with the applicable conditions of coverage.

Review of Contents of the Claim

CSBA NOTE: Most JPAs and insurance carriers provide a claim form. The person submitting the claim need not use the claim form provided by the district but, pursuant to Government Code 910 and 910.2, the claim must contain a signature and all the information listed below.

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant

2. The post office address to which the person presenting the claim desires notices to be sent

3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted

4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim

5. The name(s) of the district employee(s) causing the injury, damage, or loss, if known

6. The amount claimed if it totals less than $10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed

If the amount claimed exceeds $10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case as specified in Code of Civil Procedure 85 and 86.

7. The signature of the claimant or the person acting on the claimant's behalf

Notice of Claim Insufficiency

CSBA NOTE: Pursuant to Government Code 910.8, if a claim is found insufficient, the district is required to notify the claimant of the defects or omission in the claim. Government Code 915.4 authorizes such notice to be personally delivered or mailed or, if the Board has adopted a resolution authorizing electronic submission of claims, then any notice of claim insufficiency is required to be sent to the electronic address from which the claim was sent unless the claimant specifies an alternative electronic address for that purpose; see "Receipt of Claims", above.

Pursuant to Government Code 911, if the district, or the JPA or insurance carrier acting on the district's behalf, fails to give notice that the claim is insufficient, as specified below, then the district may not later raise that issue as a defense to the claim.

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, provide a notice in the manner specified in Government Code 915.4 that states the particular defects or omission in the claim. (Government Code 910.8)

CSBA NOTE: Districts should investigate the background of each claim thoroughly, be cautious before rejecting a claim because of insufficiency of information, and consult CSBA's District and County Office of Education Legal Services or district legal counsel, and/or the district's JPA or insurance provider, as appropriate. In *Stockett v. Association of California Water Agencies Joint Powers Insurance Authority*, the California Supreme Court held that a claim is sufficient, and may not be barred, so long as enough information is disclosed to allow the district to adequately conduct an investigation of the claim's merits, even if the claim was not indicated in the claimant's initial notice.

The Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendment to Claims

Within the time limits provided in "Time Limitations" above or prior to final action by the Board, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

Late Claims

When a claim that is required to be presented not later than six months after the accrual of the cause of action, as specified in "Time Limitations" above, is not presented within that time, an application to present a late claim may be presented to the Board, in the manner specified in Government Code 915 and 915.2, within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall include the proposed claim and shall state the reason for the delay in presenting the claim. (Government Code 911.4)

CSBA NOTE: Pursuant to Government Code 911.3, when a claim is presented late and is not accompanied by an application to present a late claim, the Board or designee may, at any time within 45 days after the claim is presented, give written notice to the person presenting the claim that the claim was not filed timely and that it is being returned without further action. In such circumstances, the Board or designee should notify the claimant that "no action" was taken because the claim was presented late, as taking formal action to "reject" the claim could indicate that the Board had accepted the filing of the late claim and potentially waiver certain legal defenses.

Although districts are not required to provide this notice, failing to do so may prevent the district from relying on the claim's untimeliness as a defense in future litigation. Because of this, the language in the following paragraph has been drafted to require provision of the notice whenever an untimely claim is received. Districts that do not wish to notify claimants that their claim is untimely, and therefore risk the waiver of their untimeliness defense, may modify the language accordingly.

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee shall, within 45 days, give written notice, in the manner specified in Government Code 911.3, that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

The Board shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit

2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim

3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason the person failed to present the claim

4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8 and in the manner specified in Government Code 915.4.

If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

Action on Claims

CSBA NOTE: Pursuant to Government Code 945.6, if the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action or fails to provide written notice rejecting the claim, the claimant then has two years to initiate a suit against the district. The notice of rejection is required to comply with the notification requirements of Government Code 913 unless the claim has no address on it.

Although the Board takes final action on claims as specified below, such action is based on the evaluation of the claim by the district's insurance provider or JPA.

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the district and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected

2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed

3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance

4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim

5. If the Board takes no action on the claim, the claim shall be deemed rejected

CSBA NOTE: The following paragraph is optional. Government Code 935.4 authorizes, but does not require, the Board to delegate to any employee the authority to allow, compromise, or settle a claim of $50,000 or less. Boards that do not wish to delegate such authority should delete the following paragraph. Boards that wish to delegate this authority may modify the following paragraph to specify a different employee to whom the authority is delegated and/or an amount less than $50,000.

Management of the defense or settlement of the claim may be subject to contractual requirements contained in the district's insurance policy, memorandum of coverage, or contractual indemnity agreements. Thus, even when the Board has authorized the Superintendent or another employee to settle such claims, the authority is subject to any such requirements or conditions of coverage.

In accordance with Government Code 935.4, the Board delegates to the Superintendent the authority to allow, compromise, or settle claims of $50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance coverage.

~~**Roster of Public Agencies**~~

CSBA NOTE: The following paragraph should be revised depending on whether the Board delegated to an employee, and if so to which employee, the authority to allow, compromise, or settle a claim of less than $50,000.

If the Board, or Superintendent when appropriate, allows the claim, in whole or in part, or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall be provided in the manner specified in Government Code 915.4. (Government Code 913)

Registry of Public Agencies

CSBA NOTE: Government Code 53051 requires public agencies, such as school districts, to register the information specified below, including the names of all Board members, with the Secretary of State and County Clerk. ~~If~~In *Hovd v. Haward Unified School District*, the appellate court held that if the information required to be registered to the Secretary of State and County Clerk is not on file or is not accurate ~~or if no~~, then a claimant may still state a claim even if the time limit for presenting a claim has expired.

Pursuant to Government Code 960.2 and 960.3, if the information is not on file or is not accurate, the court may allow a person to ~~proceed with~~serve a claim ~~against~~on the district ~~even if the time limit for~~ by mailing or personally delivering process to the Secretary of State's office. Additionally, pursuant to Government Code 946.4, if the information is not on file or is not accurate, then if a

plaintiff fails to present a claim to the district before filing ~~such a claim has expired.~~ suit, this will not constitute a defense for the district. Thus, it is imperative that all required information be current and accurate.

Within 10 days of any change in the full, legal name of the district, the mailing address of the Board, or the names, titles, and addresses of the Board president, the Board clerk or secretary, or other Board members, the Superintendent or designee shall file the updated information with the Secretary of State and the County Clerk. (Government Code 53051)

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

State	**Description**
Code of Civil Procedure 85-86	Limited civil cases; amount in controversy
Code of Civil Procedure 340.1	Action for recovery of damages suffered as result of childhood sexual assault
Code of Civil Procedure 340.~~1~~11	~~Damages suffered as result of childhood sexual abuse~~ Action for recovery of damages suffered as a result of childhood sexual assault that occurred before January 1, 2024
Ed. Code 35200	Liability for debts and contracts
Ed. Code 35202	Claims against districts; applicability of Government Code
Gov. Code 53051	Information filed with secretary of state and county clerk
Gov. Code 6500-6536	Joint powers agreements
Gov. Code 800	Cost in civil actions
Gov. Code 810-996.6	Government Claims Act
Pen. Code 72	Fraudulent claims

Management Resources	**Description**
Court Decision	City of Stockton v. Superior Court (2007) 42 Cal. 4th 730
Court Decision	Connelly v. County of Fresno (2006) 146 Cal.App.4th 29
Court Decision	CSEA v. Azusa Unified School District (1984) 152 Cal.App.3d 580
Court Decision	CSEA v. South Orange Community College District (2004) ~~123~~124 Cal.App.4th 574

Court Decision	Stockett v. Association of California Water Agencies Joint Powers Insurance Authority (2004) 34 Cal.4th 441
Court Decision	Hovd v. Hayward Unified School District (1977) 74 Cal.App.3d 470
Website	CSBA District and County Office of Education Legal Services
Website	California Secretary of State's Office
Website	Fiscal Crisis and Management Assistance Team https://www.fcmat.org/

Cross References

Code	Description
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4119.1	Civil And Legal Rights
4144	Complaints
4144	Complaints
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4219.1	Civil And Legal Rights
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4319.1	Civil And Legal Rights
4344	Complaints
4344	Complaints
4357.1	Work-Related Injuries

4358	Employee Security
4358	Employee Security
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5143	Insurance
5143	Insurance
6163.2	Animals At School
6163.2	Animals At School
9012	Board Member Electronic Communications
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

Regulation 3320: Claims And Actions Against The District

Status: ADOPTED

Original Adopted Date: 07/01/2019 **| Last Revised Date:** 12/01/2024~~03/01/2021~~ **| Last Reviewed Date:** 12/01/2024~~03/01/2021~~

~~CSBA NOTE: The Government Claims Act (Government Code 810-996.6) sets forth prelitigation requirements and deadlines for claims against public entities, including school districts. In *City of Stockton v. Superior Court*, the California Supreme Court held that the claim requirements in Government Code 900-915.4 also apply to claims for breach of contract. For any cause of action that is excepted from the Government Claims Act pursuant to Government Code 905 but has its claim presentation procedure specified in another statute or regulation, such as childhood sexual assault, a claim must be presented in accordance with that statute or regulation. For any cause of action that is excepted from the Government Claims Act pursuant to Government Code 905 but is not governed by any procedure in another statute or regulation, the district may establish its own claim presentation procedure in accordance with Government Code 935. The district should consult legal counsel as necessary if questions arise regarding the proper procedure.~~

~~Because a district's insurance carrier or joint powers authority (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, it is strongly recommended that this administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.~~

~~Any claim against the district for money or damages shall be filed and acted upon in accordance with the Government Claims Act (Government Code 810-996.6) or other applicable law. Claims that are specifically excepted from the Government Claims Act by Government Code 905 and are not governed by any other statute or regulation may be filed and acted upon in accordance with district-established procedures pursuant to Government Code 935.~~

~~CSBA NOTE: Pursuant to Government Code 935, claims procedures established by the district may include a requirement that a claim be presented and acted upon in accordance with those procedures as a prerequisite to the filing of a lawsuit against the district. The following paragraph extends this requirement to claims filed under other statutes and may be revised to reflect district practice.~~

~~Unless otherwise provided by law, a written claim shall be presented to and acted upon by the Governing Board in accordance with such procedures prior to filing a lawsuit against the district for money or damages.~~

~~**Time Limitations**~~

~~CSBA NOTE: Items #1-4 below reflect timelines for presenting claims in relation to different causes of action, pursuant to the Government Claims Act and other applicable statutes.~~

~~The following time limitations apply to the presentation of claims for money or damages against the district:~~

1. Claims relating to a cause of action for death or for injury to a person, personal property, or growing crops shall be presented to the Board not later than six months after the accrual of the cause of action. (Government Code 911.2)

2. Claims relating to any other cause of action subject to the Government Claims Act shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.2)

CSBA NOTE: Claims for childhood sexual assault are governed by the timelines and procedures specified in Code of Civil Procedure 340.1. Pursuant to Code of Civil Procedure 340.1, the time limit for beginning an action for recovery of damages suffered as a result of childhood sexual assault is 22 years from the date the plaintiff attains age 18 or within five years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after age 18 was caused by sexual assault, whichever is later. A claim may be filed on or after the plaintiff's 40th birthday only if the plaintiff files certificates of merit by an attorney and a licensed mental health practitioner selected by the plaintiff setting forth the facts which support the declaration.

3. Claims relating to childhood sexual assault and other causes of action which are specifically excepted from the Government Claims Act by Government Code 905 but are subject to a claims presentation procedure in another statute or regulation shall be presented to the Board in accordance with the applicable governing statute or regulation. (Government Code 905)

CSBA NOTE: Optional item #4 below is for use by any district whose board has chosen to exercise the authority in Government Code 935 to establish its own procedure for the presentation of claims which are excluded from the Government Claims Act by Government Code 905 and which are not governed by any other applicable statute or regulation. See the accompanying Board policy. Pursuant to Government Code 935, the district's procedure cannot require a shorter time for presentation of a claim than the time specified in Government Code 911.2. However, the Governing Board has the discretion to adopt a more flexible time limitation and may increase the amount of time allowed for filing such claims. If the Board adopts a more flexible time limitation, item #4 should be revised accordingly.

4. Claims relating to any cause of action which is specifically excepted from the Government Claims Act by Government Code 905 but is not governed by any other claim presentation statute or regulation shall be presented to the Board within the time limits specified in items #1 and 2 above, depending on the applicable cause of action. (Government Code 911.2, 935)

Receipt of Claims

A claim shall be deemed presented and received when delivered to the district office or deposited in a post office, mailbox, sub-post office, substation, mail chute, or other similar facility maintained by the U.S. government, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

CSBA NOTE: Government Code 915, as amended by SB 1473 (Ch. 371, Statutes of 2020), authorizes a claim, amendment to a claim, or application for a late claim to be submitted through

electronic means, if so authorized by a Board resolution. In practice, such electronic means involve online completion of a fillable form and/or transmission by email. The following paragraph may be revised to specify the electronic means authorized by the district. If the Board has not adopted a resolution authorizing electronic submission, the district should delete the following paragraph.

Pursuant to Government Code 915.4, as amended by SB 1473, if the Board authorizes electronic submission, then any notice required of the district in response to a claim, amendment, or application for a late claim must be sent to the electronic address from which the district received the claim or application, unless the claimant or applicant specified an alternative electronic address for that purpose.

Also see the sections "Notice of Claim Insufficiency," "Late Claims," and "Action on Claims" below.

A claim may be submitted electronically in the manner specified by the Superintendent or designee. (Government Code 915, 915.2)

CSBA NOTE: In most circumstances, a district's insurance provider or JPA is responsible for claims management, including investigating, defending, and managing a district's response to a claim presented under the Government Claims Act. The following paragraph requires the Superintendent or designee to immediately forward any claims received to the district's JPA or insurance provider in order to help ensure compliance with any conditions of coverage.

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's joint powers authority or insurance carrier in accordance with the applicable conditions of coverage.

Review of Contents of the Claim

CSBA NOTE: Most JPAs and insurance carriers provide a claim form. The person submitting the claim need not use the claim form provided by the district but, pursuant to Government Code 910 and 910.2, the claim must contain a signature and all the information listed below.

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant

2. The post office address to which the person presenting the claim desires notices to be sent

3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted

4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim

5. The name(s) of the district employee(s) causing the injury, damage, or loss, if known

6. The amount claimed if it totals less than $10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds $10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case of $25,000 or less.

7. The signature of the claimant or the person acting on the claimant's behalf

Notice of Claim Insufficiency

CSBA NOTE: Pursuant to Government Code 910.8, if a claim is found insufficient, the district must notify the claimant of the defects or omission in the claim. Government Code 915.4, as amended by SB 1473, authorizes such notice to be personally delivered or mailed or, if the Board has adopted a resolution authorizing electronic submission of claims (see section "Receipt of Claims" above), then any notice of claim insufficiency must be sent to the electronic address from which the claim was sent unless the claimant specifies an alternative electronic address for that purpose.

Pursuant to Government Code 911, if the district, or the JPA or insurance carrier acting on the district's behalf, fails to give notice that the claim is insufficient, as specified below, then the district may not later raise that issue as a defense to the claim.

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, provide a notice in the manner specified in Government Code 915.4 that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

CSBA NOTE: Districts should be cautious before rejecting a claim because of insufficiency of information and consult legal counsel and/or the district's JPA or insurance provider, as appropriate. Courts have held that a claim is sufficient as long as enough information is disclosed to allow the district to adequately conduct an investigation of the claim's merits.

The Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendment to Claims

Within the time limits provided in the section "Time Limitations" above or prior to final action by the Board, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

Late Claims

When a claim that is required to be presented not later than six months after the accrual of the cause of action, as specified in the section "Time Limitations" above, is not presented within that time, an application to present a late claim may be presented to the Board, in the manner specified in Government Code 915 and 915.2, within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall include the proposed claim and shall state the reason for the delay in presenting the claim. (Government Code 911.4, 915, 915.2)

CSBA NOTE: If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its agent should notify the claimant that "no action" was taken because the claim was presented late. If the Board were to state that the claim was "rejected," this would indicate that the Board had accepted the filing of the late claim and taken action to reject it.

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee may, within 45 days, give written notice that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

~~The Board shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)~~

~~The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)~~

1. ~~The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.~~

2. ~~The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.~~

3. ~~The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason the person failed to present the claim.~~

4. ~~The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.~~

~~If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8 and in the manner specified in Government Code 915.4. (Government Code 911.8, 915.4)~~

~~If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)~~

~~Action on Claims~~

~~CSBA NOTE: Pursuant to Government Code 945.6, if the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action or fails to provide written notice rejecting the claim, the claimant then has two years to initiate a suit against the district. The notice of rejection must comply with the notification requirements of Government Code 913 unless the claim has no address on it.~~

~~Although the Board takes final action on claims as specified below, such action is based on the evaluation of the claim by the district's insurance provider or JPA.~~

~~Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the district and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)~~

~~The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)~~

1. ~~If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.~~

2. ~~If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.~~

3. ~~If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.~~

4. ~~If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.~~

5. ~~If the Board takes no action on the claim, the claim shall be deemed rejected.~~

~~If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)~~

~~The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall be provided in the manner specified in Government Code 915.4. (Government Code 913, 915.4)~~

Policy 3515.5: Sex Offender Notification

Status: ADOPTED

Original Adopted Date: 02/01/1999 **| Last Revised Date:** ~~03~~12/01/~~2005~~2024 **| Last Reviewed Date:** ~~03~~12/01/~~2005~~2024

CSBA NOTE: Penal Code 290.45 specifies that when a law enforcement agency reasonably suspects that children may be at risk from a registered sex offender, the agency may notify educational institutions. However, the law does not stipulate procedures for districts to follow when so notified. Penal Code 290.45 also provides that any person who receives such sex offender information from a law enforcement agency may only disclose that information in the manner and to the extent authorized by the law enforcement agency. Districts should act reasonably and responsibly if the information is received and should collaborate with local law enforcement in order to determine the most responsible means of communication~~. See~~; see the accompanying administrative regulation. Because school personnel are not equipped to assess the relative danger of offenders, it is recommended that districts consult ~~with~~CSBA's District and County Office of Education Legal Services or district legal counsel when developing their planned response to the receipt of sex offender information.

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Governing Board believes it is important that the district respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

CSBA NOTE: Penal Code 290.45 grants the district and its employees immunity from civil liability for the good faith dissemination of any sex offender information received from a law enforcement agency, as long as the dissemination is in the manner and to the extent authorized by the law enforcement agency.

~~To protect the~~ Any district ~~and its employees from liability, employees shall disseminate~~employee to whom sex offender information ~~in good faith, and~~is disclosed by a law enforcement entity shall disclose the information only ~~in the manner and to the extent~~when authorized by the law enforcement ~~agency.~~entity and in the manner authorized.

CSBA NOTE: Pursuant to Penal Code 290.46 ("Megan's ~~law~~Law") information about certain sex offenders, including their home addresses, is available to the public via the Internet. The district may choose to include notice regarding the availability of this information in its annual parent/guardian notification. The following paragraph is optional and may be revised to reflect district practice.

The Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's ~~Internet~~Megan's Law website.

Role of District Police/Security Department

CSBA NOTE: The following optional section is for use by districts with district police/security departments. Penal Code 290.45 provides that a school district police/security department may be a "designated law enforcement agency" for purposes of receiving information from the Department of Justice about registered sex offenders. As a "designated law enforcement agency," the school district police/security department may make the determination to release information about sex offenders to the school community, such as parents/guardians of students attending the school and other persons regularly present at the school site including students, employees, or volunteers.

In accordance with law, Board policy and administrative regulation, the district police/security department may disseminate information about registered sex offenders to the school community. The district police/security department shall consult with local law enforcement and the Superintendent or designee prior to any such dissemination.

When a registered sex offender's email address or username used for instant messaging or social networking or other internet identifier, as defined in Penal Code 290.024, is submitted to the district police/security department, such information shall only be used by the department or released to another law enforcement entity for the purpose of investigating a sex-related crime, a kidnapping, or human trafficking. No other disclosure shall be made or authorized by the department, except as required by a court order. (Penal Code 290.45)

The district police/security department shall maintain records of the means and dates of dissemination for five years. (Penal Code 290.45)

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State	Description
Ed. Code 32211	Threatened disruption or interference with classes
Ed. Code 35160	Authority of governing boards
Ed. Code 35160.1	Broad authority of school districts
Ed. Code 48981	Parental notifications
Ed. Code 48985	Translation of notifications

Pen. Code 290	Registration of sex offenders
Pen. Code 290.024	Internet identifiers; definition
Pen. Code 290.4	Information ~~re:~~regarding sex offenders
Pen. Code 290.45	Sex offenders; authority of peace officers to provide information
Pen. Code 290.46	Making information about certain sex offenders available via the Internet
Pen. Code 290.9	Addresses of persons who violate duty to register
Pen. Code 290.95	Disclosure by person required to register as sex offender
Pen. Code 3003	Parole; geographic placement
Pen. Code 626.8	Disruptions
Pen. Code 626.81	Sex offender; permission to volunteer at school
Pen. Code 830.32	School district and community college police

Federal	**Description**
42 USC 14071	Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program Act

Management Resources	**Description**
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 20 (1999)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Justice, Megan's Law
Website	U.S. Department of Justice, Sex Offender Registration and Notification Act https://www.justice.gov/criminal/criminal-ceos/sex-offender-registration-and-notification-act-sorna

Cross References

Code	**Description**
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1240	Volunteer Assistance
1240	Volunteer Assistance
1250	Visitors/Outsiders

1250	Visitors/Outsiders
1400	Relations Between Other Governmental Agencies And The Schools
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
4112	Appointment And Conditions Of Employment
4212	Appointment And Conditions Of Employment
4231	Staff Development
5142	Safety
5142	Safety
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications

Regulation 3515.5: Sex Offender Notification

Status: ADOPTED

Original Adopted Date: 02/01/1998 **| Last Revised Date:** ~~05~~12/01/~~2016~~2024 **| Last Reviewed Date:** ~~05~~12/01/~~2016~~2024

CSBA NOTE: Pursuant to Penal Code 290.45, a law enforcement agency may notify the general public about the presence of a sex offender in the community by whatever means the law enforcement agency considers appropriate, including television, newspaper, or the Internet.

The following optional regulation provides a plan for communicating information received from law enforcement. CSBA recommends that districts work closely with local law enforcement in order to help develop a coordinated response to the situation, and revise this regulation accordingly to reflect district practice.

The Superintendent or designee shall develop a plan for receiving and communicating information about registered sex offenders residing within district boundaries. ~~He/she~~The Superintendent or designee shall ensure, at a minimum, that the following components are part of the plan:

1. The Superintendent or designee shall appoint a staff member to serve as the liaison with law enforcement regarding ~~these matters.~~ sex offender information in relation to the safety of children

2. The Superintendent or district liaison shall, at the beginning of each school year, contact local law enforcement to coordinate the receipt of information~~.~~

3. Law enforcement shall be informed that all notifications and correspondence should be directed to the liaison as well as the individual school sites~~.~~

~~1.~~ A letter shall be sent annually to local law enforcement, identifying the name, phone number, and address of the liaison.

~~2.~~ 4. The Superintendent or district liaison shall collaborate with law enforcement in order to alert children to the dangers of sex offenders, develop a system for distributing information about sex offenders, and train school staff and parents/guardians about the roles and responsibilities of both the district and law enforcement~~.~~

~~3.~~ 5. The Superintendent or district liaison shall, at the beginning of each school year, notify parents/guardians of the district's willingness and intention to work with law enforcement on ~~this matter~~keeping children safe from sex offenders and shall explain the appropriate roles and responsibilities of both the district and law enforcement~~.~~

This communication shall also explain:

~~a.~~ a. The reporting requirements pursuant to Penal Code 290 and 290.45, including the fact that law enforcement is the agency best able to assess the relative

danger of a sex offender

~~b.~~ b. The ability of the parents/guardians to contact law enforcement for additional information and to view the information on the Department of Justice's (DOJ) Megan's Law ~~Internet~~ website

CSBA NOTE: Penal Code 290.45 provides that law enforcement may authorize school districts to disclose sex offender information to additional persons upon a determination by law enforcement that this further disclosure will enhance public safety. Penal Code 290.45 requires law enforcement to identify the appropriate scope of further disclosure, which may not include placement of the information on a district ~~Internet~~ website.

~~4.~~ 6. When law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or district liaison shall consult with law enforcement about the appropriate scope of the disclosure~~. When authorized by law enforcement, the Superintendent or liaison may disclose information about a sex offender to the following staff:~~

~~a. The principal of the school which is in the attendance area of the sex offender's residence or place of employment~~

~~b. Teachers and classified personnel at that school, including staff responsible for visitor registration~~

~~c. Principals and staff at adjacent schools, as appropriate~~

~~d. Security staff~~

~~e. Bus drivers~~

~~f. Yard supervisors~~

~~5.~~ 7. Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or district liaison in order to help ensure that the district is able to respond appropriately~~.~~

CSBA NOTE: Penal Code 3003 prohibits certain sex offenders released on parole from residing within one-half mile of school grounds.

~~6.~~ 8. If an identified sex offender is seen on or near school grounds or around any ~~student~~child, staff shall immediately contact the district liaison~~.~~ ~~A staff member may also~~, who shall inform local law enforcement~~.~~ accordingly

~~CSBA NOTE: Pursuant to Penal Code 290.45, any person who convicted of using sex offender information to commit a felony will receive a five-year prison term; any person who uses this information to commit a misdemeanor will be fined at least $500 and not more than $1000.~~

Notification to Parents/Guardians

CSBA NOTE: Pursuant to Penal Code 290.45, law enforcement determines the appropriate scope of the disclosure of sex offender information when necessary to protect public safety. In some circumstances, law enforcement may determine that notification should be provided to the parents/guardians of students attending a specific school. In order to help ensure that parents promptly receive the information and that students are not unduly alarmed, ~~CSBA recommends~~it is recommended that notifications not be sent home with students. ~~District should also consult legal counsel as appropriate.~~

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

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Superintendent or district liaison shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

~~1.~~ 1. An article in a school or parent council newsletter notifying parents/guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school office~~.~~ ~~This article shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's (DOJ) Megan's Law Internet website for additional information.~~

~~2.~~ 2. A mailing, at law enforcement's expense, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders~~.~~ ~~This notification shall encourage parents/guardians to contact local law enforcement and access the DOJ's Megan's Law Internet website for additional information.~~

~~3.~~ 3. A mailing of a letter, at district expense, prepared by law enforcement and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders~~.~~ ~~This notification shall encourage parents/guardians to contact local law enforcement and access the DOJ's Megan's Law Internet website for additional information.~~

The article and mailings listed above shall encourage parents/guardians to contact local law enforcement and access the DOJ's Megan's Law website for additional information.

CSBA NOTE: Pursuant to Penal Code 626.81, a principal may permit a registered sex offender who is not a family member of a student attending the school to enter school premises to volunteer at the school, provided that parents/guardians are notified as provided below. For further information, see AR 1240 - Volunteer Assistance.

Whenever the principal has granted permission to a person who is required to register as a sex offender pursuant to Penal Code 290 to come into a school building or upon school grounds to volunteer at the school, ~~he/she~~the principal or designee shall notify the parent/guardian of each student at that school, at least 14 days in advance ~~using one of the methods specified in Education Code 48981~~, that a registered sex offender has been granted such permission, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. ~~(Penal Code 626.81)~~ This notice shall be provided by regular mail or any other method normally used by the district to communicate with parents/guardians in writing. If a parent/guardian requests such notice in electronic format, the district shall provide electronic notice. (Education Code 48985, Penal Code 626.81)

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

State	Description
Ed. Code 32211	Threatened disruption or interference with classes
Ed. Code 35160	Authority of governing boards
Ed. Code 35160.1	Broad authority of school districts
Ed. Code 48981	Parental notifications
Ed. Code 48985	Translation of notifications
Pen. Code 290	Registration of sex offenders
Pen. Code 290.024	Internet identifiers; definition
Pen. Code 290.4	Information ~~re:~~regarding sex offenders
Pen. Code 290.45	Sex offenders; authority of peace officers to provide information
Pen. Code 290.46	Making information about certain sex offenders available via the Internet
Pen. Code 290.9	Addresses of persons who violate duty to register
Pen. Code 290.95	Disclosure by person required to register as sex offender
Pen. Code 3003	Parole; geographic placement
Pen. Code 626.8	Disruptions
Pen. Code 626.81	Sex offender; permission to volunteer at school
Pen. Code 830.32	School district and community college police

Federal	Description
42 USC 14071	Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program Act

Management Resources	Description
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 20 (1999)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Justice, Megan's Law
Website	U.S. Department of Justice, Sex Offender Registration and Notification Act https://www.justice.gov/criminal/criminal-ceos/sex-offender-registration-and-notification-act-sorna

Cross References

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5142	Safety
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications

Policy 3540: Transportation

Status: ADOPTED

Original Adopted Date: 06/01/1992 **| Last Revised Date:** 12/01/~~2022~~2024 **| Last Reviewed Date:** 12/01/~~2022~~2024

CSBA NOTE: Pursuant to Education Code 39800, the Governing Board may provide transportation for students to and from school whenever such transportation is advisable and good reasons exist to provide these services. The following optional policy is for use by districts that choose to provide transportation services through their own transportation system, contracting out, or other methods, and should be revised to reflect district practice.

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, including expanded learning opportunities programs, promote regular attendance, and reduce tardiness. In determining the extent to which the district will provide transportation services, the Board shall weigh student and community needs against the cost of providing such services.

~~CSBA NOTE: AB 181 (Ch. 52, Statutes of 2022) provides funding for zero-emission school buses and related infrastructure, such as charging or fueling stations, equipment, site design, and construction, with priority for such funding given to districts serving a high percentage of unduplicated students, districts operating the oldest internal combustion buses, small and rural districts, and those purchasing zero-emission buses with bidirectional charging. More information will become available through the State Air Resources Board and the Energy Commission.~~

CSBA NOTE: A district is authorized to provide transportation services in an economical and efficient way, as long as the arrangement complies with law. For example, Education Code 39800.1~~, as added by AB 181,~~ permits partnering with a municipally-owned transit system, in order to provide transportation services to middle and high school students.

The Superintendent or designee shall recommend to the Board economical, environmentally sustainable, and appropriate means of providing transportation services. The district's transportation services may be provided by means of a joint powers agreement, a cooperative student transportation program, or a consortium, as permitted by law.

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

Transportation Plan

CSBA NOTE: The following section may be revised to reflect district practice. Education Code 39800.1~~, as added by AB 181,~~ requires, as a condition of apportionment, a district to adopt a transportation plan in consultation with classified staff, teachers, school administrators, and other stakeholders ~~by April 1, 2023~~, and to update the plan annually~~,~~ by April 1. The plan is required to include descriptions of the transportation services to be provided to certain student groups as specified below.

The Superintendent or designee shall develop a transportation plan in consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts and air quality management districts, parents/guardians, students, and other stakeholders. (Education Code 39800.1)

The transportation plan shall be presented to and adopted by the Board at an open meeting, with the opportunity for in-person and remote public comment, and shall be updated annually by April 1. (Education Code 39800.1)

The transportation plan shall include descriptions of the following: (Education Code 39800.1)

1. The transportation services offered to students

2. ~~How~~The prioritization of transportation services ~~will be prioritized~~ for low-income students, and students in transitional kindergarten, kindergarten, and any of grades 1 to 6, inclusive

3. The transportation services accessible to students with disabilities and homeless children and youth, as defined pursuant to the federal McKinney-Vento Homeless Assistance Act (42 USC 11301)

4. ~~How~~The manner in which unduplicated students, as defined in Education Code 42238.02, will be able to access available home-to-school transportation at no cost

Transportation Contracts

CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 39800 and 39802, the district may use one or more means to provide transportation, as indicated below. For example, the district may use school buses for its regular home-to-school program and contract with private parties to provide transportation for field trips.

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

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

CSBA NOTE: Pursuant to Education Code 39879, as added by SB 88 (Ch. 30, Statutes of 2023), the district is required to obtain written attestations from any private entity with which it contracts to provide student transportation.

Prior to contracting with a private entity for student transportation services, the district shall obtain written attestations from the entity that: (Education Code 39879)

1. The entity does not have any applicable law violations at the time of applying for the contract

2. The entity will maintain compliance with applicable laws for the duration of the contract

3. Under the contract, only drivers who meet the requirements specified in Education Code 39877 will work

4. The entity has on file all the reports and documents required pursuant to Education Code 39877 for the duration of the contract, including, but not limited to, updated, revised, or modified reports and documents, and that the reports and documents shall be available for inspection by the district

Any vehicle used to provide student transportation for compensation shall meet both of the following requirements: (Education Code 39879)

1. Be inspected every 12 months, or every 50,000 miles, whichever comes first, at a facility licensed by the Bureau of Automotive Repair to ensure that the vehicle passes a 19-point vehicle inspection, as adopted by the Public Utilities Commission and as specified in D.13-09-045, before allowing the vehicle to be driven, except for vehicles which are already subject to a statutory inspection program

2. Be equipped with a first aid kit and a fire extinguisher

Expenses and Fees

CSBA NOTE: The following paragraph is optional. If a district that has been providing transportation decides instead to have alternative transportation provided through an outside company or volunteers, this action may constitute "contracting out" and be subject to negotiation pursuant to the Educational Employment Relations Act (Government Code 3540-3549.3).

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

CSBA NOTE: The following optional paragraph is for use by districts that choose to require parents/guardians of transported students to pay a portion of the cost of transportation as authorized by Education Code 39807.5. Pursuant to Education Code 39807.5, ~~as amended by AB 181,~~ the district ~~must~~is required to waive the fee for a student with a disability who meets the requirements set forth in Education Code 56026, and an unduplicated student, as defined in Education Code 42238.02, which includes a student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth. See BP/AR 3250 - Transportation Fees.

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

Safety and Monitoring

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

CSBA NOTE: The following optional paragraph is for use by districts that maintain their own transportation system and may be revised to reflect district practice. Pursuant to Penal Code

637.7, the district is authorized, as the registered owner of the school bus, to use electronic tracking systems to determine the location or movement of the vehicle. ~~It is recommended that school bus drivers be notified when a bus is so equipped.~~

In addition to using a global positioning system (GPS) to locate a bus in an emergency or to track delays, the district may choose to authorize parents/guardians to access the location data so that they may determine when their child has been picked up or dropped off at a bus stop.

Additionally, Vehicle Code 4854 permits the use of devices approved by the Department of Motor Vehicles as an alternative to conventional license plates, stickers, tabs, and cards when specified requirements are met. However, pursuant to Vehicle Code 4854, such alternative devices may not be used to monitor an employee except during work hours and if strictly necessary for the performance of the employee's duties. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when considering the use of vehicle location technology to monitor employees.

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

CSBA NOTE: The following optional paragraph is for use by districts that maintain their own transportation system. A driver who provides transportation to students shall meet the requirements specified in Education Code 39877 and 39878, as added by SB 88.

The Superintendent or designee shall ensure the qualifications of bus drivers, in accordance with Administrative Regulation 3542 – School Bus Drivers, and related staff employed by the district~~,~~; provide for the maintenance and operation of district-owned school buses and other equipment~~,~~; and ensure adequate facilities for equipment storage and maintenance.

Policy Reference UPDATE Service
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State	Description
13 CCR 2025	Retrofitting of diesel school buses
5 CCR 14100-14103	Use of school buses and school pupil activity buses
5 CCR 15240-15343	Allowances for student transportation
5 CCR 15253-15272	District records related to transportation
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 35350	Authority to transport pupils
Ed. Code 39800	Powers of governing board to provide transportation to and from school

Ed. Code 39800-39860	Transportation services
Ed. Code 39801	Contract with County Superintendent of Schools to provide transportation
Ed. Code 39802-39803	Bids and contracts for transportation services
Ed. Code 39806	Payments to parents in lieu of transportation
Ed. Code 39807	Food and lodging payments in lieu of transportation
Ed. Code 39807.5	Payment of transportation costs by parents
Ed. Code 39808	Transportation for private school students
Ed. Code 39877-39878	School bus driver requirements
Ed. Code 39879	Private transportation provider requirements
Ed. Code 41850-41851.1	Allowances for transportation
Ed. Code 41860-41862	Supplemental allowances for transportation
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 52311	Regional occupational centers; transportation
Ed. Code 56026	Student with a disability; definition
Gov. Code 3540-3549.3	Educational Employment Relations Act
Pen. Code 637.7	Electronic tracking devices
Veh. Code 2807	School bus inspection
Veh. Code 4854	Alternatives to conventional license plates

Management Resources	**Description**
Court Decision	Arcadia Unified School District v. California Department of Education (1992) 2 Cal. 4th 251
Public Utilities Commission Order	Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transportation Services, September 2013 (https://docs.cpuc.ca.gov/publisheddocs/published/g000/m077/k192/77192335.pdf)
Website	Bureau of Automotive Repair (https://www.bar.ca.gov/)
Website	CSBA District and County Office of Education Legal Services
Website	Public Utilities Commission (https://www.cpuc.ca.gov/)
Website	California Air Resources Board Zero Emission School Bus and Infrastructure Program (https://www.energy.ca.gov/programs-and-

	topics/programs/zero-emission-school-bus-and-infrastructure-program)
Website	California Energy Commission
Website	Department of Motor Vehicles (https://www.dmv.ca.gov/portal/)
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
3000	Concepts And Roles
3100	Budget
3100	Budget
3250	Transportation Fees
3250	Transportation Fees
3311	Bids
3311	Bids
3312	Contracts
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3512	Equipment
3512-E(1)	Equipment
3514	Environmental Safety
3514	Environmental Safety
3515.6	Criminal Background Checks For Contractors
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3541	Transportation Routes And Services
3541.1	Transportation For School-Related Trips
3541.1-E(1)	Transportation For School-Related Trips

3541.1-E(2)	Transportation For School-Related Trips
3541.2	Transportation For Students With Disabilities
3542	School Bus Drivers
3543	Transportation Safety And Emergencies
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4231	Staff Development
4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5131.1	Bus Conduct
5131.1	Bus Conduct
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.4	Service Learning/Community Service Classes
6173.1	Education For Foster Youth

6173.1	Education For Foster Youth
6178.2	Regional Occupational Center/Program
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice

Policy 5113.1: Chronic Absence And Truancy

Status: ADOPTED

Original Adopted Date: 11/01/2012 **| Last Revised Date:** ~~10~~12/01/~~2020~~2024 **| Last Reviewed Date:** ~~10~~12/01/~~2020~~2024

CSBA NOTE: The following optional policy addresses both chronic absence, which refers to students missing an excessive number of school days for any reason, whether excused or unexcused, and truancy, which refers to students missing school and/or being tardy without a valid excuse. Education Code 48260 defines a "valid excuse" for purposes of classifying students as truants; see the accompanying administrative regulation. Also see BP/AR 5113 - Absences and Excuses for information about methods of verification of student absences.

Pursuant to Education Code 48326, as added by AB 2771 (Ch. 154, Statutes of 2024), beginning with the 2026-27 school year, the California Department of Education (CDE) is required to post on its website information regarding methods of reducing chronic absenteeism, including the formation of school site absence intervention teams.

The Governing Board believes that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district, and that students who are identified as chronically absent or truant receive appropriate support services and interventions as early as possible.

CSBA NOTE: The following paragraph may be revised to reflect district practice. Districts ~~must~~are required to track student attendance for the purpose of reporting chronic absenteeism for the state accountability system (the California School Dashboard) and identifying students who are classified as truants pursuant to Education Code 48260-48273. Tools to calculate chronic absence, such as the District Attendance Tracking Tool and School Attendance Tracking Tool, are available from Attendance Works.

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district.

CSBA NOTE: In developing strategies for addressing chronic absence and truancy, districts may consider reasons for absences given by individual students as well as survey data using tools such as the California Healthy Kids Survey and/or the California School Climate, Health, and Learning Survey System available from WestEd.

CDE has identified strategies that have a positive effect in encouraging students to regularly attend school, which can be found on CDE's webpage, "School Attendance Improvement Strategies." Some of these practices include identifying and responding to grade level and student subgroup patterns of chronic absence and truancy; improving communication with parents/guardians, including using bilingual aides and sending out attendance emails in the language used by parents/guardians; positive reinforcement for improved attendance such as prizes for individuals or classes with the most improved attendance; and personalizing relationships between students and school support staff and/or teachers, including establishing homeroom classes for secondary students for all years of high school.

Additionally, CSBA's, "Seize the Data: Using Chronic Absence Data to Drive Student Engagement," provides research and strategies for districts to use to reduce chronic absenteeism.

The Superintendent, attendance supervisor, or designee shall consult with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy, including in relation to grade level and student subgroup patterns of chronic absence and truancy.

The Superintendent, attendance supervisor, or designee shall develop a tiered approach to reducing chronic absence. Such an approach shall include strategies for preventing attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment~~,~~; relevant and engaging learning experiences~~,~~; school activities that help develop students' feelings of connectedness with the school, including personalized relationships between students and teachers and/or support staff; school-based health services~~,~~; letters alerting parents/guardians to the value of regular school attendance, including the use of bilingual aides and communication in the primary language used by parents/guardians; and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

The tiered approach shall also provide for early outreach to students as soon as they show signs of poor attendance or if they were chronically absent in the prior school year. Early intervention may include personalized outreach, individual attendance plans, and/or mentoring to students with moderate levels of chronic absence, with additional intensive, interagency wrap-around services for students with the highest level of absence.

Students with serious attendance problems shall be provided with interventions specific to their needs, which may include, but are not limited to, health care referrals~~,~~; transportation assistance~~,~~; counseling, including trauma-informed practices, for mental or emotional difficulties~~,~~; academic supports~~,~~; efforts to address school or community safety concerns~~,~~; discussions with the student and parent/guardian about their attitudes regarding schooling~~,~~; or other strategies to remove identified barriers to school attendance. The Superintendent, attendance supervisor, or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make alternative educational programs and support services available for students and families.

The Superintendent or designee shall ensure that staff assigned to fulfill attendance-related duties are trained in implementing a trauma-informed approach to chronic absence and receive information about the high correlation between chronic absence and exposure to adverse childhood experiences.

CSBA NOTE: State law establishes a series of interventions that the district is required or authorized to impose depending on the number of truancies committed by a student; see the accompanying administrative regulation. Habitually truant students, as defined in Education Code 48262, may be referred to a school attendance review board (SARB) if established by the county office of education or to a SARB established by the district Governing Board pursuant to Education Code 48321; see BP/AR 5113.12 - District School Attendance Review Board. Instead of the SARB process, students may be referred to a truancy mediation program operated by the county's district attorney or probation officer pursuant to Education Code 48260.6. Education Code 48264.5 authorizes, but does not require, students who continue to be truant after receiving these interventions to be referred to a juvenile court. Parents/guardians of students who are identified as truant may be subject to penalties pursuant to Education Code 48293, Penal Code 270.1, and/or Penal Code 272.

Students who are identified as chronically absent or truant shall be subject to the interventions specified in law and administrative regulation.

CSBA NOTE: Pursuant to Education Code 46211, as added by SB 153 (Ch. 38, Statutes of 2024), a district may, beginning July 1, 2025, implement attendance recovery programs for students in grades transitional kindergarten-12 to make up lost instructional time and offset absences, including chronic absenteeism for up to 10 days of attendance in a school year or the number of absences a student accrued in that school year, whichever is less. A student's participation in an attendance recovery program may not be compulsory or punitive for such student. Students participating in an attendance recovery program may generate average daily attendance for the school year in which the program is operated, and that otherwise meets the requirements of Education Code 46211. For more information see the accompanying administrative regulation.

To provide students with an opportunity to make up lost instructional time and offset absences, the Superintendent or designee may implement an attendance recovery program for students in grades transitional kindergarten-12. Any such attendance recovery program shall be operated in accordance with Education Code 46211 and as specified in the accompanying administrative regulation.

CSBA NOTE: Education Code 48900 expresses legislative intent that alternatives to suspension or expulsion be used with students who are truant, tardy, or otherwise absent from assigned school activities; see BP 5144 - Discipline and BP 5144.1 - Suspension and Expulsion/Due Process.

A student's truancy, tardiness, or other absence from school shall not be the basis for suspension or expulsion. Alternative strategies and positive reinforcement for attendance shall be used whenever possible.

CSBA NOTE: Education Code 52060 requires districts to include the rates of school attendance, chronic absence, dropout, and graduation, as applicable, in their local control and accountability plan (LCAP); see BP/AR 0460 - Local Control and Accountability Plan.

The California School Dashboard includes measures of district and school performance in each priority area addressed in the LCAP, including chronic absence for grades ~~K~~kindergarten-8. The Dashboard reports the degree to which districts and schools meet performance criteria as well as changes in performance from year to year. ~~See~~

For more information regarding LCAP measures see BP 0500 - Accountability. For grades 9-12, chronic absence rates are available through ~~the California Department of Education's~~CDE's DataQuest.

The Superintendent, attendance supervisor, or designee shall periodically report to the Board regarding student attendance patterns in the district, including rates of chronic absence and truancy districtwide and for each school, grade level, and numerically significant student subgroup as defined in Education Code 52052. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to develop annual goals and specific actions for student attendance and engagement to be included in the district's local control and accountability plan and other applicable school and district plans. As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

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

State	Description
5 CCR 306	Explanation of absence
5 CCR 420-424	Record of verification of absence due to illness and other causes
Ed. Code 1740	Employment of personnel to supervise attendance
Ed. Code 37223	Weekend classes
Ed. Code 44266	Pupil Personnel Services credential
Ed. Code 46000	Attendance records
Ed. Code 46010-46015	Absences
Ed. Code 46110-46120	Attendance in kindergarten and elementary schools
Ed. Code 46140-46148	Attendance in junior high and high schools

Ed. Code 46210-46211	Attendance recovery programs
Ed. Code 48200-48208	Children ages 6-18; compulsory full-time attendance
Ed. Code 48225.5	Work permits; entertainment and allied industries
Ed. Code 48240-48246	Supervisors of attendance
Ed. Code 48260-48273	Truants
Ed. Code 48290-48297	Failure to comply; complaints against parents
Ed. Code 48320-48325	School attendance review boards
Ed. Code 48326	Absence intervention teams
Ed. Code 48340-48341	Improvement of student attendance
Ed. Code 48400-48403	Compulsory continuation education
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 49067	Unexcused absences as cause of failing grade
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 60901	Chronic absence
Gov. Code 54950-54963	The Ralph M. Brown Act
Pen. Code 270.1	Chronic truancy; parent/guardian misdemeanor
Pen. Code 272	Parent/guardian duty to supervise and control minor child; criminal liability for truancy
Pen. Code 830.1	Peace officers
~~Veh. Code 13202.7~~	~~Driving privileges; minors; suspension or delay for habitual truancy~~
W&I Code 11253.5	Compulsory school attendance; eligibility for aid
W&I Code 256-258	Juvenile hearing officer
W&I Code 601-601.5	Habitually truant minors

Management Resources	**Description**
Attendance Works Publication	District Attendance Tracking Tool (https://www.attendanceworks.org/resources/data-tools/california-data-tools/)
Attendance Works Publication	The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014

	(https://www.attendanceworks.org/wp-content/uploads/2017/09/Positive-Priority-Outreach-Toolkit_081914.pdf)
Attendance Works Publications	Bringing Attendance Home: Engaging Parents in Preventing Chronic Absence, 2015 (https://www.attendanceworks.org/resources/toolkits/bringing-attendance-home/)
Attendance Works Publications	School Attendance Tracking Tool (https://www.attendanceworks.org/resources/data-tools/calculating-chronic-absence/)
Attendance Works Publications	For School Board Members: Frequently Asked Questions About Chronic Absence (https://www.attendanceworks.org/wp-content/uploads/2017/10/Attendance-Works-Frequently-Asked-Questions-About-Chronic-Absence-for-school-boards.pdf)
California Department of Education Publication	School Attendance Review ~~Board: A Road Map for Improved School Attendance and Behavior, rev. 2018~~Boards Handbook & Forms (https://www.cde.ca.gov/ls/ai/sb/)
Court Decision	L.A. v. Superior Court of San Diego County (2012) 209 Cal.App.4th 976
California Department of Education Publication	School Attendance Improvement Strategies (https://www.cde.ca.gov/ls/ai/cw/attendstrategy.asp)
CSBA Publication	Research supported strategies to improve the accuracy and fairness of grades, July 2016 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/20161507-GradingGB.ashx?la=en&rev=4e25a7ce86c742198068af40c27324b5)
CSBA Publication	~~Attendance Awareness Month, Fact Sheet, September 2014~~Seize the Data: Using Chronic Absence Data to Drive Student Engagement, March 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs

	/Attendance-Brief-2024.ashx?la=en&rev=a3dd0ccb6e214e3fbe0a4e5d49e797f5)
Website	CSBA District and County Office of Education Legal Services
Website	California Healthy Kids Survey
Website	California School Climate, Health, and Learning Survey System
Website	CSBA
Website	Attendance Works
Website	California Association of Supervisors of Child Welfare and Attendance
Website	California Department of Education

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1400	Relations Between Other Governmental Agencies And The Schools
3515.3	District Police/Security Department
3515.3	District Police/Security Department
4119.41	Employees With Infectious Disease
4131	Staff Development
4219.41	Employees With Infectious Disease

4319.41	Employees With Infectious Disease
5030	Student Wellness
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5112.3	Student Leave Of Absence
5112.3	Student Leave Of Absence
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5113.2	Work Permits
5113.2	Work Permits
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5137	Positive School Climate

5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.33	Head Lice
5141.6	School Health Services
5141.6	School Health Services
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
6020	Parent Involvement
6020	Parent Involvement
6158	Independent Study
6158	Independent Study
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children

6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.4	Education For American Indian Students
6175	Migrant Education Program
6175	Migrant Education Program
6176	Weekend/Saturday Classes
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6179	Supplemental Instruction
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School

Regulation 5113.1: Chronic Absence And Truancy

Status: ADOPTED

Original Adopted Date: 11/01/2010 **| Last Revised Date:** ~~10~~12/01/~~2020~~2024 **| Last Reviewed Date:** ~~10~~12/01/~~2020~~2024

CSBA NOTE: The following administrative regulation may be revised to reflect the district personnel responsible for duties related to attendance supervision and matters related to chronic absence and truancy. Pursuant to Education Code 48240-48246, the district may appoint an attendance supervisor, join a consortium of districts to employ an attendance supervisor, or contract with the County Superintendent of Schools to supervise the attendance of district students. See AR 5113.11 - Attendance Supervision.

Education Code 48273 **mandates** that the district adopt rules and regulations related to reports of district referrals to a school attendance review board (SARB). See the section on "~~Reports~~Records" below for language fulfilling this mandate.

Definitions

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901)

Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and the student's parent/guardian after either of the two previous reports. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260, 48260.5, 48261, 48262, 48263, and 48291. (Education Code 48263.6)

CSBA NOTE: As provided above, definitions of the various categories of truancy are based on the number of absences from school without a valid excuse. Education Code 48260 defines a "valid excuse," for purposes of classifying a student as a truant, as any of the reasons specified in Education Code 48205 (i.e., illness, quarantine, health services appointments, funeral service

attendance, jury duty, illness or medical appointment of student's child, justifiable personal reasons, service on precinct board, time with family member called to active duty or on leave from active duty, and religious exercises), Education Code 48225.5 (i.e., entertainment or allied industries work permits and nonprofit organization performances), or other reasons at the discretion of school administrators. AR 5113 - Absences and Excuses reflects the reasons that students may be excused from school and provides information about methods of verification of student absences.

For purposes of classifying a student as a truant, a valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5, and ~~AR~~Administrative Regulation 5113 - Absences and Excuses. A valid excuse may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse. (Education Code 48260)

Addressing Chronic Absence

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

When a student is identified as a chronic absentee, the Superintendent, attendance supervisor, or designee shall communicate with the student and the student's parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

The student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs to assist the student. When necessary, the student may be referred to a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee, in accordance with Education Code 48263 and ~~item~~Item #3 in ~~the section~~ "Addressing Truancy" below.

A student who is struggling academically may be offered tutoring or other supplemental instruction, ~~extended~~expanded learning opportunities, and/or alternative educational options as appropriate.

CSBA NOTE: Pursuant to Education Code 49067, the Governing Board may authorize teachers to assign failing grades to students with excessive unexcused absences, with the threshold number of absences established by the Board. See BP 5121 - Grades/Evaluation of Student Achievement. However, CSBA's ~~governance brief~~ , "Research-Supported Strategies to Improve the Accuracy and Fairness of Grades," recommends that student absences be dealt with separately from grading and that absences should not be considered in determining a student's level of understanding of course content. The following paragraph is consistent with that recommendation and may be revised to reflect district practice.

Students who are absent shall be given an opportunity to make up missed assignments or assessments and shall receive full credit for satisfactory completion of the work. Students with excessive absences shall be supported to the extent possible to limit the impact of absences on the student's grades.

Whenever chronic absenteeism is linked to a health, social-emotional, family, or other nonschool issue, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and the student's family.

Addressing Truancy

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours of any minor student found away from home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264, 48265, 48266)

The Superintendent, attendance supervisor, or designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of truancies the student has committed:

1. Initial truancy

    a. The student shall be reported to the Superintendent, attendance supervisor, or designee~~.~~ (Education Code 48260)

CSBA NOTE: ~~When~~Beginning July 1, 2025, pursuant to Education Code 48260.5, as amended by SB 691 (Ch. 863, Statutes of 2024), when a student is classified as truant, Education Code 48260.5 requires notification ~~of~~to the student's parents/guardians of the following information by the most cost-effective method possible, which may include email or a telephone call. The California Department of Education's (CDE~~)~~), "School Attendance Review Board: A Road Map for Improved School Attendance and Behavior," provides sample letters.

    b. The student's parent/guardian shall be notified, by the most cost-effective method possible, which may include email or a telephone call, that: (Education Code 48260.5)

        i. The student is truant~~.~~

        ii. The parent/guardian is obligated to compel the student to attend school ~~and, if the parent/guardian fails to meet this obligation, the parent/guardian may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.~~

        iii. Alternative educational programs are available in the district~~.~~

        iv. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy~~.~~

v. The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or designee, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.
v. Mental health and supportive services may be available to the student and the family

vi. If the student is at least 13 years of age but under age 18, the student may be subject to the suspension, restriction, or delay of driving privilege pursuant to Vehicle Code 13202.7.
vi. School personnel are available to meet with the student and family to develop strategies to support the student's attendance at school

vii It is recommended that the parent/guardian accompany the student to school and attend classes

vii. Research shows that missing 10 percent of school for one day.
any reason can translate into students having difficulty learning to read by third grade, achieving in middle school, and graduating from high school

c. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)

d. The student and, as appropriate, the student's parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (Education Code 48264.5)

CSBA NOTE: The following optional itemItem #1e is for use by districts in which there is no county SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program pursuant to Education Code 48260.6.

e. The Superintendent, attendance supervisor, or designee may notify the district attorney and/or probation officer of the student's name and the name and address of the student's parents/guardians. (Education Code 48260.6)

2. Second truancy

a. Any student who has once been reported as a truant shall again be reported to the Superintendent, attendance supervisor, or designee as a truant if the student is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year. (Education Code 48261)

b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)

c. The student may be assigned to an after-school or weekend study program within the county. If and, if the student fails to successfully complete this study program, the student shall be subject to itemItem #3 below. (Education Code 48264.5)

CSBA NOTE: Education Code 48262 provides that a student cannot be classified as a habitual truant (itemItem #3 below) until the district has made a conscientious effort to hold at least one conference with the student and parent/guardian after the attendance supervisor has been notified of either the first or second truancy. Education Code 48262 defines "conscientious effort," for

purposes of this section, as attempting to communicate with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. Thus, the following paragraph requires such communication in the event of the second truancy.

d. An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and the student's parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call~~.~~ (Education Code 48262)

e. The student may be given a written warning by a peace officer~~.~~ A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

CSBA NOTE: The following optional item is for use by districts in which there is no county SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program. Pursuant to Education Code 48260.6, if the district notifies the district attorney and/or probation officer that a student continues to be classified as a truant after proper notification to the parents/guardians as described in ~~item~~Item #1b above, the district attorney or probation officer may request a meeting with the student and the student's parents/guardians to discuss the possible legal consequences of the student's truancy.

f. The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with ~~item~~Item #1b above~~.~~ (Education Code 48260.6)

3. Third truancy (habitual truancy)

CSBA NOTE: Education Code 48263 and 48264.5 authorize the district to refer habitual truants, chronic absentees, and students who are habitually insubordinate or disorderly to a SARB, a county truancy mediation program, or a comparable program for services. The district should revise the following items to reflect the option(s) available in the district.

According to CDE's , "School Attendance Review Board: A Road Map for Improved School Attendance and Behavior~~,~~," prior to referring a student to a SARB or county truancy mediation program, some districts initiate an intermediate step, such as a school-site attendance review team or student success team. Districts that have established such an intermediate step may revise the following item accordingly.

a. A student who is habitually truant, a chronic absentee, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a SARB program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee~~.~~ (Education Code 48263, 48264.5)

b. Upon making a referral to the SARB or the probation department, the Superintendent, attendance supervisor, or other person designated to make the referral shall provide the student, the student's parent/guardian, and SARB or

probation department with documentation of the interventions undertaken at the school~~.~~ ~~The~~

Additionally, the attendance supervisor or designee shall ~~also~~ provide the student and the student's parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and the student's parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)

c. If the student does not successfully complete the truancy mediation program or other similar program, the student shall be subject to ~~item~~Item #4 below~~.~~ (Education Code 48264.5)

CSBA NOTE: Pursuant to Education Code 48263, the SARB or probation officer may direct a student and/or the student's parents/guardians to make use of available community services and may require satisfactory evidence of participation. If the SARB or probation officer determines that available community resources cannot resolve the problem, or if the student and/or the student's parents/guardians have failed to respond to the directives of the SARB or probation officer, the SARB may so notify the district attorney and/or probation officer, or the probation officer may notify the district attorney provided the district attorney or probation officer participates in a truancy mediation program. If the county has not established a SARB, the district may make this finding and notification.

The following paragraph is for use by districts in which the county has not established a SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program.

d. If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or the student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer~~.~~ (Education Code 48263)

4. Fourth truancy

a. Upon the fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court~~.~~ (Education Code 48264.5; Welfare and Institutions Code 601)

CSBA NOTE: Pursuant to Education Code 48264.5 and Welfare and Institutions Code 601, a student coming within the jurisdiction of the juvenile court may be adjudged a ward of the court and required to perform community service, pay a fine, and/or attend a court-approved truancy prevention program~~, and/or lose driving privileges.~~ . In *L.A. v. Superior Court of San Diego County*, a court of appeal held that juvenile court judges have the authority to imprison a truant as a last resort if the student commits an egregious violation of a court order, less restrictive alternatives have proved ineffective, and the student is confined separately from youths held for criminal violations.

b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school.

The juvenile court and probation or parole officer shall be notified within 10 days of the violation. (Education Code 48267)

CSBA NOTE: Item #5 below is for use by districts that offer any of grades K-8. Penal Code 270.1 states that a parent/guardian of a "chronic truant" who is at least six years old and is in any of grades K-8 is guilty of a misdemeanor punishable by a fine and/or imprisonment if the parent/guardian has failed to reasonably supervise and encourage the student's school attendance and has been offered language-accessible support services to address the student's truancy. Pursuant to Penal Code 270.1, a parent/guardian found guilty of a misdemeanor may participate in a program established by a superior court, if available, which includes periodic meetings with district representatives and service referrals.

5. Chronic truancy (unexcused absence for 10 percent of school days)

a. The Superintendent or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.

b. If a chronically truant student is at least age six years and is in any of grades K-8, the Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

Attendance Recovery Program

CSBA NOTE: Pursuant to Education Code 46211, as added by SB 153 (Ch. 38, Statutes of 2024), a district may, beginning July 1, 2025, implement an attendance recovery program for students in grades transitional kindergarten (TK)-12 to make up lost instructional time and offset absences, including chronic absenteeism for up to 10 days of attendance in a school year or the number of absences a student accrued in that school year, whichever is less. A student's participation in an attendance recovery program may not be compulsory or punitive for such student. Students participating in an attendance recovery program may generate average daily attendance (ADA) for the school year in which the program is operated, and that otherwise meets the requirements of Education Code 46211.

Additionally, Education Code 46211, as amended by AB 176 (Ch.998, Statutes of 2024), limits the attendance credit students may earn under the program to no more than five days of attendance per school week or more than one day of attendance for each calendar day of participation in the program.

On or before June 30, 2025, CDE is required to develop and maintain on its website guidance to support districts in creating and implementing a high-quality attendance recovery program.

Beginning July 1, 2025, the district may implement an attendance recovery program for students to make up a maximum of 10 days of attendance for lost instructional time and offset absences incurred during the school year. Any student participating in the program shall not be credited with more than five days of attendance per school week or more than one day of attendance for any calendar day of participation in the program. (Education Code 46211)

The district's program may be operated before or after school, on weekends, or during intersessional periods. The district shall offer access to an attendance recovery program throughout the school year, including, at least once during each term. (Education Code 46211)

The program shall be provided only as a limited-term option for a classroom-based, regular educational program. Students otherwise enrolled in a nonclassroom-based program, such as independent study, shall not participate in an attendance recovery program. (Education Code 46211)

A student shall not be required to participate in the program. Students concurrently participating in both an attendance recovery program and an Expanded Learning Opportunities Program (ELO) pursuant to Education Code 46120, shall retain the ability to participate in the entirety of the ELO's offerings for the duration of the school year. (Education Code 46211)

CSBA NOTE: Pursuant to Education Code 46211, as added by SB 153 and amended by AB 176, a district's attendance recovery program must satisfy the requirements specified in the following paragraphs for student participation in the program to generate ADA for the district.

The district's attendance recovery program shall be composed of students engaged in educational activities and content aligned to grade level standards that are substantially equivalent to the students' regular instructional program, which may include one-on-one or small group tutoring, and shall be under the immediate supervision and control of a certificated teacher who is also an employee of the district and who possesses a valid certification document. (Education Code 46211)

The district's attendance recovery program shall not exceed a student-to-certificated teacher ratio of 10 to 1 for TK and kindergarten or 20 to 1 for grades 1 to 12. The district shall maintain documentation demonstrating how the attendance recovery program met these applicable ratios. (Education Code 46211)

Records

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. CDE's , "School Attendance Review Board: A Road Map for Improved School Attendance and Behavior," cautions that it is important to keep accurate and complete records of any violations of compulsory school attendance laws because such records may ultimately be introduced as evidence in a trial for truancy.

The Superintendent, attendance supervisor, or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. In addition, the attendance supervisor,

designee, and/or the staff persons who have direct contact with the student or parent/guardian shall document all their contacts regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

The Superintendent, attendance supervisor, or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court. (Education Code 48273)

CSBA NOTE: Pursuant to Education Code 46211, as amended by AB 176, the district is required to maintain documentation of compliance with law as specified below, if the district participates in an attendance recovery program.

Additionally, in regard to the district's attendance recovery program, the Superintendent or designee shall maintain documentation demonstrating how the attendance recovery program met the student-to-teacher ratios specified in Education Code 46211.

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

State	Description
5 CCR 306	Explanation of absence
5 CCR 420-424	Record of verification of absence due to illness and other causes
Ed. Code 1740	Employment of personnel to supervise attendance
Ed. Code 37223	Weekend classes
Ed. Code 44266	Pupil Personnel Services credential
Ed. Code 46000	Attendance records
Ed. Code 46010-46015	Absences
Ed. Code 46110-46120	Attendance in kindergarten and elementary schools
Ed. Code 46140-46148	Attendance in junior high and high schools
Ed. Code 46210-46211	Attendance recovery programs
Ed. Code 48200-48208	Children ages 6-18; compulsory full-time attendance
Ed. Code 48225.5	Work permits; entertainment and allied industries
Ed. Code 48240-48246	Supervisors of attendance

Ed. Code 48260-48273	Truants
Ed. Code 48290-48297	Failure to comply; complaints against parents
Ed. Code 48320-48325	School attendance review boards
Ed. Code 48326	Absence intervention teams
Ed. Code 48340-48341	Improvement of student attendance
Ed. Code 48400-48403	Compulsory continuation education
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 49067	Unexcused absences as cause of failing grade
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 60901	Chronic absence
Gov. Code 54950-54963	The Ralph M. Brown Act
Pen. Code 270.1	Chronic truancy; parent/guardian misdemeanor
Pen. Code 272	Parent/guardian duty to supervise and control minor child; criminal liability for truancy
Pen. Code 830.1	Peace officers
~~Veh. Code 13202.7~~	~~Driving privileges; minors; suspension or delay for habitual truancy~~
W&I Code 11253.5	Compulsory school attendance; eligibility for aid
W&I Code 256-258	Juvenile hearing officer
W&I Code 601-601.5	Habitually truant minors

Management Resources	**Description**
Attendance Works Publication	District Attendance Tracking Tool (https://www.attendanceworks.org/resources/data-tools/california-data-tools/)
Attendance Works Publication	The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for Positive Linkages and Engagement, 2014 (https://www.attendanceworks.org/wp-content/uploads/2017/09/Positive-Priority-Outreach-Toolkit_081914.pdf)
Attendance Works Publications	Bringing Attendance Home: Engaging Parents in Preventing Chronic Absence, 2015

	(https://www.attendanceworks.org/resources/toolkits/bringing-attendance-home/)
Attendance Works Publications	School Attendance Tracking Tool (https://www.attendanceworks.org/resources/data-tools/calculating-chronic-absence/)
Attendance Works Publications	For School Board Members: Frequently Asked Questions About Chronic Absence (https://www.attendanceworks.org/wp-content/uploads/2017/10/Attendance-Works-Frequently-Asked-Questions-About-Chronic-Absence-for-school-boards.pdf)
California Department of Education Publication	School Attendance Review ~~Board: A Road Map for Improved School Attendance and Behavior, rev. 2018~~Boards Handbook & Forms (https://www.cde.ca.gov/ls/ai/sb/)
Court Decision	L.A. v. Superior Court of San Diego County (2012) 209 Cal.App.4th 976
California Department of Education Publication	School Attendance Improvement Strategies (https://www.cde.ca.gov/ls/ai/cw/attendstrategy.asp)
CSBA Publication	Research supported strategies to improve the accuracy and fairness of grades, July 2016 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/20161507-GradingGB.ashx?la=en&rev=4e25a7ce86c742198068af40c27324b5)
CSBA Publication	~~Attendance Awareness Month, Fact Sheet, September 2014~~Seize the Data: Using Chronic Absence Data to Drive Student Engagement, March 2024 (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/Attendance-Brief-2024.ashx?la=en&rev=a3dd0ccb6e214e3fbe0a4e5d49e797f5)
Website	CSBA District and County Office of Education Legal Services
Website	California Healthy Kids Survey

Website	California School Climate, Health, and Learning Survey System
Website	CSBA
Website	Attendance Works
Website	California Association of Supervisors of Child Welfare and Attendance
Website	California Department of Education

Cross References

Code	Description
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1400	Relations Between Other Governmental Agencies And The Schools
3515.3	District Police/Security Department
3515.3	District Police/Security Department
4119.41	Employees With Infectious Disease
4131	Staff Development
4219.41	Employees With Infectious Disease
4319.41	Employees With Infectious Disease
5030	Student Wellness
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5112.3	Student Leave Of Absence

5112.3	Student Leave Of Absence
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5113.2	Work Permits
5113.2	Work Permits
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5137	Positive School Climate
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.33	Head Lice

5141.6	School Health Services
5141.6	School Health Services
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
6020	Parent Involvement
6020	Parent Involvement
6158	Independent Study
6158	Independent Study
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families

6173.4	Education For American Indian Students
6175	Migrant Education Program
6175	Migrant Education Program
6176	Weekend/Saturday Classes
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6179	Supplemental Instruction
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School

Policy 5148: Child Care And Development

Status: ADOPTED

Original Adopted Date: 03/01/2009 **| Last Revised Date:** ~~06~~12/01/~~2023~~2024 **| Last Reviewed Date:** ~~06~~12/01/~~2023~~2024

CSBA NOTE: The following optional policy may be revised to reflect the type(s) of child care and development programs offered by the district.

The Child Care and Development Services Act (Welfare and Institutions Code 10207-10492.2) establishes a variety of child care programs including resource and referral programs (Welfare and Institutions Code 10217-10224.5; 5 CCR 18240-18249), alternative payment programs (Welfare and Institutions Code 10225-10234; 5 CCR 18220-18231), migrant child care and development programs (Welfare and Institutions Code 10235-10238), general child care and development programs (Welfare and Institutions Code 10240-10243), and programs for children with ~~special needs~~disabilities (Welfare and Institutions Code 10260-10263).

The Early Education Expansion Program (Education Code 8337~~, as amended by AB 210 (Ch. 62, Statutes of 2022)~~) provides grant funding, as specified, until June 30, 2027, for the purpose of increasing access to inclusive early care and education programs. Additionally, the California Department of Education (CDE) has developed a Universal Prekindergarten resources landing page, "Universal Prekindergarten (UPK), California's Great Start," designed for use by districts that operate California State Preschool Programs (CSPP), Head Start programs, transitional kindergarten, and child care providers.

Effective July 1, 2021, administrative authority over the state's child care and development programs was statutorily transferred from CDE to the California Department of Social Services (CDSS), pursuant to Welfare and Institutions Code 10200-10206. Accordingly, the related statutes were repealed from the Education Code and reenacted in the Welfare and Institutions Code. Pursuant to Welfare and Institutions Code 10205, all existing regulations relating to child care programs that have been adopted by CDE are expressly continued in force, unless they conflict with law. Additionally, pursuant to Welfare and Institutions Code 10206~~, as amended by AB 210~~, the date by which CDE and CDSS are required to adopt implementing regulations related to early childhood development has been extended to December 31, 2025.

Education Code 8207 clarifies that the Superintendent of Public Instruction (SPI) and CDE retain administrative supervision of the CSPP.

For requirements pertaining to before-school and after-school programs, including the After-School Education and Safety program (Education Code 8482-8484.65), 21st Century Community Learning Centers (Education Code 8484.7-8484.8), and Expanded Learning Opportunities Program (Education Code 46120), see BP/AR 5148.2 - Before/After School Programs. For requirements

pertaining to preschool programs ~~for children ages 3-4~~ pursuant to the CSPP, see BP/AR 5148.3 - Preschool/Early Childhood Education.

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

CSBA NOTE: Pursuant to Welfare and Institutions Code 10277, as added by SB 140 (Ch. 193, Statutes of 2023), each county and contractor that reimburses child care providers for the provision of state-funded subsidized child care and development services is required to develop, implement, and publish a plan for timely payment to child care providers.

~~The Board~~ Upon approval by the Board, the district shall enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Welfare and Institutions Code 10480-10487 establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care and to develop policies to meet identified needs.

Pursuant to Welfare and Institutions Code 10492.1 and 10492.2, CDSS is required to develop the Whole Child Equity Framework and Whole Child Community Equity Screening Tool to provide data needed to support the equitable distribution of resources and monitor progress on addressing racial and economic inequities of children up to 13 years of age, including access to child care.

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

CSBA NOTE: Pursuant to 5 CCR 18271, the district must have a written philosophical statement, goals, and objectives, approved by the Governing Board, which address each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation for required program components.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

~~When a district child care program is physically closed by local or state public health order, the district shall provide distance learning when required to do so as a condition of funding or when required by law.~~

~~**Eligibility and Enrollment**~~ **Eligibility, Enrollment, and Disenrollment**

CSBA NOTE: Pursuant to 5 CCR 18105, districts contracting to offer child care services are **mandated** to develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218, as provided below. See the accompanying administrative regulation for additional language that fulfills this mandate.Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

CSBA NOTE: Welfare and Institutions Code 10271 and 5 CCR 18106 establish eligibility criteria and priorities for subsidized child care services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Welfare and Institutions Code 10332 and 5 CCR 18107 authorize the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized child care services are provided to eligible families to the extent that state and/or federal funding is available and in accordance with enrollment priorities specified in Welfare and Institutions Code 10271 and 5 CCR 18106.

CSBA NOTE: The following paragraph is optional and may be revised to reflect any district-established priorities for nonsubsidized services.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

CSBA NOTE: Pursuant to Health and Safety Code 1596.802, as added by SB 722 (Ch. 631, Statutes of 2023), CDSS is required to create a template form for plans of operations and for incidental medical services plans, and to eliminate any requirement that an incidental medical services plan or amended plan of operation be approved before a child with a disability is allowed to attend a child care and development program.

So long as the district has submitted a completed incidental medical services plan to CDSS, a child may be enrolled in the district's child care and development program prior to approval of the plan. Additionally, for a child with disabilities, the child may attend the district's child care and development program prior to the approval of an incidental medical services plan or amended plan of operation, so long as the forms have been submitted to CDSS. (Health and Safety Code 1596.802)

A child's eligibility for transitional kindergarten enrollment shall not impact family eligibility for a

~~childcare~~child care or preschool program. (Education Code 48000)

A child shall not be expelled or unenrolled from the district's child care and development program, nor shall the child's parents/guardians be persuaded or encouraged to voluntarily unenroll from the program based on the child's behavior, unless in accordance with the procedures specified in the accompanying administrative regulation.

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services as specified in the accompanying administrative regulation.

Fees and Charges

CSBA NOTE: Except when prohibited, the district may charge a fee for families using child care services, including families who are eligible for subsidized child care services; see the accompanying administrative regulation for additional information on charging family fees for child care programs.

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services in accordance with law and the accompanying administrative regulation.

Staffing

CSBA NOTE: The Commission on Teacher Credentialing (CTC) issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Welfare and Institutions Code 10380-10387.5 and 5 CCR 80105-80125. Welfare and Institutions Code 10383.5, as added by AB 1930 (Ch. 687, Statutes of 2024), requires CTC to authorize a holder of a Child Development Associate Teacher Permit to renew their permit without a limitation on the number of renewals if the permitholder completes specified hours of professional growth activities. The district may request a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Welfare and Institutions Code 10213.5 and 5 CCR 18295.

Additionally, ~~CTC has adopted~~ 5 CCR 80067, 80067.1, 80067.2, and 80067.~~2, which are pending approval by the Office of Administrative Law~~3, pertaining to the prekindergarten-grade 3 early childhood education specialist credential, ~~that~~ include requirements, and accelerated pathways to meet the requirements, in an effort to increase the number of early childhood education teachers ~~to support UPK~~; see CTC Coded Correspondence ~~23-02~~24-03 for more information regarding the regulations.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance~~. See~~; see the accompanying administrative regulation.

Welfare and Institutions Code 10208 specifies indicators for the implementation of quality programs, which~~, as amended by AB 210,~~ requires that staff have the appropriate and required training, or any combination of qualifications, experience, or training.

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications, experience, and training, and have satisfied all legal requirements.

Facilities

CSBA NOTE: Optional Items #1-5 below present examples of methods that may be used to provide facilities for child care services and may be revised to reflect district practice.

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

CSBA NOTE: Health and Safety Code 1596.804~~, as added by AB 2827 (Ch. 916, Statutes of 2022),~~ requires CDSS to revise its regulations to permit children with disabilities to use outdoor play spaces simultaneously with children who do not have disabilities without having to first seek a regulatory waiver and to specify any health and safety requirements that are required to be met when simultaneous play occurs.

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

CSBA NOTE: Pursuant to 5 CCR 4610, the district's uniform complaint procedures should be used to resolve any complaint alleging violation of state or federal laws governing educational programs, including child care and development programs; see BP/AR 1312.3 - Uniform Complaint Procedures. However, 5 CCR 4611, provides that health and safety complaints regarding licensed facilities that operate a child care and development program should be referred to CDSS as described in the following paragraph and BP 1312.3 - Uniform Complaint Procedures.

Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. See the accompanying administrative regulation for information about child care programs that are exempted from licensure requirements. If all of the district's child care services are license-exempt, the following paragraph may be deleted.

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in ~~BP/AR~~ Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

Program Evaluation

CSBA NOTE: 5 CCR 18279-18281 require child care and development programs to be evaluated through the standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes, but is not limited to, a staff assessment, a parent ~~survey, and an environment rating scale.~~/guardian survey, and an environment rating scale. CDE's Early Education Division Management Bulletin 23-10 provides that each child care setting that includes one or more children enrolled in a CSPP is required to conduct Classroom Assessment Scoring System observations with respect to all children in the child care setting, regardless of funding source.

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

Policy Reference UPDATE Service
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State	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 18000-18308	Early Learning and Care Programs
5 CCR 18012-18122	General requirements
5 CCR 18180-18192	Federal and state migrant programs
5 CCR 18210-18213	Severely handicapped program
5 CCR 18220-18231	Alternative payment program

5 CCR 18240-18249	Resource and referral program
5 CCR 18270-18281	Program quality; accountability
5 CCR 18290-18292	Staffing ratios
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 18300-18308	Appeals and dispute resolution
5 CCR ~~4680~~4600-4687	~~Williams uniform~~Uniform complaint procedures and Williams complaints
5 CCR 80067-80067.~~2~~3	Early Childhood Education Specialist Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 46120	Expanded Learning Opportunities Program
Ed. Code 48000	Transitional kindergarten
Ed. Code 49540-49546	Child care food program
Ed. Code 49570	National School Lunch program
Ed. Code 56244	Staff development funding
Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8207	California State Preschool Program administration
Ed. Code 8337	Early Education Expansion Program
Ed. Code 8482-8484.65	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
H&S Code 120325-120380	Immunization against communicable diseases
H&S Code 120440	Disclosure of immunization information to local and state health departments
H&S Code 1596.70-1596.895	California Child Day Care Act
H&S Code 1596.90-1597.21	Day care centers
W&I Code 10200-10206	Early Childhood Development Act of 2020
~~W&I Code 10207-10215~~	~~General provisions~~
W&I Code 10207-10492.2	Child Care and Development Services Act
W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs

W&I Code 10235-10238	Migrant child care and development programs
W&I Code 10240-10243	General child care and development programs
W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10271	Eligibility, enrollment and priority of services; physical examinations; rules and regulations
W&I Code 10271.5	Income eligibility
W&I Code 10271.7	Family member certified as eligible to receive benefits; definition
W&I Code 10272.5	Order of disenrollment
W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12
W&I Code 10276	Child Care and Development Fund notice to providers
W&I Code 10290	Fee schedule for families using preschool and child care and development services
W&I Code 10291	Families exempt from family fees
W&I Code 10315	Transfer of information to public schools
W&I Code 10332	Children residing in another district; use of facilities and personnel
W&I Code 10491-10491.1	Expulsion and suspension procedures in childcare and development services programs

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 303.1-303.734	Early Intervention Program for Infants and Toddlers with Disabilities
42 USC 1751-1769j	School Lunch Program
42 USC 9831-9852c	Head Start programs
42 USC 9857-9858r	Child Care and Development Block Grant
45 CFR 98.1-98.93	Child Care and Development Fund
7 CFR 210.1-210.33	National School Lunch Program

Management Resources	**Description**

CA Commission on Teacher Credentialing Publication	~~Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023~~Approval of Regulations Authorizing the New PK-3 Early Childhood Education Specialist Instruction Credential, Coded Correspondence 24-03, March 2024 (https://www.ctc.ca.gov/docs/default-source/commission/coded/2024/coded-24-03.pdf)
CA Dept of Social Services Publication	AB 116 Implementation: Family Fee Changes, Child Care Bulletin No. 23-22, August 2023 (https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/CCBs/2023/CCB_23-22.pdf?ver=2023-09-06-093957-867)
CA Dept of Social Services Publication	Child Care Transition: The Early Childhood Development Act of 2020 (https://www.cdss.ca.gov/inforesources/child-care-and-development/child-care-and-development-transition)
CA Dept of Social Services Publication	American Rescue Plan Act Child Care & Development Division FAQ (https://www.cdss.ca.gov/inforesources/child-care-and-development/arpa-frequently-asked-questions)
~~CA Dept~~California Department of ~~Social Services~~Education Publication	~~COVID-19 Licensed Child Care Facilities and Providers (FAQs)~~Implementation of the Classroom Assessment Scoring System (CLASS) and CLASS Environment and Removal of the Environment Rating Scale for the California State Preschool Program (CSPP), Early Education Division Management Bulletin 23-10, December 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2310.asp)
Court Decision	CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services (2001) 91 Cal.App.4th 892
U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016
Bipartisan Policy Center	From the Ground Up: Improving Child Care and Early Learning Facilities, 2023 (https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2023/08/BPC_Facilities-Report_2023_R02.pdf)
Website	Osteopathic Medical Board of California
Website	Medical Board of California
Website	California Department of Social Services, Child Care Licensing

Website	EveryChild California, an Association of Leaders Advancing Early Learning
Website	Office of Administrative Law
Website	Universal Prekindergarten, California's Great Start
Website	CSBA District and County Office of Education Legal Services
Website	California Commission on Teacher Credentialing
Website	California Association for the Education of Young Children
Website	California Department of Education, Early Education Division
Website	California Department of Education, Early Education Management Bulletins
Website	California Head Start Association
Website	California School-Age Consortium
Website	National Association for the Education of Young Children
Website	U.S. Department of Health and Human Services
Website	Commission on Teacher Credentialing
Website	CSBA
Website	U.S. Department of Education
Website	California Department of Public Health

Cross References

Code	Description
0000	Vision
0100	Philosophy
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0500	Accountability
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures

1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330	Use Of School Facilities
1330	Use Of School Facilities
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3312	Contracts
3523	Electronic Signatures
3523	Electronic Signatures
3540	Transportation
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check

4112.6	Personnel Files
4131	Staff Development
4161.2	Personal Leaves
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4231	Staff Development
4261.2	Personal Leaves
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4331	Staff Development
4361.2	Personal Leaves
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5022	Student And Family Privacy Rights
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5111.1	District Residency
5111.1	District Residency
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management

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Regulation 5148: Child Care And Development

Status: ADOPTED

Original Adopted Date: 07/01/2015 **| Last Revised Date:** ~~06~~12/01/~~2023~~2024 **| Last Reviewed Date:** ~~06~~12/01/~~2023~~2024

CSBA NOTE: The following administrative regulation reflects provisions generally applicable to programs under the Child Care and Development Services Act (Welfare and Institutions Code 10207-10492.2). Such programs include resource and referral programs (Welfare and Institutions Code 10217-10224.5; 5 CCR 18240-18249), alternative payment programs (Welfare and Institutions Code 10225-10234; 5 CCR 18220-18231), migrant child care and development programs (Welfare and Institutions Code 10235-10238), general child care and development programs (Welfare and Institutions Code 10240-10243), and programs for children with ~~special needs~~disabilities (Welfare and Institutions Code 10260-10263).

Pursuant to Welfare and Institutions Code 10200-10206, effective July 1, 2021, the state's responsibility for administering these programs transferred from the California Department of Education (CDE) to the California Department of Social Services (CDSS). Education Code 8207 clarifies that the Superintendent of Public Instruction and CDE retain administrative supervision of the California State Preschool Programs (CSPP).

The district may revise this regulation to reflect specific requirements for the program(s) it offers. See BP/AR 5148.2 - Before/After School Programs for requirements pertaining to the After-School Education and Safety program (Education Code 8482-8484.65), 21st Century Community Learning Centers (Education Code 8484.7-8484.9), and Expanded Learning Opportunities Program (Education Code 46120), and BP/AR 5148.3 - Preschool/Early Childhood Education for CSPP requirements.

The following administrative regulation does not reflect all policy language mandated for each specific program. The district should be careful to include the mandates, if any, applicable to the program(s) it offers. For example, for the alternative payment program, 5 CCR 18221 mandates a written policy statement that includes specified components, including, but not limited to, program purpose, enrollment priorities, family eligibility, conditions/requirements for participation, reimbursement of providers, range of services available, and family fee collection. For the resource and referral program, 5 CCR 18244 and 18247 mandate written referral policies and written complaint procedures.

In addition to the program requirements described below, child care and development programs may be subject to other policies in the district's policy manual ~~(e.g.,~~ such as BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, and BP/AR 3550 - Food Service/Child Nutrition Program~~). Districts should~~. It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel if there are

questions regarding the applicability of other laws to the district's child care and development program.

Licensing

CSBA NOTE: Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. Health and Safety Code 1596.792 and 22 CCR 101158 list exemptions from the licensure requirements including, but not limited to, any program that (1) is a "public recreation program" that meets the criteria specified in Health and Safety Code 1596.792, (2) is operated before and/or after school by qualified teachers employed by the district, (3) is a school parenting program or adult education child care program, (4) operates only one day per week for no more than four hours on that day, (5) offers temporary child care services to parents/guardians who are on the same premises as the child care site, (6) provides activities that are of an instructional nature in a classroom-like setting when K-12 students are normally not in session and the sessions do not exceed a total of 30 days when only school-age children are enrolled or 15 days when younger children are enrolled, or (7) is a CSPP program operated in a school building that meets specified health and safety requirements. If the district offers only programs that are exempted from licensure, it should modify the following regulation accordingly.

Pursuant to Health and Safety Code 1596.951, CDSS ~~was required to adopt regulations by January 1, 2021 to create~~created a child care center license that includes components for serving infant, toddler, preschool, and school-age children; health and safety standards; and enhanced ability to transition children to the next age group. ~~However, as amended by AB 2131 (Ch. 910, Statutes of 2022), Health and Safety Code 1596.951, authorizes CDSS to implement and administer the creation of a single child care center license through all-county letters or similar written instructions until regulations are adopted. Pursuant to Health and Safety Code 1596.951, all child care centers are required to be licensed by January 1, 2024.~~All child care centers are required to be licensed as a "single license child care center," which is defined as a child care center that operates as one facility under a single license and may serve children with more than one age component.

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

CSBA NOTE: Items #1-7 and 9 below list components of child care and development programs that are required for all providers pursuant to 5 CCR 18272-18281. The Governing Board is required, pursuant to 5 CCR 18271, to approve goals and objectives addressing each of these

program components; see the accompanying Board policy. Additionally, Welfare and Institutions Code 10208 specifies indicators for the implementation of quality programs, which~~, as amended by AB 210 (Ch. 62, Statutes of 2022),~~ ~~requires~~ require that program activities meet the needs of dual language learners. The district may add components of other programs offered by the district.

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Welfare and Institutions Code 10209.5; 5 CCR 18272)

   Program staff shall complete the developmental profile for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Welfare and Institutions Code 10209.5; 5 CCR 18270.5, 18272)

   CSBA NOTE: Pursuant to Welfare and Institutions Code 10209.6, as added by AB 393 (Ch. 435, Statutes of 2023), child care and development contractors are required to identify dual language learners enrolled in general or migrant child care and development programs through a family language instrument, which may be fulfilled by using the previous designation of a kindergarten-12 child as an "English learner," and supporting their needs through a family language and interest interview. Pursuant to Welfare and Institutions Code 10209.6, as added by AB 393, a family may not be compelled to complete a family language instrument or to participate in the family language and interest interview.

2. An educational program that complies with Welfare and Institutions Code 10208 and 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate, and inclusive of children with ~~special needs~~ disabilities

   For any child enrolled in a general child care and development program or migrant child care and development program who has been identified as a dual language learner pursuant to Welfare and Institutions Code 10209.6, the child's teacher or other designated staff member shall conduct a family language and interest interview that includes, at a minimum, an inquiry and a discussion about the strengths and interests of the child, the language background of the child, and the needs of parents/guardians or family members of the child to support the language and development of the child. However, the family shall not be compelled to complete the family language survey for identification purposes or participate in the family language and interest interview. (Welfare and Institutions Code 10209.6)

3. A staff development program which complies with 5 CCR 18274

4. Parent/guardian involvement and education that comply with 5 CCR 18275 and includes an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

6. A community involvement component that complies with 5 CCR 18277

CSBA NOTE: Health and Safety Code 1596.808 establishes beverage standards for licensed child care centers. In addition, centers that receive funding through the Child and Adult Care Food Program (42 USC 1766) must meet federal guidelines for meals, snacks, fluid milk or nutritionally equivalent milk substitutes, and drinking water.

7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

CSBA NOTE: Item #8 below is optional and may be revised to reflect district practice. 42 USC 1766 encourages child care centers to provide opportunities for physical activity and to limit the amount of time spent in sedentary activities, such as time spent using electronic devices.

8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level

CSBA NOTE: 5 CCR 18279-18281 require an annual evaluation using the standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes a staff assessment, a parent/guardian survey, and an environment rating scale. Each contractor is required to submit a summary of the self-evaluation findings by June 1 of each year.

9. An annual plan for program evaluation which conforms with the state's system and includes a self-evaluation, parent/guardian survey, and environment rating scale (5 CCR 18270.5, 18279, 18280, 18281)

Health and Safety

CSBA NOTE: The following section is for use by districts that offer one or more licensed child care programs. Health and Safety Code 1596.7996 requires licensed child care programs to provide parents/guardians of enrolled children with a flyer developed by CDSS in conjunction with the California Department of Public Health (CDPH), which contains specified information regarding lead exposure and blood testing. The flyer is available on CDSS' website.

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

CSBA NOTE: Pursuant to Health and Safety Code 1597.16, a licensed child care center located in a building that was constructed before January 1, 2010 must have its drinking water tested for lead contamination as provided below. A licensed child care center is subject to the temporary suspension of its license if it fails to comply with the requirements to cease using any fountains and faucets where elevated lead levels may exist and to provide potable water.

If a licensed child care center is located in a building that was constructed before January 1, 2010, the center shall have its drinking water tested for lead contamination levels every five years. The center shall notify the parents/guardians of enrolled children of the requirement to test a facility's drinking water and of the test results. If notified of elevated lead levels, the center shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. (Health and Safety Code 1597.16)

Staffing

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in Welfare and Institutions Code 10275.5 and 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If a person meets all other requirements for employment or volunteering, as applicable, but needs additional time to obtain and provide immunization records, the person may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that the person has received the required immunizations. Employees and volunteers shall be immunized against influenza between August 1 and December 1 of each year. (Health and Safety Code 1596.7995)

A person shall be exempt from the above immunization requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.

2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.

3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

Eligibility and Enrollment

CSBA NOTE: State funding is only available for services to families who meet the criteria for subsidized services as specified in Welfare and Institutions Code 10271, 10271.5, and~~, as added by SB 1047 (Ch. 923, Statutes of 2022),~~ 10271.7. The district may also provide services to nonsubsidized families provided the district uses other funding sources or the families pay the full cost of services; see section on "Fees and Charges" below.

Pursuant to 5 CCR 18105, districts contracting to offer child care services are **mandated** to develop and make available to the public written admissions policies and procedures that conform to requirements of 22 CCR 101218, including, but not limited to, criteria designating those children whose needs can be met by the child care center's program and services and the ages of children who will be accepted.

The following section should be revised to reflect the district's contract(s).

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Welfare and Institutions Code 10213.5. (Welfare and Institutions Code 10213.5, 10273; 5 CCR 18089, 18407, 18422)

CSBA NOTE: Pursuant to 5 CCR 18082-18083, the parent/guardian must submit an application for services which contains specified information and documentation. The family's or child's eligibility must be certified by a person designated by the district.

Pursuant to Welfare and Institutions Code 10271.5, ~~as amended by AB 210,~~ income eligibility which is based on an adjusted monthly family income at or below 85 percent of the state median income, adjusted for family size, does not include foster care payments made on behalf of a child or guaranteed income payments. Welfare and Institutions Code 10271.5~~, as amended by AB 185 (Ch. 571, Statutes of 2022),~~ requires CDSS to adopt regulations regarding the exclusion of these two forms of payment no later than July 1, 2025.

Welfare and Institutions Code 10271~~, as amended by SB 1047,~~ extends eligibility for child care and development programs to families in which a member of the family has been certified as eligible to receive benefits from specified means tested government programs, as reflected below.

To participate in the district's subsidized child care program, families shall document both an eligibility basis and need for care as follows: (Welfare and Institutions Code 10271 and 10271.5)

1. The family is eligible for subsidized services on the basis of being:

    a. A current aid recipient

    b. Income eligible

    c. Homeless

    d. The family's children are recipients of child protective services or have been identified as being or at risk of being abused, neglected, or exploited

e. A member of the household is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other means-tested government program as determined by the California Department of Social Services.

2. The family has a need for child care based on either of the following:

   a. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

   b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as experiencing homelessness

CSBA NOTE: The following paragraph may be revised to reflect district practice. Unless state funding is allocated to support the centralized eligibility list established in each county pursuant to Welfare and Institutions Code 10231, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to Welfare and Institutions Code 10271 and 5 CCR 18106.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Welfare and Institutions Code 10271)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10271, as amended by SB 1047, if a family's eligibility for the district's subsidized child care and services program is based on a family member's certification as eligible to receive benefits from a specified means tested government program, as defined in Welfare and Institutions Code 10271.7, as added by SB 1047, the family's priority for enrollment must be based on the income declared on the application of the government program.

In keeping with the legislative intent of AB 321 (Ch. 903, Statutes of 2022), to prioritize access to childcare and development services for children who reside in homes in which the primary language is not English, Welfare and Institutions Code 10271, as amended by AB 321, provides

~~that within the second priority category, children from such families be enrolled first when there are two or more families with the same income ranking.~~

Second priority for enrollment shall be given to families, regardless of the number of parents in the home, who are income eligible, as defined in Welfare and Institutions Code 10271.5. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family in which the primary home language is a language other than English shall be admitted first. If there is no family of the same priority in which the primary home language is a language other than English, the family of the same priority that has been on the waiting list for the longest time shall be admitted first. (Welfare and Institutions Code 10271 and 10271.5)

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Welfare and Institutions Code 10273)

CSBA NOTE: The following optional paragraph may be revised to reflect additional enrollment priorities or criteria established by the district, such as priority for district students, children of district students, or children of district employees; see the accompanying Board policy.

After all children eligible for subsidized services have been enrolled, the district may enroll other children in accordance with the priorities established in the accompanying Board policy by the Governing Board.

~~CSBA NOTE: 5 CCR 18094 and 18118 require the district to provide written notification to the parent/guardian as to whether the application for subsidized services has been approved or denied. For this purpose, the district should use the state's Notice of Action form.~~

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10271, as amended by ~~SB 1047, upon establishing initial eligibility or ongoing eligibility for child care and development services,~~AB 1808 (Ch. 356, Statutes of 2024), a family who receives CalWORKs Stage 1, 2, or 3 is considered to meet eligibility and need requirements for services for not less than 24 months, and is eligible to receive services for at least 24 months before having the ~~family's~~ family's eligibility or need recertified~~, unless an exception exists, as specified below~~.

Upon establishing eligibility for services, a family shall be eligible for and shall receive services for not less than 24 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 24 months. If such eligibility ends before the end of the child care and services program year, eligibility shall be extended until the end

of the program year as long as applicable age-eligibility requirements specified in Welfare and Institutions Code 10213.5 are met. (Welfare and Institutions Code 10271)

However, a family establishing eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing income eligibility specified in Welfare and Institutions Code 10271.5, and the family's ongoing eligibility shall be recertified at that time. At any time, a family may voluntarily report income or other changes which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. ~~(Welfare and Institutions Code 10271)~~

~~Additionally, a family establishing eligibility for services on the basis of receiving services under a CalWORKs Stage 1, 2, or 3 program shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 12 months.~~ (Welfare and Institutions Code 10271)

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified

2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

3. An indication by the parent/guardian that the service is no longer wanted

4. The death of a parent/guardian or child

5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services including, but not limited to, the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

Fees and Charges

CSBA NOTE: Welfare and Institutions Code 10290 requires CDSS, in consultation with CDE, to establish a fee schedule for families using child care services, including families who are eligible for subsidized child care services based on the criteria specified in Item #1 in ~~the section~~ "Eligibility and Enrollment" above.

Welfare and Institutions Code 10290, as amended by AB 116 (Ch. 41, Statutes of 2023), prohibits districts from charging or assessing family fees for families whose adjusted monthly family income falls below 75 percent of the State Median Income, and caps family fees at one percent of a family's monthly income for all other families. Additionally, Welfare and Institutions Code 10271.6, as added by AB 116, allows families that experience income fluctuation to provide up to the 12 preceding months of income information for the purpose of determining income eligibility or calculating family fees.

Welfare and Institutions Code 10260 and 5 CCR 18110 prohibit districts from assessing fees for a child's enrollment in a program because of a need for child protective services, or because the child is in a CSPP, in the severely disabled program, or in the federally based migrant program, or because the family has an income level in relation to family size that is less than the first entry in the fee schedule. Districts may revise the following paragraph to reflect any such program(s) offered by the district. Districts that offer only programs prohibited from charging fees may delete the following section.

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the state fee schedule, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Welfare and Institutions Code 10260, 10271, 10290, 10291, 10436; 5 CCR 18078, 18108-18110)

No fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Welfare and Institutions Code 10291; 5 CCR 18110)

In addition, any family receiving child care on the basis of having neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency, may be exempt from these fees for up to 12 months. (Welfare and Institutions Code 10271 and 10291)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10290, family fees must be assessed at initial enrollment and reassessed at recertification.

Pursuant to 5 CCR 18114, districts contracting to offer child care services are mandated to adopt a policy for the collection of fees in advance of providing services, as provided below. 5 CCR 18114 contains an alternative definition of delinquency for alternative payment programs offered pursuant to Welfare and Institutions Code 10225-10234.

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee

collection at the time of initial enrollment into the program. (Welfare and Institutions Code 10290; 5 CCR 18082, 18114, 18115)

CSBA NOTE: The following paragraph is for use by districts that contract to offer child care services and wish to require parents/guardians to provide diapers and/or to pay the costs of field trips (unless the program is exempt from fees), and may be modified to delete diapers as appropriate for the age of the children served. Welfare and Institutions Code 10292 **mandates** that such districts have a written policy which includes parents/guardians in the decision-making process. Pursuant to Welfare and Institutions Code 10292, the fees cannot exceed $25 per child in the contract year.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Welfare and Institutions Code 10292)

~~CSBA NOTE: Pursuant to Welfare and Institutions Code 10228, licensed child care centers are required to post their rates, and discounts or scholarship policies if any, as specified below.~~

District child care centers shall post in a prominent location adjacent to the license at the child care facility the rates, and discounts or scholarship policies if any. (Welfare and Institutions Code 10288)

Expulsion/Unenrollment and Suspension Based on Behavior

~~CSBA NOTE: Welfare and Institutions Code 10491 and 10491.1, as added by AB 2806 (Ch. 915, Statutes of 2022), establishes requirements for expulsion, unenrollment, or suspension of a child from a child care and development program, as specified below.~~

The district's child care and development program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Welfare and Institutions Code 10491)

1. In writing, inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher, and if available engage an early childhood mental health consultant, in an effort to maintain the child's safe participation in the program

2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child

3. If appropriate, consider completing a comprehensive screening to identify the needs of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Welfare and Institutions Code 10491.1)

~~CSBA NOTE: Pursuant to Education Code 10491.1, as added by AB 2806, a child enrolled in a child care and development program may only be suspended as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be eliminated or reduced without removal of the child. To suspend a child, the district must comply with specified requirements, including, collaborating with the child's parents/guardians before determining that suspension is necessary and using appropriate community resources to determine that no other reasonable option is appropriate.~~

A child shall not be suspended from the district's child care and development program, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child. (Welfare and Institutions Code 10491.1)

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate. (Welfare and Institutions Code 10491.1)

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing all of the following: (Welfare and Institutions Code 10491.1)

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources

2. Developing a written plan to document the action and supports needed

3. Providing referrals to appropriate community resources

4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDSS in the event of expulsion or suspension. If the district suspends or expels a child from the child care and development program, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 18095, informing the parents/guardians of

the right to file an appeal of the action directly with CDSS no later than 14 calendar days after receiving the notice. (Welfare and Institutions Code 10491.1)

CSBA NOTE: A joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services, "Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings," provides that if a child in an early childhood program is suspected of having a developmental delay, disability, or mental health issue, the child's parent/guardian be referred, if appropriate, to the mental health system, the state's early intervention program, or the district for information regarding evaluation for services under the Individuals with Disabilities Education Act (~~IDEA)~~ (20 USC 1400-1482), to ensure that children with disabilities are not suspended or expelled because of disability-related behaviors.

If a child is suspected of having a developmental delay, disability, or mental health issue, the child's parent/guardian shall be referred, if appropriate, to the mental health system, the state's early intervention program, or the district's special education program regarding evaluation for services under the Individuals with Disabilities Education Act (IDEA). Children ~~identified as having exceptional needs~~with disabilities may only be suspended or expelled in conformance with the procedures and limitations of the IDEA.

Disenrollment

CSBA NOTE: Welfare and Institutions Code 10272 specifies the order by which families must be disenrolled from child care and development services when funding levels are reduced. Parents/guardians may appeal such actions pursuant to 5 CCR 18120-18122, but only on the grounds that the factors used to determine the family's disenrollment are incorrect. See section "Rights of Parents/Guardians" below.

~~When~~As necessary ~~due to a reduction in state reimbursements~~, families shall be disenrolled from subsidized child care and development services in the following order: (Welfare and Institutions Code 10272.5)

1. Families with the highest income in relation to family size shall be disenrolled first~~.~~
2. If two or more families have the same income ranking, children who have been enrolled in child care services the longest shall be disenrolled first~~.~~
3. If two or more families have the same income, children without disabilities shall be disenrolled first~~.~~
4. Families whose children are receiving child protective services or are at risk of neglect or abuse, regardless of family income, shall be disenrolled last~~.~~

Health Examination and Immunizations

CSBA NOTE: Welfare and Institutions Code 10271 requires children enrolling in a child care center to obtain a physical examination and evaluation, including immunizations, unless a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. However, with respect to immunization requirements, Health and Safety Code 120335 eliminated the personal beliefs exemption unless the parent/guardian filed a letter or affidavit prior to January

1, 2016. Since an exemption granted for personal beliefs was only effective until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12), and any student who received a personal belief exemption prior to January 1, 2016 would be in the next grade span, this exemption no longer exists. See BP/AR 5141.31 - Immunizations.

CDPH has developed a tool, the School and Child Care Lookup (SCRL), available on its ~~web site~~website, which looks at information from the California Immunization Registry (CAIR2) and can be used by child care centers to determine whether a student meets all immunization requirements to enroll in child care services.

Prior to or within six weeks of enrollment, a child enrolling in a child care center shall obtain a physical examination and evaluation and receive age-appropriate immunizations. (Welfare and Institutions Code 10271)

A child may be exempted from the immunization requirements only if a licensed physician indicates that immunization should not be given and specifies how long this exemption is expected to be needed. (22 CCR 101220.1)

CSBA NOTE: Pursuant to Health and Safety Code 120372, a child care center may only accept a medical exemption request that is made by a licensed physician or surgeon on an electronic, standardized, statewide medical exemption certification form developed by CDPH and transmitted using CAIR2. However, Health and Safety Code 120370 requires that a child who has a medical exemption issued prior to January 1, 2020 be allowed to continue enrollment until the next grade span, unless the exemption was issued by a physician or surgeon that has been subject to disciplinary action by the Medical Board of California or the Osteopathic Medical Board of California.

A medical exemption shall be submitted using the standardized medical exemption certification form developed by California Department of Public Health (CDPH) and transmitted using the California Immunization Registry. The request shall include, but not be limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. All medical exemptions shall not extend beyond the current grade span of the student, and a temporary exemption shall not exceed one year. (Health and Safety Code 120372)

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Welfare and Institutions Code 10271)

CSBA NOTE: Pursuant to Health and Safety Code 120440, ~~as amended by AB 1797 (Ch. 582, Statutes of 2022),~~ child care centers are required to disclose specified immunization information to local health departments operating countywide or regional immunization information and reminder systems and CDPH, and to maintain the confidentiality of such information in the same manner as other student records. See BP/AR 5125 - Student Records.

District child care centers shall disclose immunization information to the local health department and CDPH in accordance with Health and Safety Code 120440, and maintain the confidentiality of such information in the same manner as other students records in accordance with law and as specified in Administrative Regulation 5125 - Student Records. (Health and Safety Code 120440)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or the district's authorized representative if verification is made by telephone. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Welfare and Institutions Code 10213.5)

2. Family emergency (Welfare and Institutions Code 10213.5)

CSBA NOTE: Pursuant to 5 CCR 18066, districts contracting to offer child care services are **mandated** to adopt policies delineating circumstances constituting an excused absence for a family emergency. The following paragraph may be revised to reflect district practice.

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Welfare and Institutions Code 10213.5)

4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Welfare and Institutions Code 10213.5)

CSBA NOTE: 5 CCR 18066 **mandates** a policy that delineates circumstances constituting an excused absence "in the best interest of the child." The following paragraph may be revised to reflect district practice.

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

CSBA NOTE: 5 CCR 18066.5 establishes procedures to follow when a child has been absent and the family has not been in communication with the district's child care and development services program coordinator or site supervisor for seven consecutive calendar days.

When a child has been absent and the family has not been in communication with the program coordinator or site supervisor for seven consecutive calendar days, the district shall attempt to contact the parent/guardian through a variety of communication methods, including one attempt in writing which may be through electronic means, informing the parent/guardian that failure to communicate with the district may result in termination of child care services. The district shall keep documentation of all such communication attempts in the family's data file, and, if there has been no communication for a total of 30 consecutive calendar days, issue a Notice of Action to disenroll the family on the basis of abandonment of care. (5 CCR 18066.5)

Parents/guardians shall be notified of the policies and procedures related to excused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

CSBA NOTE: The following two paragraphs are for use by districts that operate one or more licensed child care centers, but may be used by license-exempt providers.

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

CSBA NOTE: The remainder of this section is for use by all districts and applies to licensed and ~~unlicensed~~license-exempt child care programs.

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the Child

Development Division. (5 CCR 18120-18122)

Coordinating Transitions

~~CSBA NOTE: Welfare and Institutions Code 10315 requires a preschool or infant and toddler program, when a child will be transferring to a local public school, to provide the child's parent/guardian with information from the previous year which is beneficial to the student and the teacher, as specified below.~~

When a child in the district's child care and development program transfers to a local public school, the district's child care and development program administrator shall provide the child's parent/guardian with information from the previous year which is beneficial to the student and the student's teacher, including, but not limited to, developmental issues, social interaction abilities, health background, and diagnostic assessments, if any. The program administrator shall transfer this information to the student's elementary school, with permission of the student's parent/guardian. (Welfare and Institutions Code 10315)

~~CSBA NOTE: Pursuant to Government Code 95008, as amended by SB 188 (Ch. 49, Statutes of 2022), districts are required to designate a main point of contact for coordinating and completing, with other agencies and persons, the transition of a child and family from Part C of IDEA, infant/toddler programs, to Part B of IDEA, preschool, including establishing practices to educate and support families during the transition.~~

To facilitate the transition of a child with a disability, the district designates the individual listed below as the main point of contact for coordinating and completing, with other agencies and persons, the transition of a child and family from infant/toddler programs to preschool (Part C to Part B of IDEA), including establishing practices to educate and support families during the transition: (Government Code 95008)

_____
(title or position)
_____
(address)
_____
(telephone number)
_____
(email)

Records

CSBA NOTE: State contracts require the district to submit data on both subsidized and nonsubsidized families served by child care centers. In addition, the district is required to provide monthly reports regarding any families receiving subsidized services during that month.

Welfare and Institutions Code 10315 requires a preschool or infant and toddler program to, when a child in a state-funded preschool or infant and toddler program will be transferring to a local public school, provide the parent/guardian with information from the previous year deemed beneficial to

the student and the public school teacher, including, but not limited to, development issues, social interaction abilities, health background, and diagnostic assessments, if any. The preschool or infant and toddler program may, with the permission of the parent/guardian, transfer this information to the student's elementary school.

The Superintendent or designee shall maintain records, in accordance with Board Policy/Administrative Regulation 3580 – District Records and Board Policy/Administrative Regulation 5125 – Student Records, of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required under the state contract.

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

State	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 18000-18308	Early Learning and Care Programs
5 CCR 18012-18122	General requirements
5 CCR 18180-18192	Federal and state migrant programs
5 CCR 18210-18213	Severely handicapped program
5 CCR 18220-18231	Alternative payment program
5 CCR 18240-18249	Resource and referral program
5 CCR 18270-18281	Program quality; accountability
5 CCR 18290-18292	Staffing ratios
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 18300-18308	Appeals and dispute resolution
5 CCR ~~4680~~4600-4687	~~Williams~~ ~~uniform~~Uniform complaint procedures and Williams complaints
5 CCR 80067-80067.2~~2~~3	Early Childhood Education Specialist Credential

5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 46120	Expanded Learning Opportunities Program
Ed. Code 48000	Transitional kindergarten
Ed. Code 49540-49546	Child care food program
Ed. Code 49570	National School Lunch program
Ed. Code 56244	Staff development funding
Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8207	California State Preschool Program administration
Ed. Code 8337	Early Education Expansion Program
Ed. Code 8482-8484.65	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
H&S Code 120325-120380	Immunization against communicable diseases
H&S Code 120440	Disclosure of immunization information to local and state health departments
H&S Code 1596.70-1596.895	California Child Day Care Act
H&S Code 1596.90-1597.21	Day care centers
W&I Code 10200-10206	Early Childhood Development Act of 2020
~~W&I Code 10207-10215~~	~~General provisions~~
W&I Code 10207-10492.2	Child Care and Development Services Act
W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs
W&I Code 10235-10238	Migrant child care and development programs
W&I Code 10240-10243	General child care and development programs
W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10271	Eligibility, enrollment and priority of services; physical examinations; rules and regulations
W&I Code 10271.5	Income eligibility

W&I Code 10271.7	Family member certified as eligible to receive benefits; definition
W&I Code 10272.5	Order of disenrollment
W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12
W&I Code 10276	Child Care and Development Fund notice to providers
W&I Code 10290	Fee schedule for families using preschool and child care and development services
W&I Code 10291	Families exempt from family fees
W&I Code 10315	Transfer of information to public schools
W&I Code 10332	Children residing in another district; use of facilities and personnel
W&I Code 10491-10491.1	Expulsion and suspension procedures in childcare and development services programs

Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 303.1-303.734	Early Intervention Program for Infants and Toddlers with Disabilities
42 USC 1751-1769j	School Lunch Program
42 USC 9831-9852c	Head Start programs
42 USC 9857-9858r	Child Care and Development Block Grant
45 CFR 98.1-98.93	Child Care and Development Fund
7 CFR 210.1-210.33	National School Lunch Program

Management Resources	**Description**
CA Commission on Teacher Credentialing Publication	~~Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023~~Approval of Regulations Authorizing the New PK-3 Early Childhood Education Specialist Instruction Credential, Coded Correspondence 24-03, March 2024 (https://www.ctc.ca.gov/docs/default-source/commission/coded/2024/coded-24-03.pdf)
CA Dept of Social Services Publication	AB 116 Implementation: Family Fee Changes, Child Care Bulletin No. 23-22, August 2023

	(https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/CCBs/2023/CCB_23-22.pdf?ver=2023-09-06-093957-867)
CA Dept of Social Services Publication	Child Care Transition: The Early Childhood Development Act of 2020 (https://www.cdss.ca.gov/inforesources/child-care-and-development/child-care-and-development-transition)
CA Dept of Social Services Publication	American Rescue Plan Act Child Care & Development Division FAQ (https://www.cdss.ca.gov/inforesources/child-care-and-development/arpa-frequently-asked-questions)
~~CA Dept~~California Department of ~~Social Services~~Education Publication	~~COVID-19 Licensed Child Care Facilities and Providers (FAQs)~~Implementation of the Classroom Assessment Scoring System (CLASS) and CLASS Environment and Removal of the Environment Rating Scale for the California State Preschool Program (CSPP), Early Education Division Management Bulletin 23-10, December 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2310.asp)
Court Decision	CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services (2001) 91 Cal.App.4th 892
U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016
Bipartisan Policy Center	From the Ground Up: Improving Child Care and Early Learning Facilities, 2023 (https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2023/08/BPC_Facilities-Report_2023_R02.pdf)
Website	Osteopathic Medical Board of California
Website	Medical Board of California
Website	California Department of Social Services, Child Care Licensing
Website	EveryChild California, an Association of Leaders Advancing Early Learning
Website	Office of Administrative Law
Website	Universal Prekindergarten, California's Great Start
Website	CSBA District and County Office of Education Legal Services
Website	California Commission on Teacher Credentialing
Website	California Association for the Education of Young Children
Website	California Department of Education, Early Education Division

Website	California Department of Education, Early Education Management Bulletins
Website	California Head Start Association
Website	California School-Age Consortium
Website	National Association for the Education of Young Children
Website	U.S. Department of Health and Human Services
Website	Commission on Teacher Credentialing
Website	CSBA
Website	U.S. Department of Education
Website	California Department of Public Health

Cross References

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Policy 5148.2: Before/After School Programs

Status: ADOPTED

Original Adopted Date: 11/01/2006 | **Last Revised Date:** 12/01/~~2022~~2024 | **Last Reviewed Date:** 12/01/~~2022~~2024

CSBA NOTE: The following ~~optional~~ policy is for use by districts providing expanded learning opportunities beyond the regular school day, including before-school, after-school, summer, vacation, and/or intersessional programs, and should be revised to reflect the program(s) offered by the district. For eligible programs in grades ~~TK-~~Transitional Kindergarten (TK)-9, the district may apply for funding from the state's After School Education and Safety Program (ASES) (Education Code 8482-8484.65) and/or the federal 21st Century Community Learning Centers Program (21st CCLC) (Education Code 8484.7-8484.9; 20 USC 7171-7176). The federal 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) (Education Code 8420-8428; 20 USC 7171-7176) provides funding for eligible programs in grades 9-12. These programs are optional and have different requirements. See the accompanying administrative regulation for major requirements of each program, including **mandated** policy language regarding late arrival and early dismissal for students participating in ASES.

Education Code 46120~~, as amended by AB 181 (Ch. 52, Statutes of 2022) and AB 185 (Ch. 571, Statutes of 2022),~~ provides for the Expanded Learning Opportunities ~~(ELO)~~ Program (ELO) and allocates funding to districts under a formula based on a district's average daily attendance and percentage of unduplicated students, defined as any student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth. ~~For the 2022-23 school year, districts receiving funds are required to offer access to ELO programs to all unduplicated students in grades TK-6 and to provide access to such programs to at least 50 percent of enrolled unduplicated students. Commencing with the 2023-24 school year, districts~~Districts with a prior fiscal year local control funding formula ~~(LCFF)~~ unduplicated pupil percentage ~~(UPP)~~ of ~~at least~~less than 75 percent are required to offer access to ELO ~~programs~~ to all unduplicated students in classroom-based ~~students~~instructional programs in grades TK-6, inclusive, and ~~to~~ ensure that access is provided to any unduplicated student whose parent/guardian requests placement in ~~an ELO program. Commencing with the 2023-24 school year, districts with a prior fiscal year LCFF UPP of less than 75 percent are required to offer access to ELO programs to all unduplicated students in grades TK-6, inclusive, and ensure that access is provided to any unduplicated student whose parent/guardian requests placement in an ELO program.~~ELO. Pursuant to Education Code 46120, on school days, ELO ~~programs~~ must include in-person before or after school programs and, on non-school days, intersessional programs of specified lengths of time as described below and in the accompanying administrative regulation. Student participation in ~~an~~ ELO ~~program~~ is optional; however, districts may not opt out of ~~the~~providing ELO ~~Program.~~

~~See the accompanying administrative regulation for major.~~

Pursuant to Education Code 46120, as amended by SB 114 (Ch. 48, Statutes of 2023), a district may contract with a third-party to provide ELOs, and that third-party is required to comply with applicable child care facility license requirements ~~of each program.~~including when serving children who do not participate in ASES, 21st CCLC, or ELO. Pursuant to Education Code 46120, as amended by AB 176 (Ch. 998, Statutes of 2024), an ELO operated by a third-party that holds a child daycare facility license or special permit, as of June 1, 2023, is required to maintain that license or permit capacity as a requirement of contracting for ELOs until June 30, 2025.

The California Department of Education (CDE) monitors, through its Federal Program Monitoring (FPM) process, Expanded Learning Division grants including before-school, after-school, summer/supplemental, equitable access, ASES transportation, and ELO.

The following policy is applicable to ~~all four programs~~ASES, 21st CCLC, ASSETS and ELO, unless otherwise noted, and may be adapted by districts that offer other programs through district funding or alternative sources. If the district does not offer any programs beyond the regular school day, it may modify the following policy as appropriate.

The Governing Board desires to provide learning opportunities for students beyond the regular school day that support the regular education program in a supervised environment. ~~In order to increase academic achievement of participating students, the~~The content of such programs shall be coordinated with the district's vision and goals for student learning, local control and accountability plan, curriculum, and academic standards.

CSBA NOTE: The following paragraph reflects requirements related to collaborative planning for the programs offered by the district. ~~The~~ ASES ~~program~~ (Education Code 8482.5), ASSETs ~~program~~ (Education Code 8422), 21st CCLC ~~program~~ (Education Code 8484.75), and ELO ~~program~~ (Education Code 46120) have different collaboration requirements; see the accompanying administrative regulation.

Each program offered by the district shall be planned through a collaborative process as required by law. (Education Code 8422, 8482.5, 8484.75, 46120)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. ~~Pursuant to Education Code 46120, districts are required to prioritize ELO programs at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ELO programs across their attendance area. In addition, pursuant~~Pursuant to Education Code 8482.5, in awarding funding for ASES programs, the state gives priority to schools with at least 50 percent of students eligible for free or reduced-price meals. Pursuant to 20 USC 7174, funding for the 21st CCLC and ASSETs programs is restricted to schools receiving federal Title I funding. ~~In addition~~Additionally, 20 USC 7174 and Education Code 8422 and 8484.8 give competitive priority for these federal programs to applications jointly submitted by school districts and community organizations for programs that (1) are located in schools that are implementing comprehensive or targeted support and improvement activities pursuant to 20 USC 6311 or other schools determined by the district to be in need of intervention and support to improve student academic achievement and other outcomes~~;~~, (2) serve students at risk for academic failure, dropping out of

school, involvement in criminal or delinquent activities, or lacking strong positive role models~~;~~, (3) provide activities not otherwise accessible to participating students or expand accessibility to high-quality services that may be available in the community~~;~~, (4) continue or expand existing grants~~;~~, and (5) for 21st CCLC programs, provide year-round expanded learning programming. For a further description of competitive priority for funding, see ~~the California Department of Education's (CDE) "21st CCLC and ASSETs FAQs" and "Request for Applications for 21st CCLC & ASSETs."~~CDE's, "After School Education and Safety, 21st Century Community Learning Centers, 21st Century High School After School Safety Enrichment for Teens Grant Programs Frequently Asked Questions," and, "Expanded Learning Funding Opportunities," available on its website.

The district shall prioritize offering Expanded Learning Opportunities Programs (ELO) at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ELOs across their attendance area. (Education Code 46120)

To the extent feasible, the district shall give priority to establishing expanded learning opportunities beyond the regular school day in low-performing schools and/or programs that serve low-income and other at-risk students.

CSBA NOTE: Pursuant to Education Code 46120, as amended by SB 153 (Ch. 38, Statutes of 2024), districts are required, beginning with the 2025-26 fiscal year, to annually declare to CDE their operational intent to run an ELO in accordance with instructions and forms that will be furnished by the Superintendent of Public Instruction.

Any expanded learning opportunities, including but not limited to After School Education and Safety ~~Program~~ (ASES), 21st Century Community Learning Center ~~Program~~ (21st CCLC), 21st Century High School After School Safety and Enrichment for Teens ~~Program~~ (ASSETs), ~~Expanded Learning Opportunities Program (~~ELO~~)~~, or any other program to be established pursuant to Education Code 8421, 8482.3, 8484.75, or 46120, shall be approved by the Board. Additionally, the Board shall declare its operational intent to run an ELO to the Superintendent of Public Instruction as specified in Education Code 46120.

CSBA NOTE: The following optional paragraph is applicable to all programs. Pursuant to Education Code 8483.4 (applicable to ASES, 21st CCLC, and ELO ~~programs~~), the program administrator is required to establish qualifications for each staff position that, at a minimum, ensure that all staff members who directly supervise students meet the minimum qualifications for an instructional aide pursuant to district policies; see the accompanying administrative regulation. A district offering an ASSETs program must establish its expectations for staff qualifications.

The Superintendent or designee shall ensure that all staff who directly supervise students in ~~the district's~~any expanded learning ~~opportunity programs~~opportunities possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities.

CSBA NOTE: Pursuant to Education Code 46120, as amended by SB 153, ELO funds may also be used to support attendance recovery programs when attendance recovery is operated by the district in conjunction with, and on the same school site as, its ELO. For more information on attendance

recovery programs, see BP/AR 5113.1 – Chronic Absence and Truancy and BP 5147 – Dropout Prevention.

Each before-school, after-school, summer, vacation or intersessional expanded learning opportunity ~~program~~ shall include academic and enrichment elements in accordance with law and administrative regulation~~. In addition~~, and may be used in conjunction with attendance recovery programs. Additionally, each program may include support services that reinforce the educational component and promote student health and well-being.

CSBA NOTE: Education Code 8482.6 (applicable to ASES, 21st CCLC, and ELO ~~programs~~) and Education Code 8422 (applicable to ASSETs programs) authorize the district to charge fees to participating families, with certain exceptions as described below.

Option 1 below is for use by districts that choose not to charge family fees. Option 2 is for use by districts that will charge a permissible family fee to cover unfunded costs of the program.

OPTION 1: (For districts that do not charge family fees)

No fee shall be charged for participation in the program.

OPTION 1 ENDS HERE

OPTION 2: (For districts that charge permissible family fees)

A family fee may be charged to participating families based on the actual cost of services.

CSBA NOTE: The following paragraph is for use by districts selecting Option 2 that offer an ASSETS program, and may be modified to reflect any program(s) offered by the district. Pursuant to Education Code 8422, ASSETs programs that charge fees to participating families are required to waive or reduce the fees for families with students who are eligible for free or reduced-price meals.

However, for the ASSETs program, a family fee shall be waived or reduced for families with students who are eligible for free or reduced-price meals. (Education Code 8422)

CSBA NOTE: The following paragraph is for use by districts selecting Option 2 that offer ~~an~~ ASES, 21st CCLC ~~program~~, and/or ELO ~~program~~, and may be modified to reflect any program(s) offered by the district. Pursuant to Education Code 8482.6, family fees may not be charged for these programs for a student who is eligible for free or reduced-price meals or if the district knows the participating student is ~~a homeless youth~~experiencing homelessness or in foster care. ~~In addition~~Additionally, a program that charges such fees is required to schedule fees on a sliding scale that considers family income and ability to pay. CDE, through its FPM process, will review whether the district has policy(ies) in place to waive or reduce the income collected for youth eligible for free and reduced-price meals and that the program is not charging youth who are identified as experiencing homelessness or foster youth.

For ASES, 21st CCLC, and/or ELO ~~s programs~~, no fee shall be charged for a student who is eligible for free or reduced-price meals, or a student ~~who the district knows is a homeless~~

~~youth~~experiencing homelessness, or in foster care. ~~In addition, family~~Family fees shall be calculated on a sliding scale that considers family income and ability to pay. (Education Code 8482.6, 46120)

OPTION 2 ENDS HERE

CSBA NOTE: The remainder of this policy is for use by districts that selected either Option 1 or 2 above.

The following optional paragraph is for use by districts with programs serving students ages 11-12 years. Welfare and Institutions Code 10273, provides that the preferred placement for students ages 11-12 years is in a before-school or after-school program rather than in subsidized child care and development services. When subsidized child care services are also available, students ages 11-12 years will be eligible for subsidized child care services only for the portion of care that is not available in a before-school or after-school program. See AR 5148 - Child Care and Development.

Eligible students who are 11 or 12 years of age shall be placed in a before-school or after-school program, if and when available, rather than subsidized child-care and development services. During the time that the before-school or after-school program does not operate, such students may be provided the option of enrolling in child-care and development services in accordance with the enrollment priorities established in ~~AR~~Administrative Regulation 5148 - Child Care and Development. (Welfare and Institutions Code 10273)

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

To assist in evaluations of program effectiveness, the district may refer to ~~the~~ CDE's, "Quality Standards ~~for Expanded Learning in California: Creating~~ and ~~Implementing a Shared Vision of~~Continuous Quality~~:"~~ ~~In addition, CDE's, "A Crosswalk Between the~~ Improvement (CQI)," and, "Guidance for a Quality ~~Standards for Expanded Learning and Program Quality Assessment Tools" describes~~Improvement Process," which describe available assessment tools that are closely aligned with the program standards.

To the extent consistent with state and federal privacy laws, Education Code 8484.1 authorizes the district to share specified student data (i.e., school day attendance data, statewide assessment scores, English language development test placement or reclassification scores, California Healthy Kids Survey results in aggregate form, student engagement and behavioral data, and other academic measures, including grades and course completion) with the operator of an after-school program with which the district has a contract that includes a confidentiality agreement. ~~The district should~~It is recommended that districts consult ~~with CSBA~~CSBA's District and County Office of Education Legal Services or district legal counsel ~~if it has any~~with questions ~~regarding~~about the sharing of student data.

~~In addition~~Additionally, Education Code 8427 and 8484 require the after-school program to submit data on school and program attendance and program quality to ~~the~~ CDE; see the section "Reports" in the accompanying administrative regulation.

The Board and the Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may

include, but are not limited to, student outcome data; program self-assessments; feedback from staff, participating students, and parents/guardians; and observations of program activities.

CSBA NOTE: The following paragraph is for use by districts that offer ~~an~~ ASES, 21st CCLC, and/or ELO ~~program~~, and may be adapted by districts that offer ASSETs or other programs. Pursuant to Education Code 8482.3 and 46120, a district that offers ~~an~~ ASES, 21st CCLC, and/or ELO ~~program~~ is required to review program goals, program content, and outcome measures, selected from among those listed in Education Code 8484, every three years and to retain documentation for five years. CDE, through its FPM process, will review whether the program plan has been approved by the Governing Board in a public meeting and posted on the district's website.

Every three years, the Superintendent or designee shall review the after-school program plan, including, but not limited to, program goals, program content, and outcome measures. Documentation of the program plan shall be maintained for a minimum of five years~~.~~ in accordance with law and as specified in Board Policy/Administrative Record 3580 – District Records and Board Policy/Administrative Record 5125 – Student Records. (Education Code 8482.3, 46120)

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

State	Description
Ed. Code 17260-17268	Plans and specifications for school facilities
Ed. Code 17264	New construction; accommodation of before- and after-school programs
Ed. Code 35021.3	After-school physical recreation instructors
Ed. Code 41422	Emergency conditions
Ed. Code 45125	Criminal record check
Ed. Code 45330	Paraprofessionals; instructional aides
Ed. Code 45340-45349	Paraprofessionals; instructional aides
Ed. Code 46120	Expanded learning opportunities
Ed. Code 48850	Intersession program; priority access to student experiencing homelessness
Ed. Code 48853.5	Intersession program; priority access to foster youth
Ed. Code 49024	Activity Supervisor Clearance Certificate
Ed. Code 49430-49434	Nutrition standards

Ed. Code 49540-49546	Child care food program
Ed. Code 49553	Free or reduced-price meals
Ed. Code 69430-69460	Cal Grant program
Ed. Code 8263	Eligibility and priorities for subsidized child development services
Ed. Code 8273.1	Family fees; exemptions
Ed. Code 8281.5	California Prekindergarten Planning and Implementation Grant Program
Ed. Code 8295-8305	Child development program; personnel qualifications
Ed. Code 8350-8359.1	Programs for CalWORKS recipients
Ed. Code 8360-8370	Personnel qualifications
Ed. Code 8420-8428	21st Century High School After School Safety and Enrichment Program for Teens
Ed. Code 8482-8484.65	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
Ed. Code 8490-8490.7	Distinguished After School Health Recognition Program
W&I Code 10207-10492.2	Child Care and Development Services Act
W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12

Federal	**Description**
20 USC 6311	State plan
20 USC 6314	Title I schoolwide program
20 USC 7171-7176	21st Century Community Learning Centers
42 USC 11434a	Education for homeless children and youths
42 USC 1766-1766a	Child and Adult Care Food Program
7 CFR 226.17	Child care center nutrition standards

Management Resources	**Description**
California Department of Education Publication	Expanded Learning Programs Federal Program Monitoring Instrument (https://www.cde.ca.gov/ta/cr/)
California Department of Education Publication	Early Release and Late Arrival Guidance, rev. December 2021 (https://www.cde.ca.gov/ls/ex/earlyreleguidance.asp)
California Department of Education Publication	Quality Program Improvement Plan Instructions: Instructions for Completing a Quality Program Improvement Plan for

	Expanded Learning Programs in California, January 2022 (https://www.cde.ca.gov/ls/ex/qualityimprovinstuct.asp)
~~California Department of Education Publication~~	~~21st CCLC and ASSETs FAQs, October 2022~~
California Department of Education Publication	~~Request for Applications: 21st Century Community Learning Centers and After School Safety and Enrichment for Teens, September 2022~~After School Education and Safety, 21st Century Community Learning Centers, 21st Century High School After School Safety Enrichment for Teens Grant Programs, Frequently Asked Questions, November 2022 (https://www.google.com/url?client=internal-element-cse&cx=007899273231353282595:rooj8qfkg0k&q=https://www.cde.ca.gov/ls/ex/documents/asestwentyfirstassests.docx&sa=U&ved=2ahUKEwiwwr7J6uGIAxUuGEQIHewAHRwQFnoECAAQAQ&usg=AOvVaw3eyKDsiM-aEZz9_E2sQ8TO)
California Department of Education Publication	Expanded Learning Funding Opportunities (https://www.cde.ca.gov/ls/ex/fundingop.asp#centurycommunitylearningcenters21st)
California Department of Education Publication	Expanded Learning Opportunities Program FAQs, ~~July 2022~~May 2024 (https://www.cde.ca.gov/ls/ex/elofaq.asp)
California Department of Education Publication	Quality Standards ~~for Expanded Learning in California: Creating~~ and ~~Implementing a Shared Vision of Quality, 2014~~CQI, December 2023 (https://www.cde.ca.gov/ls/ex/qualstandcqi.asp)
California Department of Education Publication	~~A Crosswalk Between the Quality Standards for Expanded Learning and Program Quality Assessment Tools, 2014~~Guidance for a Quality Improvement Process, March 2024 (https://www.cde.ca.gov/ls/ex/cqiguidance.asp)
California Department of Education Publication	California After School Physical Activity Guidelines, 2009 (https://www.cde.ca.gov/ls/ex/documents/paguidelines.pdf)
U.S. Department of Education Publication	Nita M. Lowey 21st Century Community Learning Centers Program, Title IV, Part B of the Elementary and Secondary Act of 1965, Nonregulatory Guidance, ~~February 2003~~September 2024 (https://www.ed.gov/sites/ed/files/2024-09/OESE%2021st%20CCLC%20Non-Regulatory%20Guidance%202024.pdf)
Website	California Afterschool Network

Website	California Child and Adult Care Food Program
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Expanded Learning
Website	U.S. Department of Agriculture
Website	California School-Age Consortium
Website	Partnership for Children and Youth
Website	California Healthy Kids Survey
Website	Commission on Teacher Credentialing
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330	Use Of School Facilities
1330	Use Of School Facilities
1330.1	Joint Use Agreements

1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3516.5	Emergency Schedules
3540	Transportation
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3554	Other Food Sales
3554	Other Food Sales
3580	District Records
3580	District Records
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4131	Staff Development
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development

4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4331	Staff Development
5030	Student Wellness
5113.1	Chronic Absence and Truancy
5125	Student Records
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5137	Positive School Climate
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.23	Asthma Management
5141.23	Asthma Management
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
5148	Child Care And Development
5148	Child Care And Development
6011	Academic Standards

6020	Parent Involvement
6020	Parent Involvement
6142.4	Service Learning/Community Service Classes
6142.6	Visual And Performing Arts Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6154	Homework/Makeup Work
6159	Individualized Education Program
6159	Individualized Education Program
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.4	Education For American Indian Students
6175	Migrant Education Program
6175	Migrant Education Program
6176	Weekend/Saturday Classes

6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6179	Supplemental Instruction

Regulation 5148.2: Before/After School Programs

Status: ADOPTED

Original Adopted Date: 07/01/2015 | **Last Revised Date:** 12/~~01/2022~~1/2024 | **Last Reviewed Date:** 12/01/~~2022~~2024

~~CSBA NOTE:~~CSBA NOTE: The following administrative regulation is **mandated** for use by districts providing expanded learning opportunities beyond the regular school day, including before-school, after-school, summer, vacation, and/or intersessional programs, and should be revised to reflect the program(s) offered by the district. The district should revise the following administrative regulation to reflect the expanded learning opportunity programs, including before and/or after school program(s), it offers and the grade levels at which the programs are offered. In addition to the program requirements described below, before-school and after-school programs may be subject to other district policies such as BP/AR 5148 - Child Care and Development, AR 3514.2 - Integrated Pest Management, and BP/AR 3550 - Food Service/Child Nutrition Program. ~~The~~ It is recommended that the district ~~should~~ consult ~~CSBA~~CSBA's District and County Office of Education Legal Services or district legal counsel ~~if it has~~with questions regarding the applicability of other laws to the district's programs.

The California Department of Education (CDE) monitors, through its Federal Program Monitoring process, Expanded Learning Division grants including before-school, after-school, summer/supplemental, equitable access, After School Education and Safety Program (ASES) transportation, and Expanded Learning Opportunities Program (ELO), the requirements of which are reflected throughout this administrative regulation.

Definitions

Expanded learning opportunities means before school, after school, summer, vacation, and/or ~~intersessional~~intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of students through hands-on, engaging learning experiences. Expanded learning opportunities does not mean an extension of instructional time, but rather, opportunities to engage students in enrichment, play, nutrition, and other developmentally appropriate activities. (Education Code 8482.1, 46120)

Intersession program means an expanded learning program offered by a district on non-school days, including, but not limited to, summer school. (Education Code 48853.5)

Offer access, with regard to an Expanded Learning Opportunities Program (ELO~~)~~ ~~program,~~), means to recruit, advertise, publicize, or solicit through culturally and linguistically effective and appropriate communication channels. (Education Code 46120)

Provide access, with regard to an ELO ~~program~~, means to ~~register or~~ enroll a student in an ELO ~~program.~~. If a parent/guardian has a signed an ELO registration form and that form is on file, the

student shall be considered enrolled in the ELO. (Education Code 46120)

Unduplicated student means a student enrolled in a district who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. (Education Code 42238.02, 46120)

Grades ~~TK~~Transitional Kindergarten-9

CSBA NOTE: The following section is for use by districts providing before-school and/or after-school programs funded by the state ~~After School Education and Safety Program (ASES)~~ASES (Education Code 8482-8484.65), the federal 21st Century Community Learning Center Program (21st CCLC) (Education Code 8484.7-8484.9; 20 USC 7171-7176), or the ~~Expanded Learning Opportunities Program (~~state ELO~~)~~ (Education Code 46120).

ASES and 21st CCLC programs serve students who are in grades ~~K~~kindergarten-9 in an elementary, middle, or junior high school. ELOs serve students who are in grades Transitional Kindergarten (TK)-6. CDE's webpage, "Expanded Learning Opportunities Program FAQs," states that once the minimum requirements providing an ELO are met, districts may provide access to additional grade spans in elementary, middle, and secondary students, and/or provide expanded hours of programming.

The district's After School Education and Safety Program (ASES) ~~program~~ or 21st Century Community Learning Center Program (21st CCLC) ~~program~~ shall serve students in any of grades Transitional Kindergarten (TK~~-~~)-9 as the district may determine based on local needs. (Education Code 8482.3, 8484.7, 8484.75, 8484.8)

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs. (Education Code 8484.8; 20 USC 7173)

The district's ELO ~~program~~ shall serve students in grades TK-6. (Education Code 46120)

CSBA NOTE: The following paragraphs reflect the extent to which ~~a~~ before/after school programs, including ASES, 21st CCLC and ELO ~~programs~~, require collaborative planning. Districts may revise the following paragraphs to reflect programs offered by the district.

The district's programs shall be planned through a collaborative process that includes parents/guardians, students, ~~and~~ representatives of participating schools, governmental agencies, including city and county parks and recreation departments, local law enforcement, community organizations, and the private sector. As appropriate, the Superintendent or designee may include other stakeholders in such collaborative process. (Education Code 8422, 8482.5, 8483.3, 8484.75, 46120)

CSBA NOTE: Education Code 46120~~, as amended by AB 181 (Ch. 52, Statutes of 2022) and AB 185 (Ch. 571, Statutes of 2022),~~ provides for ~~the~~ ELO ~~program~~ and allocates funding to districts under a formula based on a district's percentage of unduplicated students and average daily attendance. ~~For the 2022-23 school year, districts receiving funds are required to offer access to~~

~~ELO programs to all unduplicated students in grades TK-6 and to provide access to such programs to at least 50 percent of enrolled unduplicated students. Commencing with the 2023-24 school year, districts~~Districts with a prior fiscal year local control funding formula (LCFF) unduplicated pupil percentage (UPP) of ~~at least 75 percent are required to offer access to ELO programs to all classroom-based students in grades TK-6, and to ensure that access is provided to any student whose parent/guardian requests placement in an ELO program. Commencing with the 2023-24 school year, districts with a prior fiscal year LCFF UPP of less than 75 percent are required to offer access to ELO programs~~less than 75 percent are required to offer access to an ELO to all unduplicated students in grades TK-6 and ensure that access is provided to any unduplicated student whose parent/guardian requests placement in an ELO ~~program~~. Districts are required to prioritize services at school sites in the lowest income communities, as determined by prior year percentages of students eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with ~~ELO programs~~ELOs across their attendance area.

The following paragraph is for districts that receive ELO funds and should be deleted by districts that do not receive such funds. ~~However, the California Department of Education's (CDE),~~CDE's webpage, "Expanded Learning Opportunities Program FAQs," clarifies that districts that ~~receive funds for~~ serve classroom-based instructional programs ~~that serve~~in grades TK-~~–~~6, not including a charter school established pursuant to Education Code 47605.5, are eligible for ELO funding, and that districts cannot opt-out of the ELO ~~program~~ funding.

~~For the 2022-23 school year, the~~The district shall offer access to ELO ~~programs~~ to all unduplicated students in grades TK-6 and provide access to such ~~programs~~program to at least 50 percent of enrolled unduplicated students. (Education Code 46120)

CSBA NOTE: ~~Beginning with the 2023-24 school year,~~ Option 1 below is for use by districts with a prior fiscal year LCFF UPP of at least 75 percent. Option 2 is for districts with a prior fiscal year LCFF UPP of less than 75 percent.

OPTION 1: (For districts with a prior fiscal year local control funding formula unduplicated pupil percentage of at least 75 percent)

~~Commencing with the 2023-24 school year, the~~The district shall offer access to ~~the~~ ELO ~~program~~ to all classroom-based students in grades TK-6. The district shall provide access to any student whose parent/guardian requests placement in an ELO ~~program.~~.

OPTION 1 ENDS HERE

OPTION 2: (For districts with a prior fiscal year local control funding formula unduplicated pupil percentage of less than 75 percent)

The district shall offer access to ~~the~~ ELO ~~program~~ to all classroom-based unduplicated students in grades TK-6. The district shall provide access to any unduplicated student whose parent/guardian requests placement in an ELO ~~program~~.

OPTION 2 ENDS HERE

CSBA NOTE: Pursuant to Education Code 46120, a district is required to provide transportation to any student who attends a school that is not operating an ELO to attend at a location that is providing an ELO, and to return to the original location or another location that is established by the district. CDE's, "Expanded Learning Opportunities Program FAQs," further states that transportation should not be a barrier to ELO participation and that the ELO should be created as universally available and accessible to students.

The district shall provide transportation to any student who attends a school that is not operating an ELO so that the student may attend at a location that is providing an ELO and return to the original location or another location that is established by the district. (Education Code 46120)

CSBA NOTE: The California Prekindergarten Planning and Implementation Grant Program, established pursuant to Education Code 8322, provides for a state early learning initiative with the goal of expanding access to classroom-based prekindergarten programs. See BP 6170.1 - Transitional Kindergarten.

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of children and their families as specified in ~~BP~~Board Policy 6170.1 - Transitional Kindergarten. (Education Code 8322)

CSBA NOTE: Pursuant to Education Code 8484.75, programs funded through ~~the~~ 21st CCLC ~~program~~ are generally subject to the same program requirements applicable to ASES ~~programs~~, with the exception of specified provisions primarily related to allocation of funds, collaboration, and data collection. In contrast, ~~ELO programs~~ELOs are explicitly subject to some, but not all, of the ASES program requirements pursuant to Education Code 46120. However, ~~the California Department of Education's (CDE),~~CDE's webpage, "Expanded Learning Opportunities FAQs," emphasizes that districts are expected to uniformly apply the stricter ASES requirements to all programs since ASES, 21st CCLC, and ELO ~~programs~~ should be considered a single, comprehensive program. As such, the following section reflects the expectation that ~~ELO programs~~ELOs will comply with all the requirements for ASES and 21st CCLC programs.

The following section applies to ASES, 21st CCLC, and ELO programs, except where otherwise noted, and should be revised to reflect the program(s) offered by the district.

The district's ASES, 21st CCLC, and ELO program(s) shall be operated in accordance with the following:

1. Program Elements

   a. The program shall include an educational and literacy element in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science~~.~~ (Education Code 8482.3, 8484.75, 46120)

CSBA NOTE: Education Code 8482.3 requires that the program include an educational enrichment component, which may include physical fitness. Pursuant to Education Code 8483.55 and 8484.8,

CDE has developed voluntary , "California After School Physical Activity Guidelines," which are available on its ~~web site~~website.

b. The program shall include an educational enrichment element which may include, but is not limited to, fine arts, career technical education, recreation, technology, physical fitness, and prevention activities~~.~~ (Education Code 8482.3, 8484.75, 46120)

CSBA NOTE: Pursuant to Education Code ~~8483~~8482.3, ~~expanded learning opportunity programs~~districts are required to offer a nutritional snack, meal, or both~~.~~ ~~Education Code 8482.3 requires~~ that ~~such snacks or meals~~ conform to applicable state or federal nutrition standards. Reimbursement for providing snacks is available through the National School Lunch Program and the Child and Adult Care Food Program (CACFP) for participating districts. Pursuant to the Healthy, Hunger-Free Kids Act of 2010 (42 USC 1766-1766a), after-school programs participating in the at-risk after-school care component of the CACFP may be reimbursed for serving full meals. Further information is available on ~~the web sites of CDE~~CDE's and the U.S. Department of ~~Agriculture~~Agriculture's websites.

2. Nutrition

a. Snacks or meals made available in the program shall conform to nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable~~.~~ (Education Code 8482.3, 8484.75, 46120; 42 USC 1766-1766a; 7 CFR 226.17)

b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants~~.~~ (Education Code 8483.1, 8484.75)

CSBA NOTE: Education Code 8482.3 provides that a program may be offered at one or multiple school sites. Program applications and U.S. Department of ~~Education~~Education's (USDOE) September 2024 nonregulatory guidance, "Nita M. Lowey 21st Century Community Learning Centers Program," state that programs may be located off campus as long as the facility is as available and accessible to students as if it were located at a school. Regardless of whether the program takes place in a school building or other facility, an applicant must (1) assure that it will provide a safe and easily accessible facility and (2) describe how it will address the transportation needs of participating students, including the needs of highly mobile students such as students experiencing homelessness, migratory students, or foster youth.

3. Location of Program

a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility~~.~~ (Education Code 8482.3, 8484.75~~)~~

b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the Superintendent or designee may, with the approval of the Superintendent of Public Instruction, provide services at another school site.

Such transfer of services shall occur only if the school to which the program will be transferred agrees to receive students from the transferring school and has an existing grant of the same type as the transferring school, or does not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. A significant barrier includes any of the following: (Education Code 8482.8, 8484.75)

i. Fewer than 20 students participating in the program component

ii. Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation

iii. A reduction in the program grant of an existing school due to its merging into a new school opened by the district or the splitting of its students with a new school

In such cases, the district shall arrange for safe, supervised transportation between school sites; ensure communication among staff in the regular school program, staff in the before-school or after-school program, and parents/guardians; and ensure alignment of the educational and literacy elements with the regular school program of participating students. (Education Code 8482.8, 8484.75)

4. Staffing

a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide. (Education Code 8483.4, 8484.75, 45330, 45344, 45344.5)

CSBA NOTE: Pursuant to Education Code 8483.4, program staff and volunteers are required to meet health screening and fingerprint clearance requirements.

Education Code 49024 provides that the requirement to obtain an Activity Supervisor Clearance Certificate prior to beginning a paid or volunteer position is satisfied by clearing a Department of Justice and Federal Bureau of Investigation criminal background check.

b. All program staff and volunteers shall be subject to the health screening and fingerprint clearance requirements in law and Board policy. (Education Code 8483.4,

8484.75)

c. The student-to-staff ratio shall be no more than 20 to 1, except that programs serving transitional kindergartenTK or kindergarten students shall maintain a student-to-staff member ratio of no more than 10 to 1 (Education Code 8483.4, 8484.75, 46120)

5. Hours of Operation

CSBA NOTE: Pursuant to Education Code 46120, ELO programsELOs must provide in-person before or after school expanded learning opportunities offered on school days that, when added to daily instructional minutes, recess, and meals, meet certain hourly requirements, as specified. Item #5(a) and 5(b) below do not apply to ELO programsELOs offered pursuant to Education Code 46120.

a. A before-school program shall not operate for less than one and one-half hours per regular school day. (Education Code 8483.1, 8484.75)

CSBA NOTE: Pursuant to Education Code 8483, as amended by AB 2622 (Ch. 265, Statutes of 2018), ASES programs that operate at a school site located in an area that has a population density of less than 11 persons per square mile may end operating hours not earlier than 5 p.m. The following paragraph can be revised to reflect district programs.

b. An after-school program shall begin immediately upon the conclusion of the regular school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every regular school day. (Education Code 8483, 8484.75)

c. An ELO program shall provide in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, recess, and meals, shall not be less than nine hours of combined instructional time, recess, meals, and expanded learning opportunities per instructional day. (Education Code 46120)

6. Admissions

a. Every student attending a school operating a program is eligible to participate in the program, subject to program capacity. (Education Code 8482.6, 8484.75)

b. If the number of students wishing to participate in the program exceeds program capacity, students shall be selected for enrollment based on the following guidelines:

CSBA NOTE: A district that operates an intersession program is required to grant priority access to a foster youth pursuant to Education Code 48853.5, as amended

by AB 723 (Ch. 812, Statutes of 2023), and to a student experiencing homelessness, pursuant to Education Code 48850, as amended by AB 373 (Ch. 327, Statutes of 2023). If any such student will be moving during an intersession period, the student's educational rights holder, or in the case of an American Indian student, Indian custodian, is authorized to determine which school the student attends for the intersession period.

i. First priority for enrollment shall be given to students who are identified as homeless youth, as defined by the McKinney-Vento Homeless Assistance Act (42 USC 11434a), at the time they apply for enrollment or at any time during the school year, to students who are identified by the program as being in foster care, and to students who are eligible for free or reduced-price meals~~.~~ (Education Code 8483, 8483.1, 8484.75)

The district is not required to disenroll a current student in order to secure the enrollment of a student who has priority for enrollment. (Education Code 8483, 8483.1)

The district shall inform the parent/guardian of a ~~homeless~~student experiencing homelessness or foster youth, or student eligible for free or reduced price meals, of the right of the child to receive priority enrollment and how to request priority enrollment. (Education Code 8483, 8484.75)

If a student experiencing homelessness or a foster youth will be moving during an intersession period, the student's educational rights holder, or in the case of an American Indian Student, Indian custodian, may determine which school the student attends for the intersession period. (Education Code 48850, 48853.5)

CSBA NOTE: Item #(#2) below is for use by districts that maintain middle or junior high schools.

ii. Second priority for enrollment of middle or junior high school students shall be given to students who attend daily~~.~~ (Education Code 8483, 8483.1, 8484.75)

CSBA NOTE: Items #(#3)~~-(~~-5) are optional and may be revised or expanded to include enrollment priorities established by the district.

iii. Third priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulation~~.~~

iv. Any remaining capacity shall be filled by students selected at random~~.~~

v. A waiting list shall be established to accommodate additional students if space becomes available~~.~~

7. Attendance/Early Release

CSBA NOTE: Education Code 8483 and 8483.1 express legislative intent that elementary students attend the full program day of either the before-school or after-school program every day in which they participate, and districts are **mandated** to establish a policy regarding reasonable early daily release of students from the after-school program and reasonable late arrival to a before-school program. Education Code 8483 and 8483.1 allow districts to implement a flexible attendance schedule for students in middle or junior high school. Education Code 8483.1 specifies that, for before-school programs, students who attend less than one-half of the daily program hours may not be counted for attendance purposes.

CDE's, "Early Release and Late Arrival Guidance," recommends that late arrival and early release policies be implemented by establishing codes for various reasons of early release or late arrival and includes sample codes.

In contrast, CDE's, "Expanded Learning Opportunities Program FAQ," explains that ~~ELO Programs~~ELOs offered pursuant to Education Code 46120 do not have an attendance requirement, but rather districts are encouraged to track student attendance for safety and continuous quality improvement purposes.

The following items should be revised to reflect district practice.

a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that the student participates~~.~~

   An ELO ~~program~~ offered pursuant to Education Code 46120 does not have an attendance requirement, but the district may track student attendance for safety and continuous quality improvement purposes.

b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival for the before-school program or the reasonable early daily release from the after-school program~~.~~

   The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

CSBA NOTE: Item #8 below is for use by districts that offer a program during summer, intersession, or vacation periods. Pursuant to Education Code 8483.76, a school that establishes a before-school or after-school program is eligible to receive a supplemental grant to operate the program in excess of 180 regular school days or during any combination of summer, weekends, intersession, or vacation periods for a maximum of 30 percent of the total grant amount awarded, per school year, to the school.

Pursuant to Education Code 46120, ~~ELO~~ ~~programs~~ELOs are required to offer no less than nine

hours of in-person expanded learning opportunities per day for at least 30 non-school days during ~~intersessional~~extended school year or intersession periods.

8. Summer/Intersession/Vacation Programs

~~ELO programs~~a. ELOs shall offer no less than nine hours of in-person expanded learning opportunities per day for at least 30 non-school days, during ~~intersessional periods.~~ extended school year or intersession periods (Education Code 46120)

b. A before-school program operating during summer, intersession, and/or vacation days shall be offered for a minimum of two hours per day~~.~~

An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day in accordance with Education Code 8483.76. When both before-school and after-school programs are offered for the same students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2, 8483.76)

c. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district, with priority for enrollment given to students enrolled in the school that received the grant~~.~~ (Education Code 8483.76)

CSBA NOTE: Pursuant to Education Code 46120, as amended by SB 141 (Ch. 194, Statutes of 2023), a district that is temporarily prevented from operating its ELO because of a school site closure due to emergency conditions specified in Education Code 8482.8 or 41422, will not be subject to penalties as a result of the emergency if the Governing Board adopts a resolution and provides documentation substantiating the need for closure. For information regarding schedule changes due to emergencies, see BP 3516.5 – Emergency Schedules.

d. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site~~. The program shall notify the California Department of Education (CDE)~~

When a district is temporarily prevented from operating an ELO because of a school or program site closure due to emergency conditions specified in Education Code 8482.8 or 41422, the Superintendent or designee shall complete and submit to the California Department of Education (CDE) any necessary forms or records substantiating the need for closure, including a resolution adopted by the Governing Board. (Education Code 46120)

The program shall notify CDE of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6. (Education

Code 8483.76)

e. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day~~.~~ (Education Code 8483.76)

CSBA NOTE: Education Code 8483.76 **mandates** that a district operating a six-hour program adopt an attendance and early release policy for the program that is consistent with the district's early release policy for the regular school day; see ~~item~~Item #7 above. This policy must be included in the program plan submitted to CDE.

f. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in ~~item~~Item #7 above shall apply~~.~~ (Education Code 8483.76)

Grades 9-12

CSBA NOTE: The following section is for use by districts providing before-school and/or after-school programs funded through 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) ~~program~~ (Education Code 8420-8428; 20 USC 7171-7176).

Pursuant to Education Code 46120, districts may, but are not required to, serve students in grades 7-12 in ~~ELO programs~~ELOs.

The district's 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) ~~program~~ shall serve students in any of grades 9-12 as the district may determine based on local needs. (Education Code 8421)

CSBA NOTE: The following paragraph reflects the collaborative planning requirements for the ASSETs program.

The district's ASSETs program shall be planned through a collaborative process that includes parents/guardians, students, and representatives of participating schools, governmental agencies including city and county parks and recreation departments, local law enforcement, community organizations, and, if appropriate, the private sector. (Education Code 8422)

The program shall be operated in accordance with the following guidelines:

1. Program Elements

a. The program shall include an academic assistance element that is coordinated with the regular academic program and includes, but is not limited to, at least one of the following: (Education Code 8421)

i. Tutoring

ii. Career exploration, including activities that help students develop the knowledge and skills that are relevant to their career interests and reinforce academic content

iii. Homework assistance

iv. College preparation, including information about the Cal Grant program pursuant to Education Code 69430-69460

b. The program shall include an enrichment element that may include, but is not limited to: (Education Code 8421)

i. Community service

ii. Career and technical education

iii. Job readiness

iv. Opportunities for mentoring and tutoring younger students

v. Service learning

vi. Arts

vii. Computer and technology training

viii. Physical fitness

ix. Recreation activities

CSBA NOTE: Education Code 8423 requires the ASSETs program to include a physical activity element. See CDE's, "California After School Physical Activity Guidelines."

c. The program shall include a nutritional snack and/or meal and a physical activity element. (Education Code 8423)

d. The program shall provide for access to, and availability of, computers and technology. (Education Code 8423)

e. The Superintendent or designee shall assess students' preferences for program activities. (Education Code 8423)

2. Location of Program

a. The district's program may operate on one or multiple school sites or at another location approved by CDE. (Education Code 8421)

b. If applying for a location off school grounds, the Superintendent or designee shall ensure that safe transportation is available for students, if necessary, and the program is at least as available and accessible as similar programs conducted on school sites. (Education Code 8421)

3. Hours of Operation

a. The district's program shall operate for a minimum of 15 hours per week. (Education Code 8421)

b. The district's program may be operated either after school only or for any combination of after school, before school, weekends, summer, intersession, and vacations. (Education Code 8422)

Volunteers

CSBA NOTE: The following optional section is for use by districts that choose to create a registry of volunteer after-school physical recreation instructors or other volunteers pursuant to Education Code 35021.3, and may be used by districts that provide an ASES, 21st CCLC, ASSETs, ELO, or any other local program. When the district opts to use a registry created by a county office of education pursuant to Education Code 35021.3 rather than develop its own, the following section may be revised to inform district staff about the county registry and encourage its use.

Pursuant to Education Code 35021.3, after-school instruction in physical recreation provided by a volunteer does not count toward satisfaction of physical education requirements pertaining to the number of instructional minutes or course completion for high school graduation; see BP/AR 6142.7 - Physical Education and Activity and BP 6146.1 - High School Graduation Requirements.

The Superintendent or designee may establish a registry of volunteer after-school physical recreation instructors and other before-school and after-school program volunteers. (Education Code 35021.3)

CSBA NOTE: Education Code 35021.3 requires volunteers to submit to a criminal background check and authorizes, but does not require, the district to contribute funds to pay for all or part of the background check. Pursuant to Education Code 35021.3, the district may expand the following paragraph to impose additional requirements on volunteers (e.g., certification in cardiopulmonary resuscitation).

To be included in the registry, a volunteer shall submit to a criminal background check pursuant to Education Code 45125. The volunteer shall also submit current contact information to the district and shall update that information whenever the information changes. (Education Code 35021.3)

The Superintendent or designee may use a volunteer registered with the district or may select another person to provide physical recreation to students after school hours or to provide other services. (Education Code 35021.3)

Reports

CSBA NOTE: The following section applies to ASES, 21st CCLC, and ASSETs programs.

Pursuant to Education Code 8426 and 8484, CDE may terminate a grant if, for three consecutive years, the program fails to demonstrate measurable program outcomes or fails to attain 75 percent of its proposed attendance levels. For this purpose, CDE may consider a comparison of participating and nonparticipating students at the same school site or other factors.

The Superintendent or designee shall annually submit to CDE outcome-based data, including, but not limited to: (Education Code 8427, 8482.3, 8484)

1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis

CSBA NOTE: Education Code 8427 requires programs to submit evidence of a program quality improvement process that is based on standards developed by CDE. Such program quality standards can be found in CDE's, "Quality Standards ~~for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality."~~and Continuous Quality Improvement (CQI)," available on its website.

2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

Policy Reference UPDATE Service
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Policy Reference Disclaimer:

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

State	Description
Ed. Code 17260-17268	Plans and specifications for school facilities
Ed. Code 17264	New construction; accommodation of before- and after-school programs
Ed. Code 35021.3	After-school physical recreation instructors
Ed. Code 41422	Emergency conditions
Ed. Code 45125	Criminal record check
Ed. Code 45330	Paraprofessionals; instructional aides
Ed. Code 45340-45349	Paraprofessionals; instructional aides
Ed. Code 46120	Expanded learning opportunities
Ed. Code 48850	Intersession program; priority access to student experiencing homelessness
Ed. Code 48853.5	Intersession program; priority access to foster youth
Ed. Code 49024	Activity Supervisor Clearance Certificate
Ed. Code 49430-49434	Nutrition standards
Ed. Code 49540-49546	Child care food program
Ed. Code 49553	Free or reduced-price meals
Ed. Code 69430-69460	Cal Grant program
Ed. Code 8263	Eligibility and priorities for subsidized child development services
Ed. Code 8273.1	Family fees; exemptions
Ed. Code 8281.5	California Prekindergarten Planning and Implementation Grant Program
Ed. Code 8295-8305	Child development program; personnel qualifications
Ed. Code 8350-8359.1	Programs for CalWORKS recipients
Ed. Code 8360-8370	Personnel qualifications
Ed. Code 8420-8428	21st Century High School After School Safety and Enrichment Program for Teens
Ed. Code 8482-8484.65	After School Education and Safety Program

Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
Ed. Code 8490-8490.7	Distinguished After School Health Recognition Program
W&I Code 10207-10492.2	Child Care and Development Services Act
W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12

Federal	**Description**
20 USC 6311	State plan
20 USC 6314	Title I schoolwide program
20 USC 7171-7176	21st Century Community Learning Centers
42 USC 11434a	Education for homeless children and youths
42 USC 1766-1766a	Child and Adult Care Food Program
7 CFR 226.17	Child care center nutrition standards

Management Resources	**Description**
California Department of Education Publication	Expanded Learning Programs Federal Program Monitoring Instrument (https://www.cde.ca.gov/ta/cr/)
California Department of Education Publication	Early Release and Late Arrival Guidance, rev. December 2021 (https://www.cde.ca.gov/ls/ex/earlyreleguidance.asp)
California Department of Education Publication	Quality Program Improvement Plan Instructions: Instructions for Completing a Quality Program Improvement Plan for Expanded Learning Programs in California, January 2022 (https://www.cde.ca.gov/ls/ex/qualityimprovinstuct.asp)
~~California Department of Education Publication~~	~~21st CCLC and ASSETs FAQs, October 2022~~
California Department of Education Publication	~~Request for Applications: 21st Century Community Learning Centers and After School Safety and Enrichment for Teens, September 2022~~After School Education and Safety, 21st Century Community Learning Centers, 21st Century High School After School Safety Enrichment for Teens Grant Programs, Frequently Asked Questions, November 2022 (https://www.google.com/url?client=internal-element-cse&cx=007899273231353282595:rooj8qfkg0k&q=https://www.cde.ca.gov/ls/ex/documents/asestwentyfirstassests.docx&sa=U&ved=2ahUKEwiwwr7J6uGIAxUuGEQIHewAHRwQFnoECAAQAQ&usg=AOvVaw3eyKDsiM-aEZz9_E2sQ8TO)

California Department of Education Publication	Expanded Learning Funding Opportunities (https://www.cde.ca.gov/ls/ex/fundingop.asp#centurycommunitylearningcenters21st)
California Department of Education Publication	Expanded Learning Opportunities Program FAQs, ~~July 2022~~May 2024 (https://www.cde.ca.gov/ls/ex/elofaq.asp)
California Department of Education Publication	Quality Standards ~~for Expanded Learning in California: Creating~~ and ~~Implementing a Shared Vision of Quality, 2014~~CQI, December 2023 (https://www.cde.ca.gov/ls/ex/qualstandcqi.asp)
California Department of Education Publication	~~A Crosswalk Between the Quality Standards for Expanded Learning and Program Quality Assessment Tools, 2014~~Guidance for a Quality Improvement Process, March 2024 (https://www.cde.ca.gov/ls/ex/cqiguidance.asp)
California Department of Education Publication	California After School Physical Activity Guidelines, 2009 (https://www.cde.ca.gov/ls/ex/documents/paguidelines.pdf)
U.S. Department of Education Publication	Nita M. Lowey 21st Century Community Learning Centers Program, Title IV, Part B of the Elementary and Secondary Act of 1965, Nonregulatory Guidance, ~~February 2003~~September 2024 (https://www.ed.gov/sites/ed/files/2024-09/OESE%2021st%20CCLC%20Non-Regulatory%20Guidance%202024.pdf)
Website	California Afterschool Network
Website	California Child and Adult Care Food Program
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Expanded Learning
Website	U.S. Department of Agriculture
Website	California School-Age Consortium
Website	Partnership for Children and Youth
Website	California Healthy Kids Survey
Website	Commission on Teacher Credentialing
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330	Use Of School Facilities
1330	Use Of School Facilities
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3516.5	Emergency Schedules
3540	Transportation
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program

3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3554	Other Food Sales
3554	Other Food Sales
3580	District Records
3580	District Records
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4131	Staff Development
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4331	Staff Development
5030	Student Wellness
5113.1	Chronic Absence and Truancy
5125	Student Records
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5137	Positive School Climate

5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.23	Asthma Management
5141.23	Asthma Management
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
5148	Child Care And Development
5148	Child Care And Development
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6142.4	Service Learning/Community Service Classes
6142.6	Visual And Performing Arts Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6154	Homework/Makeup Work

6159	Individualized Education Program
6159	Individualized Education Program
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.4	Education For American Indian Students
6175	Migrant Education Program
6175	Migrant Education Program
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6178	Career Technical Education
6178	Career Technical Education
6179	Supplemental Instruction

Policy 5148.3: Preschool/Early Childhood Education

Status: ADOPTED

Original Adopted Date: 11/01/2012 **| Last Revised Date:** 12/01/~~2023~~2024 **| Last Reviewed Date:** 12/01/~~2023~~2024

CSBA NOTE: The following ~~optional~~ policy ~~may be used~~is **mandated** for use by districts that operate their own preschool/early childhood education programs and/or collaborate to provide preschool opportunities within the community. See the accompanying administrative regulation for mandated language regarding (1) written admissions policies and procedures and (2) fees for field trips and/or parent/guardian provision of diapers.

CSBA's publications, "The Preschool Landscape in California and Strategies for Expansion," and, "The Importance of Early Childhood Education Programs," provide information about the characteristics of effective preschool programs and actions that the district and Governing Board can take to encourage and/or provide high-quality preschool education. Additionally, the California Department of Education (CDE) has developed a Universal Prekindergarten resources website, "Universal Prekindergarten (UPK), California's Great Start," designed for use by districts that operate California State Preschool Programs (CSPP), Head Start programs, and/or transitional kindergarten (TK).

~~Education Code 60910 requires CDE, beginning July 1, 2024, to collect data regarding each student enrolled in a district operated CSPP, including all applicable data elements that are collected for TK students pursuant to Education Code 48000.~~

Pursuant to Education Code 8207, CSPPs include part- and full-day, age and developmentally appropriate programs, designed to facilitate the transition to kindergarten for three- and four-year-old children, and as amended by SB 163 (Ch. 73, Statutes of 2024), two-year-old children. Pursuant to Education Code 8207.1, as added by SB 163, a district operating a CSPP, may, but is not required to, enroll interested eligible two-year-old children. However, a district's CSPP may not serve any two-year-old children on or after July 1, 2027, unless the district was serving those two-year-old children before July 1, 2027.

Education Code 8320 establishes the California Universal Preschool Planning Grant Program, with the goal of expanding access to preschool programs for ~~3-year old~~three- and 4four-year-old children universally across the state, through a mixed-delivery system by a variety of providers, programs, and settings such as Head Start agencies and other public, private, or proprietary agencies. Under the program, grants are awarded per county, based on collaborative planning among the local child care and development planning council, ~~school~~ districts and other local educational agencies, public and private agencies, and other community members, to ensure that activities conducted under the grant meet community needs for universal preschool in a mixed-delivery system which are not already addressed.

Education Code 8281.5 established the California Prekindergarten Planning and Implementation Grant Program as an early learning initiative with the goal of expanding access to classroom-based prekindergarten programs ~~at districts. The program allocates funding to all districts that operate kindergarten programs through minimum base grants, enrollment grants based on a district's kindergarten enrollment, and supplemental grants based on a district's percentage of unduplicated students.~~. Grant funds may be used for costs associated with creating or expanding CSPP ~~programs~~ or TK programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the district, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for four-year-old children. ~~Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies. Since funds for this program have already been granted, CDE is authorized, pursuant to SB 114 (Ch. 48, Statutes of 2023), to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.~~

Additionally, preschool programs may also receive funding through the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with exceptional needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852c), Title I preschool program (20 USC 6311-6322), or other funding sources available to the district.

The Governing Board recognizes the value of high-quality preschool experiences to enhance children's social-emotional development and acquisition of instructional knowledge, skills, and abilities. The Board desires to provide a supervised and cognitively rich learning environment designed to facilitate the transition to kindergarten for two-, three-, and four-year-old children.

CSBA NOTE: The following optional paragraphs may be used by all districts, regardless of whether they provide their own preschool programs, and may be revised to reflect district practice.

Welfare and Institutions Code 10480-10487 establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care, including preschool programs, and to develop policies to meet identified needs; see BP 5148 - Child Care and Development. Such councils may also develop centralized student eligibility lists; see the section "Waiting List" in the accompanying administrative regulation.

The Superintendent or designee shall collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access

to high-quality preschool programs.

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

CSBA NOTE: In addition to other eligibility requirements, pursuant to 5 CCR 17745, a child and the child's parents/guardians must live in California while the child is receiving services.

To receive preschool services, a child and the child's parent(s)/guardian(s) shall be required to provide evidence of residency in California. However, any person identified as experiencing homelessness shall only be required to submit a declaration that the person resides in California. (5 CCR 17745)

Preschool eligibility determinations shall be made without regard to a child's immigration status or that of the child's parent(s)/guardian(s) unless the child or the child's parent(s)/guardian(s) are under a final order of deportation from the U.S. Department of Homeland Security. (5 CCR 17745)

District Preschool Programs

CSBA NOTE: The following optional section is for use by districts that choose to provide preschool/early childhood education programs for two-, three-, and four-year-old children and should be revised to reflect district practice.

The district may contract with CDE to offer a program through the CSPP pursuant to Education Code 8200-8340. Three-Two-, three-, and four-year-old children from low-income or otherwise disadvantaged families may be eligible for subsidized services. See the accompanying administrative regulation for major program requirements for CSPP.

Pursuant to Education Code 8207, CSPP programs may be part-day or full-day programs that are age and developmentally appropriate. See the accompanying administrative regulation for details.

Preschool programs may also receive funding through the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with special needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852c), Title I preschool program (20 USC 6311-6322), or other funding sources available to the district.

Education Code 60910 requires CDE to collect data regarding each student enrolled in a district operated CSPP, including all applicable data elements that are collected for TK students pursuant to Education Code 48000. For more information about data collection, see CDE's Early Education Division Management Bulletin 24-08.

In order to support equitable access to CSPPs, Education Code 8222, as added by AB 51 (Ch. 618, Statutes of 2024), requires CDE to (1) provide prospective CSPP providers an equitable opportunity to establish a trained workforce and administrative systems, and technical assistance on how to meet the requirements of applicable regulations, (2) develop early learning resources, as specified,

and (3) develop and implement a proactive one-time three-year outreach, capacity building, training, and technical assistance plan that targets prospective and new contractors.

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, either directly or through a subcontract with a public or private provider.

CSBA NOTE: Pursuant to Health and Safety Code 1596.792, ~~CSPP programs~~CSPPs that are operated in a school building by a school district under contract with CDE are exempted from licensure and regulation requirements of Health and Safety Code 1596.70-1597.21. However, such ~~CSPP programs~~CSPPs are required to comply with other specified health and safety requirements, including the Field Act, California Building Standards Code, requirements for kindergarten classrooms specified in 5 CCR 14001-14036, and requirements for ~~CSPP programs~~CSPPs specified in 5 CCR 17700-17833.

Education Code 8207 requires any CSPP ~~program~~ to provide early learning and care and comply with Health and Safety Code 1596.955 and all other applicable statutory and regulatory requirements, including, but not limited to, the requirement of Education Code 8205 that any child under four years of age be served only in a CSPP facility licensed in accordance with Title 22 of the California Code of Regulations. Additionally, Education Code 8207.1, as amended by AB 176 (Ch. 998, Statues of 2024), requires the Superintendent of Public Instruction (SPI), in consultation with the California Department of Social Services (CDSS), to develop guidance for CSPPs to follow when enrolling two-year-old children, including guidance regarding age-appropriate diapering and toilet training.

District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.

CSBA NOTE: Pursuant to 5 CCR 17701 the Board is required to approve a written philosophical statement, goals, objectives, and requirements addressing each program component specified in 5 CCR 17701-17711. See the accompanying administrative regulation for further information about these required program components.

The Board shall approve, for the district's preschool program, a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 17701-17711 and the accompanying administrative regulation. (5 CCR 17701)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

CSBA NOTE: Pursuant to the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (Education Code 17375~~, as amended and extended by SB 114,~~), districts may be awarded grants for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the modernization of existing ~~preschool~~kindergarten-grade 12 classrooms ~~pursuant~~that will be converted to ~~the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program~~provide CSPPs operated by districts on a public school site.

Preschool classroom needs shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

CSBA NOTE: The following optional paragraph provides for coordination of the preschool program with the TK program and may be revised to reflect district practice. Education Code 48000 phases in the timespans for mandatory admittance requirements until the 2025-2026 school year.

The Superintendent or designee shall coordinate the district's preschool program, transitional kindergarten program (TK), and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge. In order to provide families with the option of a full-day, high-quality instructional program, the district may enroll children who are in a TK or kindergarten program in a California State Preschool Program (CSPP) before and/or after the regular school day.

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's preschool program is offered.

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of preschool children and their families as specified in Board Policy 6170.1 - Transitional Kindergarten. (Education Code 8281.5)

~~CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141 (Ch. 194, Statutes of 2023), for the 2023-24 and 2024-25 school years, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP, if offered by the district, and space permitting. The district may enroll an early enrollment child in a CSPP operated by the district regardless of income, after all other eligible children have been enrolled. For more information on TK programs, see BP 6170.1 - Transitional Kindergarten.~~

~~If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP program, subject to available space. (Education Code 48000.15)~~

~~CSBA NOTE: Pursuant to Education Code 48000 a child's eligibility for TK enrollment may not impact family eligibility for a preschool or childcare program. Education Code 8205 clarifies that four-year-old children who are eligible to participate in a CSPP program include those children whose 5th birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent/guardian has opted to retain or enroll them in a CSPP program.~~

CSBA NOTE: Pursuant to Education Code 8203.3, CDE in consultation with the California Department of Social Services, is responsible for establishing and updating prekindergarten learning development guidelines that focus on preparing children for kindergarten, including developmental milestones, how to assess where children are in relation to the milestones, and suggested methods for achieving the milestones.

CDE has developed voluntary "preschool learning foundations" which describe the knowledge, skills, and competencies that children are expected to exhibit as they complete their first or second year of preschool. These standards address essential skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's website.

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or child care program. (Education Code 8205, 48000)

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

CSBA NOTE: Pursuant to Education Code 8241.5 preschool providers are required to identify dual language learners enrolled in specified preschool programs through a family language instrument and a family language and interest interview, which, as amended by AB 393 (Ch. 435, Statutes of 2023), may be fulfilled by using the previous designation of a child as a "dual language learner" by a general childcare and development program or migrant childcare program to identify and report child and program data related to dual language learners to CDE. Pursuant to Education Code 8241.5, as amended by AB 393, a family may not be compelled to complete a family language instrument or to participate in the family language and interest interview. Education Code 8203 requires the quality indicators for CSPP programs to include activities and services that meet the needs of dual language learners for support in the development of their home language and English, and is reflected in the following paragraph.

The Superintendent or designee shall identify dual language learners in district preschool programs, and shall collect and report related data to CDE as required by Education Code 8241.5. The district's preschool program shall include activities and services that meet the needs of dual language learners for support in the development of their home language and English. (Education Code 8203)

CSBA NOTE: The following paragraph reflects Education Code 8208, as amended by SB 141, which provides that until June 30, 2025, at least 5 percent of enrollment into subsidized preschool must be reserved for children with exceptional needs and increases the number to 7.5 percent on July 1, 2025 and 10 percent from July 1, 2026.

The district's preschool program shall serve children with exceptional needs as required by Education Code 8208. Children with exceptional needs attending any CSPP program shall be

educated in the least restrictive environment in accordance with 20 USC 1412.

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

CSBA NOTE: Pursuant to Education Code 8207, CSPP programs must include certain required components, as reflected in the accompanying administrative regulation.

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

The district shall encourage volunteerism by families participating in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

CSBA NOTE: The Commission on Teacher Credentialing (CTC) issues permits for child development program directors, site supervisors, and teachers pursuant to criteria established in Education Code 8205 and 8298 and 5 CCR 17717-17721. The district may request from CDE a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Education Code 8205 and 5 CCR 17719.

CTC has amended 5 CCR 80067, and adopted 5 CCR 80067.1 and 80067.2, which are pending approval by the Office of Administrative Law as of October 2023, pertaining to the prekindergarten-grade 3 early childhood education specialist credential. The proposed credential is designed to provide individuals who already hold a bachelor's degree and have gained experience in early childhood education through their work, to have an expedited pathway to earning the credential to teach in the prekindergarten-grade 3 environment. See CTC Coded Correspondence 23-02 for more information regarding the proposed regulations. For more information about the Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit, see AR 4112.2 -- Certification.

Pursuant to Education Code 69617, as amended by SB 114, the Golden State Teacher Grant Program awards up to $20,000 to students currently enrolled in a professional preparation program approved by CTC who are working towards earning their preliminary teaching or pupil personnel services credential, and who commit to work for four years at a CSPP.

Pursuant to Education Code 8281.5, as amended by SB 114, CDE is authorized to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health

and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

CSBA NOTE: 5 CCR 17743 mandates that districts offering a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218.1, as provided in the following paragraph. See the accompanying administrative regulation for additional language that fulfills this mandate.

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (5 CCR 17743; 22 CCR 101218.1)

CSBA NOTE: Education Code 8208, 8210, and 8211, as amended by SB 141, and 5 CCR 17746-17748 revised eligibility criteria and enrollment priorities for subsidized preschool services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Education Code 8267 authorizes the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8208, 8210, and 8211 and 5 CCR 17746-17748.

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 8207, programs operated under the CSPP may be part-day or full-day programs.

CSBA NOTE: Pursuant to 5 CCR 17709-17711 the district is required to conduct an annual self-evaluation that includes, but is not limited to, an assessment of the program by staff and the Board, a parent/guardian survey, and an environment rating scale using forms identified in 5 CCR 17700. In addition, pursuant to 5 CCR 17794, CDE conducts a Federal Program Monitoring/Contract Monitoring Review (FPM/CMR) of each contract agency at least once every four years. The FPM/CMR instrument is available on CDE's website.

Education Code 8203.1 establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Grant funds may be awarded to eligible local consortia, which then allocate funds to districts and other agencies contracting to provide CSPP programs. Pursuant to Education Code 8203.1, QRIS is based on a tiered rating structure with

~~progressively higher quality standards for each tier. It is designed to (1) provide supports and incentives for programs, teachers, and administrators to reach higher levels of quality, (2) monitor and evaluate program impacts on child outcomes, and (3) disseminate information to parents/guardians and the public about program quality.~~

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141 (Ch. 194, Statutes of 2023), for the 2024-25 school year, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP, if offered by the district, and space permitting. The district may enroll an early enrollment child in a CSPP operated by the district regardless of income, after all other eligible children have been enrolled.

Pursuant to Education Code 48000, a district that commingles children from CSPP and TK in the same classroom is required to meet all of the requirements of the respective programs in which the children are enrolled, and, as amended by SB 153 (Ch. 38, Statutes of 2024), is required to complete an observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS Environment tool.

For more information on TK programs, see BP 6170.1 - Transitional Kindergarten.

If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

CSBA NOTE: Pursuant to Education Code 48000 a child's eligibility for TK enrollment may not impact family eligibility for a preschool or child care program. Education Code 8205 clarifies that four-year-old children who are eligible to participate in a CSPP include those children whose 5th birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP and whose parent/guardian has opted to retain or enroll them in a CSPP.

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or child care program. (Education Code 8205, 48000)

CSBA NOTE: Pursuant to Education Code 8203.3, CDE in consultation with CDSS, is responsible for establishing and updating prekindergarten learning development guidelines that focus on preparing children for kindergarten, including developmental milestones, how to assess where children are in relation to the milestones, and suggested methods for achieving the milestones.

Effective July 1, 2025, the district's CSPP is required to use CDE's, "Preschool/Transitional Kindergarten Learning Foundations (PTKLF)," formerly "Preschool Learning Foundations," to guide curriculum and lesson planning to support children ages three to five. The PTKLF describe the knowledge, skills, and developmental milestones that most children ages three through five can achieve in a high-quality early education program. For more information see CDE's Early Education Division Management Bulletin 24-07 and CDE's California PTKLF website.

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be

designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

CSBA NOTE: Pursuant to Education Code 8241.5, preschool providers are required to identify dual language learners enrolled in specified preschool programs through a family language instrument and a family language and interest interview, which, as amended by AB 393 (Ch. 435, Statutes of 2023), may be fulfilled by using the previous designation of a child as a "dual language learner" by a general child care and development program or migrant child care program to identify and report child and program data related to dual language learners to CDE. Pursuant to Education Code 8241.5, as amended by AB 393, a family may not be compelled to complete a family language instrument or to participate in the family language and interest interview. Education Code 8203 requires the quality indicators for CSPPs to include activities and services that meet the needs of dual language learners for support in the development of their home language and English, and is reflected in the following paragraph. Pursuant to Education Code 8203, the SPI is required to develop standards for the implementation of high-quality preschool programs, one component of which are activities and services that meet the cultural and linguistic needs of dual language learners for support in the development of their home language and English.

The Superintendent or designee shall identify dual language learners in district preschool programs, and shall collect and report related data to CDE as required by Education Code 8241.5. The district's preschool program shall include activities and services that meet the needs of dual language learners for support in the development of their home language and English. (Education Code 8203)

CSBA NOTE: The following paragraph reflects Education Code 8208, as amended by SB 163, which requires at least five percent of enrollment into subsidized preschool be reserved for children with exceptional needs.

The district's preschool program shall serve children with exceptional needs as required by Education Code 8208. Children with exceptional needs attending any CSPP shall be educated in the least restrictive environment in accordance with 20 USC 1412.

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

CSBA NOTE: Pursuant to Education Code 8207, CSPPs must include certain required components, such as health services, nutrition, and referrals to appropriate social service agencies, as reflected in the following paragraph and accompanying administrative regulation.

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

The district shall encourage volunteerism by families participating in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

Staffing

CSBA NOTE: The Commission on Teacher Credentialing (CTC) issues permits for child development program directors, site supervisors, and teachers pursuant to criteria established in Education Code 8205 and 8298 and 5 CCR 17717-17721. The district may request from CDE a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Education Code 8205 and 5 CCR 17719.

5 CCR 80067, 80067.1, 80067.2, and 80067.3, pertaining to the prekindergarten-grade 3 (PK-3) early childhood education specialist credential, include requirements, and accelerated pathways to meet the requirements, in an effort to increase the number of early childhood education teachers. The PK-3 credential is designed to provide individuals who already hold a bachelor's degree and have gained experience in early childhood education through their work, to have an expedited pathway to earning the credential to teach in the PK-3 environment. See CTC Coded Correspondence 24-03 for more information. For more information about the Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit, see AR 4112.2 -- Certification.

Pursuant to Education Code 69617, as amended by SB 114 (Ch. 48, Statutes of 2023), the Golden State Teacher Grant Program awards up to $20,000 to students currently enrolled in a professional preparation program approved by CTC who are working towards earning their preliminary teaching or pupil personnel services credential, and who commit to work for four years at a CSPP.

Pursuant to Education Code 8281.5, as amended by SB 114, CDE is authorized to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

Eligibility, Enrollment, and Disenrollment

CSBA NOTE: 5 CCR 17743 **mandates** that districts offering a CSPP develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218.1, as provided in the following paragraph. See the accompanying administrative regulation for additional language that fulfills this mandate.

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by

the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (5 CCR 17743; 22 CCR 101218.1)

CSBA NOTE: Education Code 8208, as amended by SB 141 and SB 163, Education Code 8210 and 8211, as amended by SB 141, SB 163 and AB 176, and 5 CCR 17746-17748, revised eligibility criteria and enrollment priorities for subsidized preschool services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Education Code 8267 authorizes the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8208, 8210, and 8211 and 5 CCR 17746-17748.

CSBA NOTE: In addition to other eligibility requirements, pursuant to 5 CCR 17745, a child and the child's parents/guardians must live in California while the child is receiving services.

To receive preschool services, a child and the child's parent(s)/guardian(s) shall be required to provide evidence of residency in California, which may be established by providing evidence of a California street or post office address. However, any person identified as experiencing homelessness shall only be required to submit a declaration that the person resides in California. (5 CCR 17745)

Preschool eligibility determinations shall be made without regard to a child's immigration status or that of the child's parent(s)/guardian(s) unless the child or the child's parent(s)/guardian(s) are under a final order of deportation from the U.S. Department of Homeland Security. (5 CCR 17745)

The district's program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the expulsion or unenrollment is in accordance with the procedures specified in the accompanying administrative regulation.

When necessary due to a reduction in state reimbursements, families shall be disenrolled as specified in the accompanying administrative regulation.

Program Evaluation

CSBA NOTE: As specified in CDE's Early Education Division Management Bulletin 23-10, districts are no longer required to complete an environment rating scale, as part of the annual self-evaluation or as part of Federal Program Monitoring/Contract Monitoring Review. Instead, beginning with the 2024-25 annual program self evaluation, districts are required to implement the CLASS, CLASS Environment tool, and additional requirements as specified, with full implementation

in program year 2028-29.

Education Code 8203.1 establishes the early learning quality rating and improvement system (QRIS) block grant to support continuous local improvement efforts that increase the number of low-income children in high-quality preschool programs. Grant funds may be awarded to eligible local consortia, which then allocate funds to districts and other agencies contracting to provide CSPPs. Pursuant to Education Code 8203.1, QRIS is based on a tiered rating structure with progressively higher quality standards for each tier. It is designed to (1) provide supports and incentives for programs, teachers, and administrators to reach higher levels of quality, (2) monitor and evaluate program impacts on child outcomes, and (3) disseminate information to parents/guardians and the public about program quality.

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 17709-17711)

The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

Complaints

CSBA NOTE: The following paragraph is for use by districts that offer a CSPP ~~program~~ and may be revised to reflect the type(s) of programs offered by the district. Education Code 8212 requires districts to use the uniform complaint procedures, with modifications as necessary, to investigate and resolve health and safety complaints in license-exempt ~~CSPP~~ ~~programs.~~CSPPs. Pursuant to 5 CCR 17781, license-exempt ~~CSPP~~ ~~programs~~CSPPs are required to comply with the procedures described in 5 CCR 4690-4694. See BP/AR 1312.3 - Uniform Complaint Procedures.

The district's uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the CSPP. However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8212; 5 CCR 4610, 4611, 4690-4694, 17781)

~~The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.~~

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

State	Description

22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	General ~~Program Requirements~~program requirements
5 CCR 17745	Admission requirements; residency
5 CCR 17746-17748	Enrollment priorities
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 80067-80067.3	Professional Clear Early Childhood Education Specialist Instruction Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 17375	California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program
Ed. Code 44065	Issuance of and functions requiring credentials
Ed. Code 44256	Authorization for teaching credentials
Ed. Code 48000-48003	Kindergartens
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60910	Data for students enrolled in California State Preschool Program
Ed. Code 69617	Golden State Teacher Grant Program
Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8489-8489.1	Expulsion and suspension procedures
H&S Code 120325-120380	Immunization against communicable diseases
H&S Code 1596.70-1596.895	California Child Day Care Act
H&S Code 1596.90-1597.21	Day care centers

W&I Code 10207-10215	General provisions
W&I Code 10207-10492.2	Child Care and Development Services Act
W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs
W&I Code 10235-10238	Migrant child care and development programs
W&I Code 10240-10243	General child care and development programs
W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10480-10487	Local planning councils

Federal	**Description**
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311-6322	Title I, relative to preschool
20 USC 6391-6399	Education of migratory children
42 USC 9831-9852c	Head Start programs
42 USC 9857-9858r	Child Care and Development Block Grant
45 CFR 1301.1-1305.2	Head Start

Management Resources	**Description**
CA Commission on Teacher Credentialing Publication	~~Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023~~Approval of Regulations Authorizing the New PK-3 Early Childhood Education Specialist Instruction Credential, Coded Correspondence 24-03, March 2024 (https://www.ctc.ca.gov/docs/default-source/commission/coded/2024/coded-24-03.pdf)
California Department of Education Publication	Early Childhood Division Federal Program Monitoring Instrument (https://www.cde.ca.gov/ta/cr/)
California Department of Education Publication	Data Collection for California State Preschool Programs Operated by a Local Educational Agency, Early Education Division Management Bulletin 24-08, August 2024 (https://www.cde.ca.gov/sp/cd/ci/mb2408.asp)

California Department of Education Publication	Preschool/Transitional Kindergarten Learning Foundations, Early Education Division Management Bulletin 24-07, August 2024 (https://www.cde.ca.gov/sp/cd/ci/mb2407.asp)
California Department of Education Publication	California State Preschool Program Neighborhood School Eligibility Criteria to Enroll Three- and Four-Year-Old Children, Early Education Division Management Bulletin 24-01, January 2024 (https://www.cde.ca.gov/sp/cd/ci/mb2401.asp)
California Department of Education Publication	Implementation of the Classroom Assessment Scoring System (CLASS) and CLASS Environment and Removal of the Environment Rating Scale for the California State Preschool Program (CSPP), Early Education Division Management Bulletin 23-10, December 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2310.asp)
California Department of Education Publication	California State Preschool Program and Children with Disabilities (Exceptional Needs), Early Education Division Management Bulletin 23-02, February 2023
California Department of Education Publication	Part-day California State Preschool Program as an Extended Learning and Care Option, Early Education Division Management Bulletin 23-05, April 2023
California Department of Education Publication	~~Assessment and Reporting of Family Fees for Fiscal Year (FY) 2023–24, Early Education Division Management Bulletin 23-07, September 2023~~Assessment and Reporting of Family Fees for Fiscal Year (FY) 2024-25, Early Education Division Management Bulletin 24-06, June 2024 (https://www.cde.ca.gov/sp/cd/ci/mb2406.asp)
California Department of Education Publication	Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-08, September 2023
California Department of Education Publication	Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009
California Department of Education Publication	California Preschool Learning Foundations
California Department of Education Publication	First Class: A Guide for Early Primary Education, 1999
CSBA Publication	The Importance of Early Childhood Education Programs, September 2019
CSBA Publication	The Preschool Landscape in California and Strategies for Expansion, January 2020

U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016
Website	Universal PreKindergarten, California's Great Start
Website	California Office of Administrative Law
Website	California County Superintendents Educational Services Association
Website	CSBA District and County Office of Education Legal Services
Website	California Commission on Teacher Credentialing
Website	National Institute for Early Education Research
Website	California Head Start Association
Website	California Preschool Instructional Network
Website	Child Development Policy Institute
Website	California Association for the Education of Young Children
Website	First 5 California
Website	California Department of Social Services
Website	Cities Counties and Schools Partnership
Website	CSBA
Website	U.S. Department of Education
Website	California Department of Education

Cross References

Code	Description
0415	Equity
0500	Accountability
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330	Use Of School Facilities

1330	Use Of School Facilities
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3523	Electronic Signatures
3523	Electronic Signatures
3541	Transportation Routes And Services
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4131	Staff Development
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files

4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5030	Student Wellness
5111	Admission
5111	Admission
5125	Student Records
5125	Student Records
5141.23	Asthma Management
5141.23	Asthma Management
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development

6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6159	Individualized Education Program
6159	Individualized Education Program
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6174	Education For English Learners
6174	Education For English Learners
6175	Migrant Education Program
6175	Migrant Education Program
6200	Adult Education
6200	Adult Education
7110	Facilities Master Plan
7210	Facilities Financing

Regulation 5148.3: Preschool/Early Childhood Education

Status: ADOPTED

Original Adopted Date: 07/01/2015 **| Last Revised Date:** 12/01/~~2023~~2024 **| Last Reviewed Date:** 12/01/~~2023~~2024

~~CSBA NOTE:~~CSBA NOTE: The following administrative regulation is **mandated** for use by districts that operate their own preschool/early childhood education programs and/or collaborate to provide preschool opportunities within the community. The following administrative regulation reflects the major requirements of the California State Preschool Program (CSPP) pursuant to Education Code 8200-8340 and 5 CCR 17700-17833.

The following administrative regulation does not reflect all requirements for other state and federally funded preschool program(s). The district may revise this administrative regulation to reflect other preschool program(s) it offers, such as the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with special needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852c), Title I preschool program (20 USC 6311-6322), or preschool program developed and funded by the district.

In addition to the program requirements described below, other district policies as contained throughout the district's policy manual may be applicable to preschool programs. See BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, BP/AR 3550 - Food Service/Child Nutrition Program, and BP/AR 5148 - Child Care and Development. ~~Districts should~~It is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel if there are questions regarding the applicability of other laws to the district's preschool program.

Attendance, means the number of children present at a preschool facility, and for purposes of reimbursement, includes excused absences by children because of illness, quarantine, illness or quarantine of their parent, family emergency, or to spend time with a parent or other relative as required by a court of law or that is clearly in the best interest of the child. (Education Code 8205)

Children with exceptional needs means either of the following: (Education Code 8205)

1. Children under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Government Code 95000-95029.5) and its implementing regulations, including an infant or toddler with a developmental delay or established risk condition, or a child who is at high risk of having a substantial developmental disability, as defined in Government Code 95014~~.~~

   Children with exceptional needs under the age of three shall have active individualized family service plans (IFSP) and shall be receiving early intervention services.

2. Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program (IEP) team according to the special education requirements contained in Education Code 56000-56865, and who meet eligibility criteria described in Education Code 56026 and 56333-56338 and 5 CCR 3030-3031.

   Children with exceptional needs between ages 3 to 21 shall have an active IEP and shall be receiving early intervention services or appropriate special education.

Dual language learner children means children whose first language is a language other than English or children who are developing two or more languages, one of which may be English. (Education Code 8205)

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141 (Ch. 194, Statutes of 2023), for the 2023-24 and 2024-25 school yearsyear, a district that offers transitional kindergarten (TK) to early enrollment children must concurrently offer enrollment in a CSPP, if offered by the district, and space permitting.

Early enrollment child means a child whose fourth birthday will be between June 3 and September 1 preceding the school year during which they are enrolled in a transitional kindergarten (TK) classroom. (Education Code 48000.15)

CSBA NOTE: Education Code 8205, as amended by SB 163 (Ch. 73, Statutes of 2024), includes the definition of two-year-old children, which is reflected below.

Two-year-old children means children who have had their second birthday and do not otherwise meet the definition of "three-year-old children." (Education Code 8205)

Three-year-old children means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). Children who have their third birthday on or after December 2 of the fiscal year, may be enrolled in a CSPP program on or after their third birthday. Any child under four years of age shall be served in a California state preschool program facility, licensed in accordance with Title 22 of the California Code of Regulations (Education Code 8205)

Four-year-old children means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP program, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent or guardian has opted to retain or enroll them in a CSPP program. (Education Code 8205)

Program Components

When approved by CDE under the CSPP, the district may operate one or more part- or full-day preschool programs in accordance with law and the terms of its contract with CDE.

CSBA NOTE: Pursuant to Education Code 8207, ~~CSPP programs must~~CSPPs are required to include certain ~~required~~ components, as reflected in Items #1-7 below. Item #8 is a recommended practice that may be revised to reflect the district's program.

The district's CSPP ~~program~~ shall include all of the following: (Education Code 8207)

1. Age and developmentally appropriate activities for children
2. Supervision
3. Parenting education and parent engagement
4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
5. Health services
6. Nutrition
7. Training and career ladder opportunities, documentation of which shall be provided to CDE
8. Physical activity to support children's health

CSBA NOTE: CSPP program components are listed in 5 CCR 17701-17711.

Pursuant to Education Code 8203.5, contracts between the California Department of Education (CDE) and districts for ~~CSPP programs~~CSPPs must include a requirement that a developmental profile be maintained for each child.

The district's ~~preschool program~~CSPP shall satisfy all the requirements described in 5 CCR 17701-17711, including, but not limited to, those related to the program philosophy, goals, and objectives, the educational program, the creation of a developmental profile for each child, staff development, family engagement and strengthening, community involvement, health and social services, nutrition, and program evaluation.

Minimum Hours/Days of Operation

CSBA NOTE: Pursuant to Education Code 8207, ~~CSPP programs~~CSPPs may be part- or full-day. The following section may be revised to reflect district programs.

The district's part-day ~~preschool program~~CSPP shall operate a minimum of three hours, and up to three hours and 59 minutes, per day, excluding time for home-to-school transportation, and for at least 175 days per year unless otherwise specified in the contract with CDE. (Education Code 8207; 5 CCR 17727)

CSBA NOTE: CDE's Early Education Division Management Bulletin 23-05 provides guidance on eligibility of children enrolled in TK or kindergarten for wraparound care if the child is also eligible for a part-day CSPP.

However, a part-day ~~preschool program~~CSPP may also offer TK or kindergarten children whose families meet the requirements of Education Code 8208 less than four hours of wraparound

childcare services, and a part-day preschool program operating on a school site may be allowed flexibility in the operational hours. (Education Code 48000)

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141, for the ~~2023-24 and~~ 2024-25 school ~~years~~year, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP ~~program~~, if offered by the district, space permitting. The district may enroll an early enrollment child in a CSPP ~~program~~ operated by the district regardless of income, after all other eligible children have been enrolled. For more information about TK programs, see BP 6170.1 - Transitional Kindergarten.

The district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

The district's full-day ~~program~~CSPP shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation, and for the number of operational hours reasonably necessary to meet the preschool needs of the families in the community. (Education Code 8207; 5 CCR 17728)

Staffing

CSBA NOTE: Education Code 8241 provides staffing ratios that apply until the Superintendent of Public Instruction (SPI) promulgates regulations to establish such ratios for center-based programs. Pursuant to Education Code 8241, ~~CSPP~~ ~~programs~~CSPPs must maintain a ratio of at least one adult to every eight children and at least one teacher to every 24 children.

The ~~preschool~~ ~~program~~CSPP shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. (Education Code 8241, 5 CCR 17713-17716)

CSBA NOTE: Health and Safety Code 1596.7995 requires employees and volunteers at a day care center to be immunized against influenza, pertussis, and measles, with specified exemptions. Health and Safety Code 1597.055 adds a requirement for such teachers to obtain a tuberculosis clearance. Pursuant to Health and Safety Code 1596.76, a day care center includes a preschool. See AR 5148 - Child Care and Development for further information regarding immunization requirements for staff and volunteers. Districts that have not adopted AR 5148 - Child Care and Development may revise the following paragraph accordingly and expand it to include the exemptions specified in Health and Safety Code 1596.7995.

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and Administrative Regulation 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Education Code 49406 requires school volunteers, with certain authorized exceptions, to submit to a tuberculosis risk assessment as developed by the California Department of Public Health. If risk factors are identified, then the volunteer is required to submit to an intradermal (skin) tuberculin test or other tuberculin test recommended by the Centers for Disease Control and Prevention.

The district may require any volunteer who is to provide care and supervision to district preschool children to provide evidence that the volunteer is free of infectious tuberculosis.

Family Literacy Services

CSBA NOTE: The following section is optional. Contingent upon funding in the state Budget Act, Education Code 8220 and 8221 provide for the SPI to distribute family literacy supplemental grant funds to qualifying CSPP contractors for the purposes described below.

When any district part-day ~~preschool program~~CSPP receives funding for family literacy services pursuant to Education Code 8221, the Superintendent or designee shall coordinate the provision of: (Education Code 8220)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development

2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:

    a. Providing support for the educational growth and success of their children

    b. Improving parent-school communications and parental understanding of school structures and expectations

    c. Becoming active partners with teachers in the education of their children

    d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral

3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians

4. Staff development for teachers in participating classrooms that includes, but is not limited to:

    a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies

b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms

c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities

d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

Eligibility Criteria for Part-Day CSPP ~~Programs~~

CSBA NOTE: The following section reflects eligibility criteria for the part-day CSPP ~~programs~~ pursuant to state law and regulations. Education Code 8208, as amended by SB 163, includes revised eligibility criteria and enrollment priorities for part-day CSPP to permit, but not require, districts to offer, until July 1, 2027, CSPP to eligible two-year-old children. See the section "Eligibility and Enrollment Priorities for Full-Day CSPP ~~Programs~~" below for full-day program requirements.

5 CCR 17743 **mandates** that a district operating a CSPP ~~program~~ develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218.1, including, but not limited to, criteria designating those children whose needs can be met by the program and services and the ages of children who will be accepted. The requirement to develop written admissions policies and procedures applies to both part- and full-day CSPP.

A ~~three- or four-year-old~~ child is eligible for a part-day CSPP ~~program~~ if ~~the child's~~both of the following requirements are met: (Education Code 8208)

1. The child is one of the following:

   a. A two-year-old child and the CSPP enrolls the two-year-old child in accordance with the guidance specified in Education Code 8207.1

   b. A three-year-old child

   c. A four-year-old child

   d. Enrolled in kindergarten pursuant to Education Code 48000

2. The child's family is one of the following: ~~(Education Code 8208)~~

   ~~1.~~a. A current aid recipient

   ~~2.~~b. Income eligible

   ~~3.~~c. Experiencing homelessness

   ~~4.~~d. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited

[CSBA NOTE: When a family has multiple children with one who has exceptional needs, only children in the family who are children with exceptional needs may be enrolled under this eligibility criteria. Any other child in the family without exceptional needs may be enrolled pursuant to other criteria established pursuant to Education Code 8208.]

~~5.~~e. One who has children with exceptional needs, as defined in Education Code 8205

~~6.~~f. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

After all eligible two-, three~~-~~-, and four-year-old children have been enrolled as provided above, a part-day CSPP ~~program~~ may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP ~~program~~ shall be from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP ~~program~~ may provide services to two-, three~~-~~-, and four-year-old children in families whose income is above the income eligibility threshold if those children are children with exceptional needs. Such children with exceptional needs shall not count towards the 10-percent limit on enrollment of families with income above the income eligibility threshold described above. (Education Code 8208)

CSBA NOTE: Education Code 8217, as amended by AB 176 (Ch. 998, Statutes of 2024), further expands eligibility for part-day CSPP ~~programs~~ to ~~three~~two-year -old children in the circumstances specified in the following paragraph.

A CSPP ~~program~~ operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price ~~lunch~~meals may enroll two-, three~~-~~-, and four-year-old children after all otherwise eligible children have been enrolled as provided in the paragraphs above. (Education Code 8208, 8217)

CSBA NOTE: Pursuant to Education Code 8208 at certification or recertification, a child is deemed eligible for a part-day CSPP ~~program~~ for the remainder of the program year and the following program year so long as the child continues to meet the age-eligibility requirements.

The district shall certify eligibility and enroll families into the part-day ~~preschool~~ ~~program~~CSPP within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to a child's enrollment, the child shall be deemed eligible for the part-day CSPP ~~program~~ for the remainder of the program year and for the following program year, provided applicable age-eligibility requirements are met, as specified in Education Code 8205 and 48000. (Education Code 8208)

Enrollment Priorities for Part-Day CSPP ~~Programs~~

CSBA NOTE: Education Code 8210, as amended by SB 141, AB 163, and AB 176, revised and reordered the priority ranking for part-day CSPP, as provided in Items #1-6 below.

The district shall give priority for part-day CSPP ~~programs~~ as follows: (Education Code 8210)

1. The first priority for services shall be given to three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency~~.~~

   To the extent the district offers services to two-year-old children, pursuant to Education Code 8207.1, then priority for services shall also be given to two-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency.

   If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.

CSBA NOTE: Education Code 8208, as amended by SB ~~141~~163, requires that ~~a percentage~~ at least five percent of part-day ~~preschool~~CSPP enrollment be reserved for children with exceptional needs. ~~Until June 30, 2025, a minimum of 5 percent is required, starting July 1, 2025, to June 30, 2026, 7.5 percent must be reserved, and from July 1, 2026, at least 10 percent must be reserved for children with exceptional needs.~~ CDE is required to review data on compliance and provide technical assistance to ~~CSPP contracting agencies~~districts in order to meet ~~these requirements~~this requirement.

Education Code 8210, as amended by SB 141, clarifies that when enrollment of children with exceptional needs has reached the number reserved, second priority must be given to three- and four-year -old children with exceptional needs from families who are below the income eligibility threshold. ~~Pursuant to Education Code 8210, as amended by SB 141, if two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first.~~

2. When the number of three- or four-year -old children with exceptional needs required to be enrolled pursuant to Education Code 8208 have been enrolled and there are additional children with exceptional needs who are interested in enrolling, the second priority for services shall be given to all three- and four-year -old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Education Code 8213~~.~~

   Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first. ~~If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first.~~

3. The third priority shall be given to eligible three- or four-year-old children who are not enrolled in a state-funded TK program.

   This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(EB)(v), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first.

CSBA NOTE: Education Code 8210, as amended by SB 141, revises the third priority criteria for part-day CSPP to be based on whether three- and four- year -old children who are not enrolled in a state funded TK are identified as dual language learners, rather than whether they are from a family in which the primary home language is a language other than English.

   If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first. If there are no children identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

CSBA NOTE: Education Code 8210, as amended by SB 163, adds a fourth priority criteria for part-day CSPP for eligible two-year-old children, to the extent that a district elects to enroll two-year-old children.

4. The If the district offers services to two-year-old children pursuant to Education Code 8207.1, the fourth priority shall be given to eligible threetwo-year-old children.

   This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(E), whoB)(v), if they are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Enrollment determinations within this priority category shall be made in the same way as for third priority in Item #3 above.

CSBA NOTE: Education Code 8210, as amended by SB 163, revises the fifth priority criteria for part-day CSPP to add, after income eligible children and children with exceptional needs are enrolled within this priority, three- and four-year-old children without exceptional needs based on income ranking, and if two or more families have the same income ranking, the child that has been on the waiting list for the longest time is required to be admitted first.

5. The fifth priority, after all otherwise eligible children have been enrolled, shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213.

   Within this priority category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the 10five percent of funded enrollment set aside pursuant to Education Code 8208, then to three- and four-year old children before three-year-old children without exceptional needs. in income ranking order, with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, being enrolled first. If two or more families have the same income ranking

according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first.

CSBA NOTE: Education Code 8210, as amended by AB 176, revises the sixth priority criteria for part-day CSPP to add, after three- or four-year-old children from within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced price meals, two-year-old children whose families reside within the attendance boundaries of the qualified school.

6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, the district may enroll other children in the following order:

   a. A CSPP ~~program~~ site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school~~.~~ , followed by two-year-old children whose families reside within the attendance boundary of the qualified elementary school, if the district offers services to two-year-old children pursuant to Education Code 8207.1
   These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.

   b. Children enrolling in a CSPP ~~program~~ that provides expanded learning and care to TK or kindergarten students, pursuant to Education Code 48000

Regardless of the priorities listed above, until the district attains the five percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8210)

Eligibility and Enrollment Priorities for Full-Day CSPP ~~Programs~~

CSBA NOTE: The following section reflects the eligibility criteria for full-day CSPP, pursuant to Education Code 8208, as amended by SB 141 and SB 163, and the priority ranking for enrollment, pursuant to Education Code 8211, as amended by SB 141, SB 163 and AB 176, which permit, but do not require, districts to offer full-day CSPP to eligible two-year-old children.

A ~~three- or four-year-old~~ child is eligible for a full-day CSPP ~~program~~ if ~~the family meets both~~all of the following requirements are met: (Education Code 8208)

1. The child is one of the following:

   a. A two-year-old child and the CSPP enrolls the two-year-old child in accordance with the guidance specified in Education Code 8207.1

   b. A three-year-old child

c. A four-year-old child

~~1.~~2. The child's family is one of the following:

a. A current aid recipient~~, income~~

b. Income eligible~~, or experiencing~~

~~a.~~c. Experiencing homelessness

~~b.~~d. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited

CSBA NOTE: When a family has multiple children with one who has exceptional needs, only children in the family who are children with exceptional needs may be enrolled under this eligibility criteria. Any other child in the family without exceptional needs may be enrolled pursuant to other criteria established pursuant to Education Code 8208.

~~c.~~e. One who has children with exceptional needs, as defined in Education Code 8205

~~d.~~f. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

~~2.~~3. The child's family needs the childcare services because of either the following:

a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as experiencing homelessness

b. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

After all eligible two-, three~~-~~-, and four-year-old children have been enrolled as provided above, a full-day CSPP ~~program~~ may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP ~~program~~ shall be from families above the income eligibility threshold. (Education Code 8208)

After all families meeting the criteria specified in the paragraphs above have been enrolled, a full-day CSPP ~~program~~ may provide services to two-, three~~-~~-, and four-year-old children in families who

do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

CSBA NOTE: Education Code 8217, as amended by AB 176, further expands eligibility for full-day CSPP to two-year-old children as specified below.

After all otherwise eligible children have been enrolled as provided above, a ~~CSPP program~~full-day CSPP operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals may enroll any two-, three-, or four-year-old child. (Education Code 8208, 8217)

CSBA NOTE: Education Code 8211, as amended by SB 163 and AB 176, revised and reordered the priority ranking for enrollment in full-day CSPP to include eligible two-year-old children, if a program is offered by the district. The priority ranking is now almost identical to the ranking for part-day CSPPs, as provided in "Enrollment Priorities for Part-Day CSPP", above.

For full-day CSPP, the district shall use the same priority ranking specified in Items #1-5 of "Enrollment Priorities for Part-Day CSPP", above. (Education Code 8211)

After all otherwise eligible children based on Items #1-5 of "Enrollment Priorities for Part-Day CSPP" have been enrolled, the district may enroll other children in the following order: (Education Code 8211)

1. Two-, three-, and four-year-old children from families who do not meet at least one of the need requirements in Item #2 above

   Within this priority, families shall be enrolled in income ranking order, lowest to highest. Within income ranking order, three-, and four-year old children shall be enrolled before two-year-old children, if the district offers services to two-year-old children pursuant to Education Code 8207.1.

2. A CSPP site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 ~~may enroll any four-year-old child. (Education Code 8208),~~ may enroll any three- and four-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services in accordance with Education Code 8208, followed by two-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services pursuant to Education Code 8208, if the district offers services to two-year-old children pursuant to Education Code 8207.1

~~CSBA NOTE: Education Code 8211 revised and reordered the priority ranking in 2022 for enrollment in full-day CSPP programs. The priority ranking is now almost identical to the ranking for part-day CSPP programs, as provided in "Enrollment Priorities for Part-Day CSPP Programs" section above.~~

~~For full-day CSPP programs, the district shall use the same priority ranking specified in Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" above, and the following: (Education Code 8211)~~

1. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" have been enrolled, fifth priority shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to three- and four-year-old children with an IFSP or IEP, then to four-year old children before three-year-old children without IFSP or IEP.

2. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" and Item #1 above have been enrolled, the district may enroll other children in the following order:

   a. Three- and four-year old children from families who do not meet at least one of the need requirements in Item #2 above. Within this priority, families shall be enrolled in income ranking order, lowest to highest, and within income ranking order, four-year old children before three-year old children

When a CSPP program site operates within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217, three- or four-year-old children whose families reside within the attendance boundary of the school may be enrolled without establishing eligibility or a need for services. Such children shall, to the extent possible, be enrolled in income ranking order, by lowest to highest income ranking orderaccording to the most recent schedule of income ceiling eligibility table.

CSBA NOTE: Education Code 8208, as amended by SB 163, requires that at least five percent of full-day CSPP enrollment be reserved for children with exceptional needs. CDE is required to review data on compliance and provide technical assistance to districts in order to meet this requirement.

Regardless of the priorities listed above, until the district attains the five percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8211)

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP program, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months. Such families shall receive those services for not less than 24 months before having eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months. If the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year, provided age-eligibility requirements are met, as specified in Education Code 8205. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce

the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

Waiting List

CSBA NOTE: The following section may be revised to reflect district practice. Pursuant to 5 CCR 17744, a district is required to maintain a current waiting list based on enrollment priorities for part-day and full-day ~~preschool programs.~~CSPP. The district may satisfy this requirement by participating in a "county child care centralized eligibility list" if one is available. When such centralized eligibility list is not available or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with enrollment priorities.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with applicable enrollment priorities. As vacancies occur, applicant families shall be contacted in order of priority on the waiting list. (5 CCR 17744)

Combined Preschool/Transitional Kindergarten Classroom

CSBA NOTE: Education Code 8207 and 48000 allow districts to place four-year-old children enrolled in a CSPP ~~program~~ into a TK program and to commingle children from both programs in the same classroom as long as all of the requirements of each program are met, including, as amended by SB 153 (Ch. 38, Statutes of 2024), the district completes an observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS Environment tool, and the district adheres to the requirements listed in the following section. See BP 6170.1 - Transitional Kindergarten for eligibility requirements pertaining to the TK program pursuant to Education Code 48000.

When a child is eligible for both the ~~preschool program~~CSPP and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000)

1. An ~~early childhood~~observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS environment ~~rating scale, as specified in 5 CCR 18281,~~tool shall be completed for the classroom

2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272

3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256

4. The classroom shall comply with the adult-child ratio specified in Education Code 8241

5. Contractors of the district shall report the services, revenues, and expenditures for children in the CSPP in accordance with 5 CCR 18068

6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom

Fees and Charges

CSBA NOTE: Pursuant to Education Code 8252, as amended by AB 116 (Ch. 41, Statutes of 2023), and explained in CDE's Early Education Management Bulletin 23-07, family fees may be assessed but not collected for families receiving subsidized child care services from CSPPs administered by CDE from July 1, 2023 to September 30, 2023. Education Code 8252, as amended by AB 116, requires that no family fees be charged or assessed for families whose adjusted monthly family income falls below 75 percent of the State Median Income, and further caps family fees at one percent of a family's monthly income for all other families. As a result, the FY 2023-24 family fee schedule has been revised accordingly. In addition, family fees accrued but not collected prior to October 1, 2023, may be forgiven, and not collected.

Fees for participation in the district's full-day CSPP ~~program~~ shall be assessed and collected in accordance with the fee schedule established by the SPI in conjunction with the California Department of Social Services. (Education Code 8252)

~~CSBA NOTE: Pursuant to Education Code 8252, as amended by AB 116 (Ch. 41, Statutes of 2023), and explained in CDE's Early Education Management Bulletin 23-07, family fees may be assessed but not collected for families receiving subsidized child care services from CSPP programs administered by CDE from July 1, 2023 to September 30, 2023. Education Code 8252, as amended by AB 116, requires that no family fees be charged or assessed for families whose adjusted monthly family income falls below 75 percent of the State Median Income, and further caps family fees at one percent of a family's monthly income for all other families. As a result, the FY 2023-24 family fee schedule has been revised accordingly. In addition, family fees accrued but not collected prior to October 1, 2023, may be forgiven, and not collected.~~

~~Family fees accrued but uncollected prior to October 1, 2023, may be forgiven and not collected. (Education Code 8252)~~

In addition, no fee shall be charged to an eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8253; 5 CCR 17735)

A family may be exempt from the fees for up to 12 months for any child enrolled in full-day preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused, exploited, or neglected. (Education Code 8253; 5 CCR 17735)

CSBA NOTE: Education Code 8254 authorizes a district offering a CSPP ~~program~~ to charge a fee for field trips and/or to require parents/guardians to provide diapers, but **mandates** that the district adopt policy to include parents/guardians in the decision-making about such fees, as provided below. Pursuant to Education Code 8254, the fees cannot exceed $25 per child in the contract year. The following paragraph may be modified to delete diapers as appropriate for the age of the children served.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8254)

Attendance

CSBA NOTE: CDE monitors district programs and operations, including a CSPP, through its Federal Program Monitoring (FPM) process. The FPM process includes a review of a district's written policies and procedures to ensure that the program has adopted policies and procedures that are consistent with statutes and regulations on excused absences including best interest days and abandonment of care. See CDE's Early Education Division FPM Instrument.

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or the district's authorized representative if verification is made by telephone. (5 CCR 17818, 17819).

Absences shall be excused for the following reasons: (Education Code 8205; 5 CCR 17819)

1. Illness or quarantine of the child or of the parent/guardian

   [CSBA NOTE: Pursuant to 5 CCR 17819, districts are **mandated** to adopt reasonable policies delineating circumstances that would constitute an excused absence for "family emergency" and "in the best interest of the child." Items #2-3 may be revised to reflect district practice.]

2. Family emergency

   A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child

   An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

   Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 17819)

CSBA NOTE: Pursuant to 5 CCR 17819, if an excused absence is based on time spent with a parent/guardian or other relative as required by a court of law, the family data file is required to contain a copy of the court order.

4. Time spent with a parent/guardian or other relative as required by a court of law

A child may not be disenrolled due to excessive absences, except in circumstances of abandonment of care, as described below. (5 CCR 17819, 17819.5)

CSBA NOTE: 5 CCR 17819.5 establishes procedures to follow when a child has been absent and the family has not been in communication with the district's CSPP coordinator or site supervisor for seven consecutive calendar days.

When a child has been absent and the family has not been in communication with the program coordinator or site supervisor for seven consecutive calendar days, the district, using the contact information on file, shall attempt to contact the parent/guardian through a variety of communication methods, including one attempt in writing which may be through electronic means, informing the parent/guardian that failure to communicate with the district may result in termination of preschool services. The district shall keep documentation of all such communication attempts in the family's data file, and, if there has been no communication for a total of 30 consecutive calendar days, issue a Notice of Action to disenroll the family on the basis of abandonment of care. (5 CCR 17819.5)

Parents/guardians shall be notified of the policies and procedures related to excused absences for child care and development services. (5 CCR 17819)

Disenrollment Based on Reduced Funding

CSBA NOTE: Education Code 8214 specifies the order by which families will be disenrolled from subsidized preschool services when funding levels are reduced.

When necessary to disenroll families from subsidized preschool services, families shall be disenrolled in reverse order of the priority for services specified in Education Code 8210 and 8211 and as described above in the sections "Enrollment Priorities for Part-Day CSPP ~~Programs~~" and "Eligibility and Enrollment Priorities for Full-Day CSPP ~~Programs~~." (Education Code 8214; 5 CCR 17744)

Expulsion/Unenrollment and Suspension Based on Behavior

CSBA NOTE: CDE's Early Education Division Management Bulletin 23-08 provides guidance to CSPP contractors regarding requirements for suspension and updated requirements for expelling or unenrolling a child from a program due to a child's behavior, in accordance with Education Code 8489.1.

Suspension means any removal of a child from all or part of the program day, or the prevention of a child from attending the program for one or more days, in response to the child's behavior.

Removing the child from the program means moving a child to an isolated or separate room. Programs may remove children from specific situations to allow the child to calm down or regain composure, such as taking the child for a walk or accompanying the child to an outdoor environment. However, the child must return to the classroom as soon as the child has calmed down and may not be removed for longer than 30 minutes.

Expulsion means the permanent dismissal of a child from a program in response to a child's behavior.

Persistent and serious behaviors means either repeated patterns of behavior that significantly interfere with the learning of other children, or interactions with peers and adults that are not responsive to the use of developmentally appropriate guidance, including, but not limited to, physical aggression, property destruction, and self-injury.

A district preschool program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8489.1)

1. In writing, inform the parents/guardians of the child's persistent and serious behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program

2. If the child has an IFSP or IEP, contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child

3. If appropriate, consider completing a comprehensive screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Education Code 8489.1)

CSBA NOTE: Pursuant to Education Code 8489.1, a child enrolled in a CSPP ~~program~~ may only be suspended as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be eliminated or reduced without removal of the child. To suspend a child, the district must comply with specified requirements, including, collaborating with the child's parents/guardians before determining that suspension is necessary and using appropriate community resources to determine that no other reasonable option is appropriate.

A child shall not be suspended from a CSPP ~~program~~, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child.

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate.

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing the following:

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources

2. Developing a written plan to document the action and supports needed

3. Providing referrals to appropriate community resources

4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDE in the event of expulsion or suspension. If the district suspends or expels a child from any CSPP ~~program~~, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 17783, informing the parents/guardians of the right to file an appeal of the action directly with CDE no later than 14 calendar days after receiving the notice.

CSBA NOTE: A joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services, "Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings," clarifies that preschool children with exceptional needs who are eligible for services under the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) are entitled to the same disciplinary protections that apply to all other IDEA-eligible students with disabilities, may not be subjected to impermissible disciplinary changes of placement for misconduct that is caused by or related to their disability, and must continue to receive educational services consistent with their right to a free appropriate public education. The statement indicates the need for the child's individualized education program (IEP) team to consider the use of positive behavioral interventions and supports when developing or modifying the IEP to reduce the need for discipline of a child with disabilities and avoid suspension or expulsion from a preschool program.

Children with exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

Notice of Action

CSBA NOTE: Pursuant to 5 CCR 17757, a parent/guardian must submit an application for services which contains specified information and documentation. The application form is available on CDE's website. Upon receiving an application, a person designated by the district must certify the family's or child's eligibility.

Upon receiving a parent/guardian's application for services, the Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

CSBA NOTE: Pursuant to 5 CCR 17782 the district is required to provide written notification to parents/guardians as to whether their application for subsidized services has been approved or denied. For this purpose, the district should use the Notice of Action form available on CDE's website. If the services are denied, the parent/guardian may appeal the decision in accordance with 5 CCR 17784-17785; see section "Parent Hearing", below.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 17782)

CSBA NOTE: 5 CCR 17783 requires the district to notify a parent/guardian of any change in services or fees as described below. For such notification, the district should use the Notice of Action form available on CDE's website. Parents/guardians may appeal such actions pursuant to 5 CCR 17784; see section "Parent Hearing", below.

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 17783)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified

2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

3. An indication by the parent/guardian that the parent/guardian no longer wants the service

4. The death of a parent/guardian or child

5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 17758)

Parent Hearing

CSBA NOTE: 5 CCR 17784-17786 require districts to provide due process to parents/guardians who disagree with certain district actions, such as when services are denied, there is a change in services or fees, or their child is disenrolled.

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 17784)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 17784 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE. (5 CCR 17785-17786)

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

State	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	General ~~Program Requirements~~program requirements
5 CCR 17745	Admission requirements; residency
5 CCR 17746-17748	Enrollment priorities
5 CCR 18295	Waiver of qualifications for site supervisor

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 80067-80067.3	Professional Clear Early Childhood Education Specialist Instruction Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 17375	California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program
Ed. Code 44065	Issuance of and functions requiring credentials
Ed. Code 44256	Authorization for teaching credentials
Ed. Code 48000-48003	Kindergartens
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60910	Data for students enrolled in California State Preschool Program
Ed. Code 69617	Golden State Teacher Grant Program
Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8489-8489.1	Expulsion and suspension procedures
H&S Code 120325-120380	Immunization against communicable diseases
H&S Code 1596.70-1596.895	California Child Day Care Act
H&S Code 1596.90-1597.21	Day care centers
W&I Code 10207-10215	General provisions
W&I Code 10207-10492.2	Child Care and Development Services Act
W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs
W&I Code 10235-10238	Migrant child care and development programs
W&I Code 10240-10243	General child care and development programs
W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10480-10487	Local planning councils
Federal	**Description**

20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311-6322	Title I, relative to preschool
20 USC 6391-6399	Education of migratory children
42 USC 9831-9852c	Head Start programs
42 USC 9857-9858r	Child Care and Development Block Grant
45 CFR 1301.1-1305.2	Head Start

Management Resources	**Description**
CA Commission on Teacher Credentialing Publication	~~Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023~~Approval of Regulations Authorizing the New PK-3 Early Childhood Education Specialist Instruction Credential, Coded Correspondence 24-03, March 2024 (https://www.ctc.ca.gov/docs/default-source/commission/coded/2024/coded-24-03.pdf)
California Department of Education Publication	Early Childhood Division Federal Program Monitoring Instrument (https://www.cde.ca.gov/ta/cr/)
California Department of Education Publication	Data Collection for California State Preschool Programs Operated by a Local Educational Agency, Early Education Division Management Bulletin 24-08, August 2024 (https://www.cde.ca.gov/sp/cd/ci/mb2408.asp)
California Department of Education Publication	Preschool/Transitional Kindergarten Learning Foundations, Early Education Division Management Bulletin 24-07, August 2024 (https://www.cde.ca.gov/sp/cd/ci/mb2407.asp)
California Department of Education Publication	California State Preschool Program Neighborhood School Eligibility Criteria to Enroll Three- and Four-Year-Old Children, Early Education Division Management Bulletin 24-01, January 2024 (https://www.cde.ca.gov/sp/cd/ci/mb2401.asp)
California Department of Education Publication	Implementation of the Classroom Assessment Scoring System (CLASS) and CLASS Environment and Removal of the Environment Rating Scale for the California State Preschool Program (CSPP), Early Education Division Management Bulletin 23-10, December 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2310.asp)
California Department of Education Publication	California State Preschool Program and Children with Disabilities (Exceptional Needs), Early Education Division Management Bulletin 23-02, February 2023

California Department of Education Publication	Part-day California State Preschool Program as an Extended Learning and Care Option, Early Education Division Management Bulletin 23-05, April 2023
California Department of Education Publication	~~Assessment and Reporting of Family Fees for Fiscal Year (FY) 2023–24, Early Education Division Management Bulletin 23-07, September 2023~~Assessment and Reporting of Family Fees for Fiscal Year (FY) 2024-25, Early Education Division Management Bulletin 24-06, June 2024 (https://www.cde.ca.gov/sp/cd/ci/mb2406.asp)
California Department of Education Publication	Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-08, September 2023
California Department of Education Publication	Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009
California Department of Education Publication	California Preschool Learning Foundations
California Department of Education Publication	First Class: A Guide for Early Primary Education, 1999
CSBA Publication	The Importance of Early Childhood Education Programs, September 2019
CSBA Publication	The Preschool Landscape in California and Strategies for Expansion, January 2020
U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016
Website	Universal PreKindergarten, California's Great Start
Website	California Office of Administrative Law
Website	California County Superintendents Educational Services Association
Website	CSBA District and County Office of Education Legal Services
Website	California Commission on Teacher Credentialing
Website	National Institute for Early Education Research
Website	California Head Start Association
Website	California Preschool Instructional Network
Website	Child Development Policy Institute
Website	California Association for the Education of Young Children

Website	First 5 California
Website	California Department of Social Services
Website	Cities Counties and Schools Partnership
Website	CSBA
Website	U.S. Department of Education
Website	California Department of Education

Cross References

Code	Description
0415	Equity
0500	Accountability
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330	Use Of School Facilities
1330	Use Of School Facilities
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3523	Electronic Signatures

3523	Electronic Signatures
3541	Transportation Routes And Services
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4131	Staff Development
4212.4	Health Examinations
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4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4231	Staff Development
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5030	Student Wellness

5111	Admission
5111	Admission
5125	Student Records
5125	Student Records
5141.23	Asthma Management
5141.23	Asthma Management
5141.26	Tuberculosis Testing
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6159	Individualized Education Program
6159	Individualized Education Program
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs

6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6174	Education For English Learners
6174	Education For English Learners
6175	Migrant Education Program
6175	Migrant Education Program
6200	Adult Education
6200	Adult Education
7110	Facilities Master Plan
7210	Facilities Financing

Policy 6158: Independent Study

Status: ADOPTED

Original Adopted Date: 03/01/2005 **| Last Revised Date:** ~~09~~12/01/~~2022~~2024 **| Last Reviewed Date:** ~~09~~12/01/~~2022~~2024

CSBA NOTE: Education Code 51744-51749.6 authorize districts to establish independent study programs to meet the educational needs of students.

Education Code 51747 and 51749.5 **mandate** the Governing Board to adopt a policy with specified components as a condition of receiving state apportionments for traditional and course-based independent study, and to implement the policy in accordance with the rules and regulations adopted by the Superintendent of Public Instruction. The **mandated** components for traditional independent study and course-based independent study are reflected throughout this policy and the accompanying administrative regulation.

Education Code 51744~~, as added by AB 181 (Ch. 52, Statutes of 2022),~~ encourages districts, when adopting policy, to consider offering more than one independent study model for short- and long-term placements in accordance with Education Code 51747, 51747.5, and 51749.6.

In the event of a school closure necessitated by an emergency condition ~~pursuant to~~specified in Education Code 46392, Education Code 46393, as amended by SB 153 (Ch. 38, Statutes of 2024) and AB 176 (Ch. 998, Statutes of 2024), requires districts ~~must develop~~submitting affidavits regarding emergency events occurring after September 1, 2021, but before July 1, 2026, to certify that the district has a plan for offering independent study to ~~affected~~impacted students ~~pursuant~~within 10 instructional days. For events occurring on or after July 1, 2026, Education Code 46393, as amended by SB 153 and AB 176, requires districts to ~~Education Code 46393. See BP 3516.5 - Emergency Schedules.~~

~~Independent study may be~~certify that the district's comprehensive safety plan includes an instructional continuity plan, and that the district offered ~~as a program within a school, as a charter school, or as an alternative school of choice pursuant~~student engagement and instruction consistent with the instructional continuity plan or certify that it did not do so due to ~~Education Code 58500-58512; see AR 0420.4 - Charter School Authorization, BP 6146.11 - Alternative Credits Toward Graduation and BP/AR 6181 - Alternative Schools/Programs of Choice~~extenuating circumstances.

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling

problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered for short- or long-term placements, on a full-time or part-time basis, and/or in conjunction with part- or full-time classroom study.

CSBA NOTE: 5 CCR 11701 requires the Board to hold a public hearing when setting policy regarding the maximum length of time that may elapse between the time an independent study assignment is made and the date by which the student must complete it, and the level of satisfactory educational progress and the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the student's best interests to remain in independent study. See "General Independent Study Requirements" below for more information regarding these requirements.

The Board shall hold a public hearing when considering the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult education students. (Education Code 51747; 5 CCR 11701)

CSBA NOTE: Pursuant to Education Code 58500-58512, independent study may be offered as a program within a school, as a charter school, or as an alternative school of choice; see AR 0420.4 - Charter School Authorization, BP 6146.11 - Alternative Credits Toward Graduation, and BP/AR 6181 - Alternative Schools/Programs of Choice.

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, a charter school, an alternative school or program of choice, ~~a charter school,~~ and/or an online course.

Student participation in independent study shall be voluntary and no student shall be required to participate. (Education Code 51747, 51749.5, 51749.6)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

CSBA NOTE: Pursuant to Education Code 46300, ~~the attendance of students participating in independent study for only three or more consecutive school days will be included in~~as amended by SB 153, when computing average daily attendance for apportionment purposes, students participating in independent study may only be credited with one day of attendance for each calendar day.

~~The minimum period of time for any~~ An independent study ~~option~~student shall not be ~~three consecutive school days.~~credited with more than one day of attendance per calendar day. (Education Code 46300)

CSBA NOTE: Pursuant to Education Code 49501.5, as amended by SB 348 (Ch. 600, Statutes of 2023), a district is required to make available at no cost, a nutritionally adequate breakfast and lunch to any district student who requests a meal, including an independent study student who is scheduled for educational activities, as defined in Education Code 49010, lasting for two or more hours at a school site, resource center, meeting space, or other satellite facility, regardless of the student's eligibility for a free or reduced-price meal. For more information regarding school meals, see BP/AR 3550 – Food Service/Child Nutrition Program.

A nutritionally adequate breakfast and lunch shall be made available at no cost to any independent study student scheduled for educational activities lasting two or more hours at a school site, resource center, meeting space, or other satellite facility, who requests a meal. (Education Code 49501.5)

General Independent Study Requirements

The Superintendent or designee may offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for participation and is likely to succeed as well as or better than the student would in the regular classroom setting.

CSBA NOTE: Pursuant to Education Code 46100, the Board is required to fix the length of the school day for each grade level, in accordance with law. The California Department of Education, ~~in~~on its "Frequently Asked Questions~~,~~"" and "Independent Study" webpages, clarifies that independent study is not an alternative curriculum and that students in independent study are required to meet the same number of instructional minutes as their peers who are physically at the school site for their instruction.

The minimum instructional minutes shall be the same for all students at each school including students participating in independent study, except as otherwise permitted by law. (Education Code 46100)

CSBA NOTE: Education Code 51747 **mandates** the Board to adopt policy on the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment. 5 CCR 11700 defines "type of program" as the statutory program category for purposes of attendance accounting~~, such as adult education or continuation high school.~~. In addition, 5 CCR 11701 **mandates** that Board policy reflect an awareness that excessive leniency in the duration of independent study assignments can result in a student falling so far behind peers as to increase, rather than decrease, the risk of dropping out of school.

The following paragraph sets one week for all grade levels and types of programs as the maximum length of time an independent study assignment should be completed, and should be revised to reflect the length of time determined by the Board. In order to ensure that apportionment credits are received, the length of time determined by the Board in its policy should be reflected in the student's written agreement. See ~~the section~~ "Master Agreement" below.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study

assignments shall be completed no more than one week after assigned for all grade levels and types of programs. When necessary, based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due. However, in no event shall the due date of an assignment be extended beyond the termination date specified in the student's written agreement.

CSBA NOTE: Education Code 51747 **mandates** the Board, to adopt policy which specifies the level of satisfactory educational progress and the number of missed assignments allowed before an evaluation is conducted to determine whether it is in a student's best interest to remain in independent study. The following paragraph specifies a maximum of three assignments and should be revised to reflect the Board's determination of the number of missed assignments that will ~~trigger~~give rise to an evaluation.

The number of missed assignments that will ~~trigger~~give rise to an evaluation must be included in the student's written agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060

2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments

3. Learning of required concepts, as determined by the supervising teacher

4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

CSBA NOTE: Education Code 51747~~, as amended by AB 181,~~ **mandates** the Board to adopt policy that includes the provision of content aligned to grade level standards that is substantially equivalent to in-person instruction. For high schools, this requirement includes access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. See BP/AR 6143 - Courses of Study.

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California (UC) or the California State University (CSU) as creditable under the A-G admissions criteria. (Education Code 51747)

CSBA NOTE: Education Code 51747 **mandates** the Board to adopt policy that includes plans, by grade level, to provide students with specified levels of live interaction and/or synchronous instruction as described in Items #1-3 below and defined in the accompanying administrative regulation. ~~This~~Education Code 51747, as amended by SB 153, makes this requirement ~~does not apply to~~ applicable only when students are participating in an independent study program for ~~fewer than 15~~16 school days, or~~, pursuant~~ more, in a school year. Pursuant to Education Code 51747, this requirement is not applicable to ~~Education Code 51747, as amended by AB 181,~~ students enrolled in a comprehensive school for classroom-based instruction who participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, as described below.

Pursuant to Education Code 51747.5~~, as amended by AB 181~~, the district may claim apportionment credit for independent study only to the extent of the time value of student work products as personally judged by a certificated employee of the district, or the combined time value of student work products and participation in synchronous instruction, as long as the synchronous instructional offering augments the time value of the student work product and evidence of student participation is furnished and maintained. Pursuant to Education Code 51747.5, as amended by SB 153, work products may include the daily time value spent by a student engaged in asynchronous instruction, including work completed on an online or computer-based instructional activity, regardless of whether student work products are produced, if the computer program documents student participation. Education Code 51747.5, as amended by AB 176, clarifies that the district is required to maintain documentation of hours or fraction of an hour for both student work products and the time that the student engaged in asynchronous instruction. Evidence of student participation may include, but is not limited to, student work produced or performed, or documentation that the student participated in an instructional period either visually or verbally, as verified by a certificated employee and maintained by the district for each hour or fraction of an hour of the synchronous instructional offering. See "Records", below.

The Superintendent or designee shall ensure that all students participating in independent study for ~~15~~16 school days or more in a school year receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten~~, kindergarten, and grades 1 to~~ (TK)-3, opportunities for daily synchronous instruction

2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction

3. For students in grades 9-12, opportunities for at least weekly synchronous instruction

CSBA NOTE: Education Code 51747~~, as amended by AB 181,~~ **mandates** the Board to adopt policy that includes procedures for tiered reengagement strategies for students who meet the conditions specified in Items #1-3 below. ~~This~~Education Code 51747, as amended by SB 153, makes this requirement ~~does not apply to~~ applicable only when students are participating in an independent study program for ~~fewer than 15~~16 school days, or more, in a school year. Pursuant to Education

Code 51747, this requirement is also not applicable to students who participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, as described below.

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students participating in an independent study program for ~~15~~16 school days or more in a school year who are: (Education Code 51747)

1. Not generating attendance for more than ten percent of required minimum instructional time over four continuous weeks of the district's approved instructional calendar

2. Not participating in synchronous instructional offerings pursuant to Education Code 51747.5 for more than 50 percent of the scheduled times of synchronous instruction in a school month as applicable by grade span

3. In violation of their written agreement

CSBA NOTE: Education Code 51747~~, as amended by AB 181,~~ requires that the district's tiered reengagement strategies procedures include local programs intended to address chronic absenteeism, as applicable.

Tiered reengagement strategies procedures used in district independent study programs shall include local programs intended to address chronic absenteeism, as applicable, including but not limited to the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student

2. Notification to parents/guardians of lack of participation within one school day of the recording of a nonattendance day or lack of participation

3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary

~~CSBA NOTE: Education Code 51747, as amended by AB 181, requires that the district's tiered reengagement strategies procedures include local programs intended to address chronic absenteeism, as applicable.~~

4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

CSBA NOTE: Education Code 51747 **mandates** the Board to adopt policy that includes a plan to expeditiously, and not longer than five instructional days, transition students whose families wish to return to in-person instruction from independent study. ~~This~~Education Code 51747, as amended by SB 153, makes this requirement ~~does not apply to~~applicable only when students are participating in an independent study program for ~~fewer than~~ ~~15~~16 school days~~.~~, or more, in a school year.

Pursuant to Education Code 51747~~, as amended by AB 181~~, the requirement is also not applicable to students who participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, as described below.

The Superintendent or designee shall, for students who participate in an independent study program for ~~15~~16 school days ~~of~~or more in a school year, develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days. (Education Code 51747)

CSBA NOTE: Pursuant to Education Code 51747~~, as amended by AB 181~~, the live interaction and/or synchronous learning requirements, tiered reengagement strategies, and transition plan obligations do not apply to students enrolled in a comprehensive school for classroom-based instruction who, under the care of an appropriate licensed professional(s), participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, provided the district obtains evidence of the need as specified in Education Code 51747.

When any student enrolled in classroom-based instruction is participating in independent study due to necessary medical treatment or inpatient treatment for mental health or substance abuse under the care of appropriately licensed professionals, the student shall be exempt from the live interaction and/or synchronous instruction, tiered reengagement strategies, and transition back to in-person instruction requirements specified above. In such cases, evidence from appropriately licensed professionals, of the student's need to participate in independent study, shall be submitted to the Superintendent or designee. (Education Code 51747)

CSBA NOTE: Education Code 51747 **mandates** the Board to adopt policy providing that a current written agreement (i.e., the "master agreement") will be maintained for each student who participates in independent study and for whom apportionment is claimed. Education Code 51747 provides that no independent study agreement ~~can be valid for longer than one school year. Pursuant to Education Code 51747, as amended by AB 181, the district is required to obtain a signed written agreement for an independent study program of 15 school days or more before the beginning of independent study, and for an independent program of less than 15 school days, within ten school days of the beginning of the first day of the student's enrollment.~~may be valid for longer than one school year.

In addition, Education Code 51749.5 **mandates** the Board to adopt policy providing that a "learning agreement" be maintained for each student participating in course-based independent study.

See ~~the section~~ "Master Agreement" and "Learning Agreement for Course-Based Independent Study" below for required content of these agreements.

The Superintendent or designee shall ensure that a written agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

CSBA NOTE: Education Code 51747 requires districts to hold a student-parent-educator conference upon the request of a parent/guardian prior to making a decision about enrollment or disenrollment in independent study. The term "student-parent-educator conference" is defined in Education Code 51745.5~~,~~ and reflected in the accompanying administrative regulation.

Upon the request of the parent/guardian of a student, and before signing a written agreement as described below in ~~the section~~ "Master Agreement," below, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

CSBA NOTE: Education Code 51747 mandates that, in order to receive apportionments for independent study, the district ~~must~~is required to adopt and implement policy providing for a signed written independent study agreement which contains the components listed in the following section. ~~Because apportionments are only provided for independent study of three or more consecutive school days pursuant~~Pursuant to Education Code 46300, as amended by SB 153, districts may claim independent study average daily attendance for any length of duration. As such, a written ~~agreements are~~agreement is required ~~only~~for independent study of any length of duration.

Pursuant to Education Code 51747, as amended by SB 153, the district is required to obtain a signed written agreement for an independent study program of more than 15 school days before the beginning of independent study, and for an independent study program of 15 school days or fewer, during the school year in ~~such instances.~~ which the independent study program takes place. Education Code 51747, as amended by SB 153, clarifies that for independent study programs of 15 school days or fewer the agreement may be signed at any time during the school year, but includes legislative intent that parents/guardians be provided the written agreement at or before the beginning of the school year. However, Education Code 46300.7 states that apportionments shall be received for a student in independent study only if the district receives written permission from the parent/guardian before the independent study begins, specifying the actual dates of participation, methods of study and evaluation, and resources to be made available for the student's independent study. ~~However, pursuant to Education Code 51747, as amended by AB 181, for independent study programs of less than 15 school days the written agreement may be signed within ten school days of the student's enrollment in independent study.~~ As Education Code 46300.7 and 51747 are inconsistent ~~as to~~regarding when written agreements need to be signed for programs of ~~less than~~ 15 school days or fewer, districts are encouraged to consult ~~CSBA~~CSBA's District and County Office of Education Legal Services~~,~~ or ~~the district's~~district legal counsel.

A written agreement shall be developed and implemented for each student participating in independent study ~~for three or more consecutive school days.~~. (Education Code 46300, 51747)

For student participation ~~for 15~~lasting 16 school days or more, a signed written agreement shall be obtained before the student begins independent study. For student participation of ~~less than~~ 15 school days or fewer, a signed written agreement ~~shall~~may be obtained ~~within ten~~ at any time during the school ~~days of the first day of~~year in which the ~~student's enrollment~~independent study program takes place. (Education Code 46300, 51747)

The agreement shall include general student data, including the student's name, address, grade

level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but is not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress

2. The objectives and methods of study for the student's work and the methods used to evaluate that work

3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

CSBA NOTE: As described in ~~the section~~ "General Independent Study Requirements" above, pursuant to Education Code 51747, the written agreement must contain statements reflecting Board policy pertaining to (1) the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student ~~must~~is required to complete the assignment and (2) the number of missed assignments allowed before an evaluation would be required to determine whether it is in a student's best interest to remain in independent study. Education Code 51747 also requires that the written agreement contain a statement of the Board's policy regarding the level of satisfactory educational progress for students participating in independent study.

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will ~~trigger~~give rise to an evaluation of whether the student should be allowed to continue in independent study

5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year

6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion

7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster

care or experiencing homelessness, and students requiring mental health supports

8. A statement that independent study is an optional educational alternative ~~in which~~and no student may be required to participate

9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

CSBA NOTE: Pursuant to Education Code 51747~~, as amended by AB 181~~, the date upon which a written agreement needs to be signed will vary depending on the projected length of independent study, as specified below. ~~In addition~~

Additionally, for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student is required to sign the written agreement.

~~10. Before the commencement of independent study projected to last for 15 school days or more, or within ten school days of the first day of enrollment for independent study for less than 15 school days, the agreement~~All learning agreements shall be signed ~~and dated~~ by the student, the student's parent/guardian or caregiver if the student is ~~under~~less than 18 years of age, the certificated employee responsible for the general supervision of independent study, and as applicable for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student. If the independent study program is projected to last for more than 15 school days, the learning agreement shall be signed before the commencement of the program. For an independent study program that is projected to last for 15 or fewer school days, the learning agreement shall be signed at any time during the school year in which the independent study program is to take place. (Education Code 51747)

CSBA NOTE: Pursuant to Family Code 6550-6552, a person who is 18 years of age or older who completes and signs a caregiver's authorization affidavit declaring that a minor lives at the person's home is authorized as a caregiver to enroll the minor child in school and consent to school-related medical care on behalf of the minor.

For purposes of the above paragraph, *caregiver* means a person who has met the requirements of Family Code 6550-6552.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

Course-Based Independent Study

CSBA NOTE: This section is for districts that provide independent study courses to its students. Education Code 51749.5-51749.6 establish a course-based independent study option that may be offered if certain requirements are met, as described below. Education Code 51749.5 **mandates** that boards adopt policies that comply with the legal requirements listed in the following section and any applicable regulations adopted by the State Board of Education.

The following paragraph may be revised to reflect the grade levels offered by the district.

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student, pursuant to Education Code 51749.6

2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction

3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards~~.~~

   For high schools, this shall include access to all courses offered by the district for graduation and approved by UC or CSU as creditable under the A-G admissions criteria.

   ~~3.~~ The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that a student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. ~~The~~ Additionally, the certification shall ~~also~~ include plans to provide opportunities throughout the school year~~,~~ for all students in ~~transitional kindergarten, kindergarten, and grades 1~~TK-3 to receive daily synchronous instruction, for all students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for all students in grades 9-12 to receive at least weekly synchronous instruction.

4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3

5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program as indicated by the student's performance on applicable student-level measures of student achievement and engagement set forth in Education Code 52060~~,~~; completion of assignments, assessments, or other indicators that evidence

that the student is working on assignments~~,~~; learning of required concepts, as determined by the supervising teacher~~,~~; and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher~~.~~

If satisfactory educational progress in one or more independent study courses is not being made, the teacher providing instruction shall notify the student and, if the student is under 18 years of age, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. ~~A written record of the evaluation findings shall be treated as a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.~~

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student~~,~~; a plan for outreach from the school to determine student needs, including connection with health and social services as necessary~~,~~; and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor

7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district~~.~~

   ~~7.~~ Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

8. A student shall not be required to enroll in courses included in the course-based independent study program

9. The student-teacher ratio in the courses in this program shall ~~meet the requirements of~~be in accordance with Education Code 51745.6

10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208

11. Courses required for high school graduation or for admission to UC or CSU shall not be offered exclusively through independent study

12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011

13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course

CSBA NOTE: Pursuant to Education Code 51749.5~~, as amended by AB 181~~, a student with disabilities may participate in a course-based independent study program if the student's individualized education program specifically provides for such participation.

14. A student with disabilities, as defined in Education Code 56026, may participate in course-based independent study if the student's individualized education program specifically provides for that participation

15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study

16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days

Learning Agreement for Course-Based Independent Study

Before enrolling a student in a course within a course-based independent study program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian, with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5

2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to Item #3 of ~~the~~ "Course-Based Independent Study ~~section~~" above

3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years

4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program

5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports

7. A statement that enrollment is an optional educational alternative ~~in which~~and no student may be required to participate~~.~~

~~7.~~ In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through course-based independent study only if the student is offered the alternative of classroom instruction.

8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress

9. The objectives and methods of study for the student's work, and the methods used to evaluate that work

10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study

11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.

CSBA NOTE: Pursuant to Education Code 51749.6~~, as amended by AB 181~~, the date upon which a learning agreement needs to be signed will vary depending on the projected length of an independent study course, as specified below. In addition, for students with disabilities, the

certificated employee designated as having responsibility for the special education programming of the student is required to sign the learning agreement.

~~Before the commencement of an independent study course projected to last for 15 school days or more, or within ten school days of the first day of enrollment for an independent study course projected to last less than 15 school days, the learning agreement shall be signed and dated by the student, and by~~All learning agreements shall be signed by the student, the student's parent/guardian or caregiver if the student is less than 18 years of age, the certificated employee responsible for the general supervision of the independent study course, and as applicable for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student. If the independent study program is projected to last for more than 15 school days, the learning agreement shall be signed before the commencement of the program. For an independent study program that is projected to last for 15 or fewer school days, the learning agreement shall be signed at any time during the school year in which the independent study program is to take place. (Education Code 51749.6)

~~12.~~ For purposes of ~~this~~the above paragraph ~~"~~, *caregiver*~~"~~ means a person who has met the requirements of Family Code 6550-6552.

Learning agreements may be signed using an electronic signature that complies with state and federal standards, as determined by CDE. (Education Code 51749.6)

A signed learning agreement from a parent/guardian of a student who is less than 18 years of age shall constitute the parent/guardian's permission for the student to receive instruction through course-based independent study. (Education Code 51749.6)

Upon the request of a student's parent/guardian, and before signing a learning agreement as described above, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference, or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian, an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51749.6)

Student-Parent-Educator Conferences

CSBA NOTE: Education Code 51747 and 51749.5 require districts to hold student-parent-educator conferences as defined by Education Code 51745.5, at specified times. See the accompanying administrative regulation for the definition of student-parent-educator conference.

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or, if requested by a parent/guardian, prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

Records

CSBA NOTE: Pursuant to Education Code 51745.6, 51747, 51747.5, and 51749.5, the Education Audit Appeals Panel's, "Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting," includes verification of compliance with specified components of law

related to independent study, with loss of apportionment for independent study for districts found to be noncompliant.

The Superintendent or designee shall ensure that records are maintained for audit purposes.

These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study

2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education

3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's signed or initialed and dated notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher

4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

CSBA NOTE: Education Code 51747.5, as amended by AB 176, clarifies that the district is required to maintain documentation of hours or fraction of an hour for both student work products and the time that the student engaged in asynchronous instruction. As a result, districts will need to document hours or fractions of an hour of work product time before converting to days of attendance.

Additionally, the district shall maintain documentation of hours or fraction of an hour for student work products and the time that students engaged in asynchronous instruction. (Education Code 54747.5)

5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 ~~(Education Code 51745.6 and 51749.5)~~

6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 ~~(Education Code 51747.5)~~

CSBA NOTE: Education Code 51747.5 requires districts to document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which the student is provided independent study. Any student

who does not participate in scheduled live interaction or synchronous instruction on a school day must be documented as ~~nonparticipatory~~non-participatory for that school day. In addition, Education Code 51747.5 requires districts to maintain written or computer-based evidence of student engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades.

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does not participate in scheduled live interaction or synchronous instruction shall be documented as ~~nonparticipatory~~non-participatory for that school day. (Education Code 51747.5)

The Superintendent or designee shall also maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5

CSBA NOTE: Education Code 51747 and 51749.6 authorize specified records to be maintained in an electronic file, as provided in the following paragraph. Pursuant to Education Code 51747 and 51749.6, an electronic file includes a computer or electronically stored image of an original document, including, but not limited to, a PDF, JPEG, or other digital file type, that may be sent via fax machine, email, or other electronic means.

Signed written and supplemental agreements, assignment records, work samples, and attendance records may be maintained as an electronic file in accordance with Education Code 51747 and 51749.6, as applicable.

Program Evaluation

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

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement, as needed.

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

State	Description

5 CCR 11700-11705	Independent study
Ed. Code 17289	Exemption for facilities
Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	Emergency conditions and apportionments
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code ~~47612-47612.1~~47610-47615	Charter School Operation
Ed. Code 47612.5	Charter schools operations; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order
Ed. Code 49010	Educational activity; definition
Ed. Code 49011	Student fees; definition
Ed. Code 49501.5	School Meals
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	Local control and accountability plan
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria

Ed. Code 56026	Individual with exceptional needs; definition
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers

Federal	**Description**
~~20 USC 6301~~	~~Highly qualified teachers~~
20 USC 6311	State plan

Management Resources	**Description**
California Department of Education Publication	Legal Requirements for Independent Study
California Department of Education Publication	Conducting Individualized Determinations of Need
~~California Department of Education Publication~~	~~AA & IT Independent Study FAQs~~
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, May 2021
California Department of Education Publication	Elements of Exemplary Independent Study
Court Decision	Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th 1365
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	CSBA District and County Office of Education Legal Services
Website	California Consortium for Independent Study
Website	California Department of Education, Independent Study
Website	Education Audit Appeals Panel

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0450	Comprehensive Safety Plan
0500	Accountability
3260	Fees And Charges

3260	Fees And Charges
3516.5	Emergency Schedules
3550	Food Service/Child Nutrition Program
3580	District Records
3580	District Records
4112.2	Certification
4112.2	Certification
4131	Staff Development
5111.1	District Residency
5111.1	District Residency
5112.3	Student Leave Of Absence
5112.3	Student Leave Of Absence
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications

5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
6000	Concepts And Roles
6011	Academic Standards
6111	School Calendar
6112	School Day
6112	School Day
6142.4	Service Learning/Community Service Classes
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams
6164.5	Student Success Teams
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education

6185	Community Day School
6185	Community Day School
6200	Adult Education
6200	Adult Education

Regulation 6158: Independent Study

Status: ADOPTED

Original Adopted Date: 10/01/2015 **| Last Revised Date:** ~~09~~12/01/~~2022~~2024 **| Last Reviewed Date:** ~~09~~12/01/~~2022~~2024

Definitions

Live interaction means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in-person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

Synchronous instruction means classroom-style instruction or designated small group or one-on-one instruction delivered in-person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by a teacher ~~or teachers~~(s) of record for that student pursuant to Education Code 51747.5 or the certificated employee providing instruction for course-based independent study. (Education Code 51745.5)

Educational Opportunities

CSBA NOTE: The following section is optional. Pursuant to Education Code 51745, ~~as amended by AB 181 (Ch. 52, Statutes of 2022),~~ the list of educational opportunities that may be provided through independent study includes Items #1-5 below, and may be revised or expanded to reflect district practice.

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Continuing and special study during travel
4. Volunteer community service activities and leadership opportunities that support and strengthen student achievement

5. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction or for a student who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

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

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and district-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

CSBA NOTE: Pursuant to Education Code 51748, independent study students must be enrolled in school as a condition of receiving state apportionments.

To participate in independent study, a student shall be enrolled in a district school. (Education Code 51748)

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

The Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic

performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

CSBA NOTE: The following paragraph limits eligibility for independent study to those students for whom state apportionments can be claimed. Education Code 46300.2 provides that districts will receive state funding for independent study for students who are residents of the county or an adjacent county. Pursuant to Education Code 51747.3, students whose residency status is based on parent/guardian employment within district boundaries in accordance with Education Code 48204 are not eligible for funds apportioned for average daily attendance (ADA).

A student participating in independent study ~~must~~shall be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

CSBA NOTE: Pursuant to Education Code 51745~~, as amended by AB 181~~, a student with disabilities may participate in independent study if the student's individualized education program specifically provides for such participation, as specified below.

A student with disabilities, as defined in Education Code 56026, may participate in independent study if the student's individualized education program (IEP) specifically provides for such participation. If a parent/guardian of a student with disabilities requests independent study because the student's health would be put at risk by in-person instruction, the student's IEP team shall make an individualized determination as to whether the student can receive a free appropriate public education (FAPE) in an independent study placement. A student's inability to work independently, need for adult support, or need for special education or related services shall not preclude the IEP team from determining that the student can receive FAPE in an independent study placement. (Education Code 51745)

~~CSBA NOTE: The following paragraph is based on uncodified Section 110 of AB 181 and will remain in effect only until July 1, 2024.~~

~~In addition, any student with disabilities who receives services from a nonpublic, nonsectarian school through a virtual program may be permitted to participate in independent study if the student's IEP team determines that FAPE can be provided to the student by means of the virtual program and other conditions of law are satisfied.~~

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through independent study. (Education Code 51745)

CSBA NOTE: The following paragraph limits enrollment in independent study to those students for whom state apportionments can be claimed. Pursuant to Education Code 51745, ~~as amended by AB 181,~~ no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program are eligible for apportionment credit for independent study, with the exception of students participating in independent study due to an emergency as described in Education Code

41422 and 46392. A pregnant student or a parenting student who is the primary caregiver for the student's child(ren) is not included in this cap.

Except for students participating in independent study due to an emergency as described in Education Code 41422 and 46392 and pregnant and parenting students who are the primary caregiver for their child(ren), no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program shall be enrolled in independent study. (Education Code 51745)

Monitoring Student Progress

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

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether independent study is in the student's best interest. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program. (Education Code 51747, 51749.5; 5 CCR 11701)

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation, and if the student transfers to another public school in California, the record shall be forwarded to that school. (Education Code 51747, 51749.5)

Responsibilities of Independent Study Administrator

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

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator

2. Approving or denying the participation of students requesting independent study

3. Facilitating the completion of written independent study agreements

4. Ensuring a smooth transition for students into and out of the independent study mode of instruction

5. Approving all credits earned through independent study

6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code ~~44865,~~ 51747.5; 5 CCR 11700)

CSBA NOTE: Pursuant to Education Code 51745.6, the equivalency of teacher-student ratios as described below is a necessary condition for the district to receive apportionments for independent study. The district may exceed these ratios, but those additional units of independent study ADA would not be funded.

The Education Audit Appeals Panel's, "Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting," includes verification that the district calculated its independent study teacher-student ratio consistent with Education Code 51745.6.

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

CSBA NOTE: The remainder of this section is optional and may be revised to reflect district practice.

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement

2. Supervising and approving coursework and assignments

3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due

4. Maintaining a daily or hourly attendance register in accordance with Item #4 in ~~the section on~~ "Records" in the accompanying Board policy

5. Providing direct instruction and counsel as necessary for individual student success

6. Regularly meeting with the student to discuss the student's progress

CSBA NOTE: Pursuant to Education Code 51747.5~~, as amended by AB 181~~, the district may claim apportionment credit for independent study only to the extent of the time value of student work products as personally judged by a certificated employee of the district, or the combined time value of student work products and participation in synchronous instruction, as long as the synchronous instructional offering augments the time value of the student work product and evidence of student participation is furnished and maintained. Pursuant to Education Code 51747.5, as amended by SB 153 (Ch. 38, Statutes of 2024), work products may include the daily time value spent by a student engaged in asynchronous instruction, including work completed on an online or computer-based instructional activity, regardless of whether student work products are produced, if the computer program documents student participation. Education Code 51747.5, as amended by AB 176 (Ch. 998, Statutes of 2024), clarifies that the district is required to maintain documentation of hours or fraction of an hour for both student work products and the time that the student engaged in asynchronous instruction. Evidence of student participation may include, but is not limited to, student work produced or performed, or documentation that the student participated in an instructional period either visually or verbally, as verified by a certificated employee and maintained by the district for each hour or fraction of an hour of the synchronous instructional offering. Education Code 51747.5 specifies that the teacher is not required to sign and date the work products.

7. Determining the time value of assigned work or work products completed and submitted by the student, including time that the student engaged in asynchronous instruction

8. Assessing student work and assigning grades or other approved measures of achievement

CSBA NOTE: Education Code 51747.5 requires districts to document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does not participate in scheduled live interaction or synchronous instruction on a school day shall be documented as ~~nonparticipatory~~non-participatory for that school day, for purposes of student participation reporting and tiered reengagement pursuant to Education Code 51747.

9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

Policy Reference UPDATE Service
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Policy Reference Disclaimer:
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State	Description
5 CCR 11700-11705	Independent study
Ed. Code 17289	Exemption for facilities
Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	Emergency conditions and apportionments
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code ~~47612-47612.1~~47610-47615	Charter School Operation
Ed. Code 47612.5	Charter schools operations; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order

Ed. Code 49010	Educational activity; definition
Ed. Code 49011	Student fees; definition
Ed. Code 49501.5	School Meals
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	Local control and accountability plan
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs; definition
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers

Federal	**Description**
~~20 USC 6301~~	~~Highly qualified teachers~~
20 USC 6311	State plan

Management Resources	**Description**
California Department of Education Publication	Legal Requirements for Independent Study
California Department of Education Publication	Conducting Individualized Determinations of Need
~~California Department of Education Publication~~	~~AA & IT Independent Study FAQs~~
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, May 2021
California Department of Education Publication	Elements of Exemplary Independent Study
Court Decision	Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th 1365
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	CSBA District and County Office of Education Legal Services
Website	California Consortium for Independent Study
Website	California Department of Education, Independent Study
Website	Education Audit Appeals Panel

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0450	Comprehensive Safety Plan
0500	Accountability
3260	Fees And Charges
3260	Fees And Charges
3516.5	Emergency Schedules
3550	Food Service/Child Nutrition Program
3580	District Records
3580	District Records
4112.2	Certification
4112.2	Certification
4131	Staff Development
5111.1	District Residency
5111.1	District Residency
5112.3	Student Leave Of Absence
5112.3	Student Leave Of Absence
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5141.22	Infectious Diseases

5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
6000	Concepts And Roles
6011	Academic Standards
6111	School Calendar
6112	School Day
6112	School Day
6142.4	Service Learning/Community Service Classes
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams
6164.5	Student Success Teams
6172	Gifted And Talented Student Program

6172	Gifted And Talented Student Program
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School
6200	Adult Education
6200	Adult Education

Policy 6170.1: Transitional Kindergarten

Status: ADOPTED

Original Adopted Date: 10/01/2015 **| Last Revised Date:** 12/01/~~2023~~2024 **| Last Reviewed Date:** 12/01/~~2023~~2024

CSBA NOTE: The following policy is for use by districts that maintain kindergarten and may be revised to reflect district practice. Education Code 33050~~, as amended by SB 114 (Ch. 48, Statutes of 2023),~~ prohibits the waiver of specified provisions related to transitional kindergarten (TK) and kindergarten provided for in Education Code 48000-48003. For more information on waivers, see BP 1431 - Waivers.

~~Education Code 48000 provides that children are eligible for kindergarten enrollment if they have their fifth birthday on or before September 1 in that school year; see AR 5111 - Admission. Pursuant to Education Code 48000, as amended by SB 114, for the 2023-24 school year, districts are required to admit any child whose fifth birthday is between September 2 and April 2 to a TK program as a condition of apportionment and phases in timespans for mandatory admittance requirements until the 2025-26 school year, at which time districts are required to admit any child who has their fourth birthday by September 1, as described below.~~

The California Department of Education's (CDE), "Universal Prekindergarten FAQs" and "Transitional Kindergarten FAQs," available on its website, provide guidance to districts on the implementation of universal prekindergarten and TK programs. Additionally, CDE has developed a universal prekindergarten resources website, "Universal PreKindergarten, California's Great Start," designed for use by districts that operate a California State Preschool Program (CSPP), Head Start, and/or TK program.

Education Code 48000 defines TK as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Many of the requirements applicable to kindergarten ~~(e.g.,~~, such as class size, minimum school day, and facilities~~)~~, are also applicable to TK. The district will receive funding based on average daily attendance (ADA) for students in a TK program that meets the requirements specified in Education Code 48000.

Education Code 8281.5 established the California Prekindergarten Planning and Implementation Grant Program as an early learning initiative with the goal of expanding access to classroom-based prekindergarten programs. ~~The program allocates funding to all districts that operate kindergarten programs through minimum base grants, enrollment grants based on a district's kindergarten enrollment, and supplemental grants based on a district's percentage of unduplicated students.~~ Grant funds may be used for costs associated with creating or expanding preschool programs through the CSPP or TK programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the district, including Head Start programs, to ensure that

high-quality options for prekindergarten education are available for four-year-old children. ~~Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies. Since funds for this program have already been granted, CDE is authorized, pursuant to SB 114 and SB 141 (Ch. 194, Statutes of 2023), to allocate or prorate unexpended funds from the California Prekindergarten Planning and Implementation Grant Programs to districts for costs associated with the educational expenses of current and future CSPP, TK, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners.~~

~~Education Code 17375, as amended by SB 114, extends the time that funds from the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program, which provides one-time grants to school districts to construct new school facilities or retrofit existing school facilities including for the purpose of providing TK classrooms, are available for encumbrance or expenditure by the State Allocation Board.~~

Pursuant to the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program (Education Code 17375), districts may be awarded grants for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the modernization of existing kindergarten-grade 12 classrooms that will be converted to provide CSPPs operated by districts on a public school site.

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills needed to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

Eligibility

CSBA NOTE: While children are not required to attend ~~Kindergarten~~kindergarten or TK, all school districts are required to provide TK to age-eligible children pursuant to Education Code 48000. According to CDE's, "Universal Prekindergarten FAQs," no age-eligible child may be denied access to TK by being placed on a waiting list.

The district's TK program shall admit children as follows: (Education Code 48000~~):~~)

~~1. For the 2023-24 school year, children whose fifth birthday is between September 2 and April 2~~

~~2.~~ 1. For the 2024-25 school year, children whose fifth birthday is between September 2 and June 2

~~3.~~ 2. For the 2025-26 school year, and in each school year thereafter, children who turn four by September 1

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or ~~childcare~~child care program, including, but not limited to, a Head Start program, a ~~childcare~~child care center serving children through an alternative payment program, a general ~~childcare~~child care and development program, a California State Preschool Program (CSPP), a migrant ~~childcare~~child care and development program, ~~childcare~~child care and development services for children with special needs, or a program serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program. (Education Code 48000)

CSBA NOTE: CDE's, "Universal Prekindergarten FAQs," clarify that children are required to have documentation of required immunizations or a valid exemption prior to admission to TK. For information about required immunizations and exemptions, see BP/AR 5141.31 - Immunizations.

Parents/guardians of eligible children shall be notified of the availability of the TK program and of the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

CSBA NOTE: The following paragraph is optional. If the district chooses to allow kindergarten-eligible children to enroll in the TK program, CDE recommends in its, "Universal Prekindergarten FAQs," that the district establish criteria to determine selection requirements. The parent/guardian of a kindergarten-eligible child who is enrolled in TK must, at the end of the year, sign a Kindergarten Continuance Form verifying agreement with the child enrolling in kindergarten the following year; see ~~section~~ "Continuation to Kindergarten" below.

On a case-by-case basis, a child whose fifth birthday is on or before September 1 may be admitted into the district's TK program upon request of a child's parents/guardians, if the Superintendent or designee, determines that it is in the child's best interest.

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 48000, the district may, at its discretion, determine whether to allow admittance of children whose fifth birthday is after the date specified for admittance for the applicable year as described above. Such students may be admitted at any time during the school year, including at the beginning of the year. Education Code 48000 provides that districts will not receive ADA apportionment for a child whose birthday is after the date specified for the applicable year until the child's fifth birthday.

At any time during the school year, the district may admit into the TK program a child whose fifth birthday is after the date specified for admittance for the applicable year as described above,

provided that upon the recommendation of the Superintendent or designee, the Board determines that enrollment in a TK program is in the child's best interest and the child's parents/guardians approve. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

CSBA NOTE: The following paragraph is optional and may be deleted by districts that do not allow early enrollment children in TK. Pursuant to Education Code 48000.15, as amended by SB 141~~,~~ (Ch. 194, Statutes of 2023), for the ~~2023-24 and~~ 2024-25 school ~~years~~year, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP program, if offered by the district, space permitting. The district may enroll an early enrollment child in a CSPP program operated by the district regardless of income, after all other eligible children have been enrolled. Districts will not receive ADA apportionment for an early enrollment child admitted to TK until the child's fifth birthday. For more information on district preschool programs, see BP/AR 5148.3 - Preschool/Early Childhood Education.

Additionally, the district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. The Superintendent or designee shall maintain any classroom that includes an early enrollment child with a classroom enrollment that does not exceed 20 students and an adult-to-student ratio of at least one adult to every 10 students. Additionally, if an early enrollment child is enrolled in TK, the district shall concurrently offer enrollment to the child in the district's CSPP, subject to available space. (Education Code 48000.15)

Curriculum and Instruction

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

CSBA NOTE: Education Code 48000 states the Legislature's intent that the TK curriculum be aligned to the California Preschool Learning Foundations developed by CDE. These standards address essential knowledge and skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's website.

Pursuant to Education Code 8203.3, CDE in consultation with the California Department of Social Services, is responsible for establishing and updating prekindergarten learning development guidelines that focus on preparing children for kindergarten, including developmental milestones, assessment, and suggested methods for achievement.

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (CDE). It shall be designed to facilitate students' development in essential knowledge and skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

CSBA NOTE: Pursuant to Education Code 313, as amended by AB 2268 (Ch. 15, Statutes of 2024), students in TK are not required to be assessed in English listening and speaking for purposes of initial identification as an English learner. However, CDE's "Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing," provides that districts should continue to conduct the Home Language Survey during TK enrollment to identify whether the primary or native language of a student is a language other than English. Since there may be implications with other state and federal laws, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, as necessary.

Students in TK are not required to be assessed in English listening and speaking for purposes of initial identification as an English learner. However the district shall conduct the Home Language Survey during enrollment to identify whether the primary or native language of a student is other than English.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Education Code 37202 permits districts to maintain TK and kindergarten classes for different lengths of time during the school day, either at the same or a different school site. Districts offering TK classes for different lengths of time are still required to meet the minimum and maximum length of school day provided in law. Pursuant to Education Code 46111, 46115, and 46117, at the kindergarten and TK level the minimum school day is three hours (180 minutes), including recess but excluding noon intermission, and the maximum school day is four hours (240 minutes), excluding recess, except for students in expanded learning opportunity programs intended to supplement instructional time provided by a district pursuant to Education Code 46120, or if the district has adopted an extended-day kindergarten pursuant to Education Code 8973. However, pursuant to Education Code 46119, if the district has fewer than 40 kindergarten students, the Governing Board may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, including recesses, taught on the same day by the same teacher. Also see BP/AR 5148.2 - Before/After School Programs and AR 6112 - School Day.

Pursuant to Education Code 48003, districts are required to provide an annual report to CDE regarding the type of kindergarten program offered by the district, including part -day, full -day, or both. The California Basic Educational Data System (CBEDS) School Information Form, located on CDE's website, requires a report on the type of TK program offered.

The Board shall establish the length of the school day in the district's TK program, which shall be at least three hours but no more than four hours long, including recess but excluding noon intermission, except for TK students enrolled in expanded learning opportunity programs provided by the district pursuant to Education Code 46120. If the district has adopted an extended-day kindergarten, the length of the school day for the TK program may be different than the length of the school day for the kindergarten program either at the same or different school sites. The Superintendent or designee shall annually report to CDE as to whether the district's TK programs are offered full -day, part -day, or both. (Education Code 8973, 37202, 46111, 46115, 46117, 48003)

The Superintendent or designee shall collaborate with parents/guardians and relevant community groups, in accordance with the plan developed for how all children in the attendance area of the

district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the district's expanded learning ~~offerings~~opportunities, the After School Education and Safety Program, CSPP, Head Start programs, and other community-based early learning and care programs.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. According to CDE's, "Universal Prekindergarten FAQs," it is the intent of the law to provide separate and unique experiences for TK and kindergarten students. However, districts have flexibility to determine how best to meet the curricular needs of each child and whether TK and kindergarten students may be enrolled in the same classrooms.

Education Code 48000, as amended by SB 153 (Ch. 38, Statutes of 2024), requires districts that commingle TK students and CSPP children in the same classroom to complete an observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS environment tool, rather than the formerly required Early Childhood Environment Rating Scale.

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

TK students may be commingled in the same classroom with four-year-old students from a CSPP program as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000~~):~~)

1. The classroom does not include students enrolled in TK for a second year or students enrolled in a regular kindergarten

2. An ~~early childhood environment rating scale, as specified in 5 CCR 18281, is~~observation using the Classroom Assessment Scoring System (CLASS) tool and CLASS Environmental tool are completed for the classroom

3. All children enrolled for 10 or more hours per week are evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272

4. The classroom is taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing (CTC) in accordance with Education Code 44065 and 44256

5. The classroom is in compliance with the adult-child ratio specified in Education Code 8241

6. Contractors of the district report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068 except for contractors of the TK program

The district shall maintain an average TK class enrollment of not more than 24 students for each school site, not including students who are continuously enrolled in and meet the minimum day requirement for independent study for more than 14 school days in a school year. (Education Code 48000)

Staffing

CSBA NOTE: To be qualified to teach a TK class, the teacher must possess an appropriate multiple subjects or early childhood education credential issued by the Commission on Teacher Credentialing (CTC) authorizing instruction in TK. Education Code 48000 establishes additional requirements for credentialed teachers who are first assigned to a TK class after July 1, 2015, as provided below. CTC may issue a one-year emergency specialist teaching permit in early childhood education that authorizes teaching all subjects in a self-contained TK general education classroom, provided that certain conditions are met as specified in Education Code 44300.

Additionally, ~~CTC has amended~~ 5 CCR 80067, ~~and adopted 5 CCR~~ 80067.1 ~~and~~, 80067.2, ~~which are pending approval by the Office of Administrative Law as of October 2023~~and 80067.3, pertaining to the prekindergarten-grade 3 (PK-3) early childhood education specialist credential~~.~~, include requirements, and accelerated pathways to meet the requirements, in an effort to increase the number of early childhood education teachers. The ~~proposed~~PK-3 credential is designed to provide individuals who already hold a bachelor's degree and have gained experience in early childhood education through their work, to have an expedited pathway to earning the credential to teach in the ~~prekindergarten-grade~~ PK-3 environment~~. See~~; see CTC Coded Correspondence ~~23-02~~24-03 for more information ~~regarding the proposed regulations~~. For more information about the Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit, see AR 4112.2 -- Certification.

TK assignments are subject to assignment monitoring and reporting by the County Superintendent of Schools in accordance with Education Code 44258.9.

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from CTC that authorizes such instruction.

CSBA NOTE: Education Code 48000~~, as amended by SB 114,~~ extends until August 1, 2025, the requirement for credentialed teachers who are first assigned to a TK class to meet additional qualifications, as described below.

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2025, have at least 24 units in early childhood education and/or child development, comparable professional experience in a preschool setting, and/or a child development teacher permit or an early childhood specialist credential issued by CTC. (Education Code 48000)

~~CSBA NOTE: Education Code 8281.5 permits the use of funding from the California Prekindergarten Planning and Implementation Grant Program for the purpose of professional development, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners, and which as amended by SB 114 and SB 141, extends the time that CDE is authorized to allocate or prorate unexpended funds.~~

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners.

~~CSBA NOTE: Education Code 48000, as amended by SB 114, requires districts to maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the 2025-26 school year.~~

The district shall maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the 2025-26 school year. (Education Code 48000)

Continuation to Kindergarten

CSBA NOTE: The following section is consistent with guidance in CDE's, "Universal Prekindergarten FAQs."

There is no requirement that an age-eligible student complete a year of TK or kindergarten before enrolling in first grade. Pursuant to Education Code 48010, a student must be six years old on or before September 1 to be eligible for first grade. However, if a student is not six years old by September 1, the student may be admitted to first grade in accordance with Education Code 48011, if the child has completed one year of kindergarten or, in some cases, has attended some kindergarten. CDE's, "Universal Prekindergarten FAQs," note that a year of TK is not equivalent to a year of kindergarten, for purposes of enrolling a 5-year-old student in first grade pursuant to Education Code 48011.

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

CSBA NOTE: The following optional paragraph is for use by districts that allow kindergarten-eligible children to enroll in TK; see "Eligibility" ~~section~~ above. When such students are subsequently enrolled in kindergarten, the district is required to obtain a signed Kindergarten Continuance Form in order to receive kindergarten ADA for those children since they would otherwise be age-eligible for first grade. A sample Kindergarten Continuance Form is available on CDE's, "Universal Prekindergarten FAQs"," website. CDE recommends that approval for a student to continue in kindergarten not be sought until near the end of the year of TK, since permission obtained unreasonably far in advance could be found invalid.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

CSBA NOTE: Pursuant to Education Code 46300, the district may not include for ADA purposes the attendance of any student for more than two years in kindergarten or for more than two years in a combination of TK and kindergarten.

A student shall not attend more than two years in kindergarten or a combination of TK and kindergarten. (Education Code 46300)

Assessment

CSBA NOTE: The following section regarding assessment of TK students' development and progress may be revised to reflect district practice. One assessment resource for TK students is CDE's Desired Results Developmental Profile, which is designed to assess the developmental progression of all children from early infancy to kindergarten entry. Additionally, CDE's report, "Proposed Tools and Process for the Early identification of Developmental Delays and Learning Disabilities," provides tools and a process for the early identification of children between two and six at risk for developmental delays or learning disabilities.The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. The Superintendent or designee shall monitor and regularly report to the Board regarding program implementation, the progress of students in meeting related academic standards, and student preparedness for future education.

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State	Description
5 CCR 18000-18308	Early Learning and Care Programs
5 CCR 80067-80067.3	~~Professional~~ ~~Clear~~ Prekindergarten-3 Early Childhood Education Specialist Instruction Credential
Ed. Code 17375	California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program
Ed. Code 313	English Language Proficiency Assessment
Ed. Code 33050	Waiver authority and exceptions
Ed. Code 37202	Equal time in all schools
Ed. Code 44065	Issuance of and functions requiring credentials
Ed. Code 44256	Authorization for teaching credentials
Ed. Code 44258.9	County superintendent review of teacher assignment
Ed. Code 44300	Emergency permits
Ed. Code 46111	Kindergarten; hours of attendance
Ed. Code 46114-46119	Minimum school day; kindergarten

Ed. Code 46120	Expanded learning opportunities
Ed. Code 46300	Method of computing average daily attendance
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48000.15	Early enrollment in transitional kindergarten
Ed. Code 48002	Evidence of minimum age required to enter kindergarten or first grade
Ed. Code 48003	Kindergarten annual report
Ed. Code 48010	Minimum age of admission to first grade
Ed. Code 48011	Promotion/retention following one year of kindergarten
Ed. Code 48200	Compulsory attendance
Ed. Code 8203.3	Development of pre-kindergarten learning development guidelines
Ed. Code 8207	California State Preschool Program administration
Ed. Code 8241	Staffing ratios for center-based program
Ed. Code 8281.5	California Prekindergarten Planning and Implementation Grant Program
Ed. Code 8970-8974	Early primary program, including extended-day kindergarten

Management Resources	**Description**
CA Commission on Teacher Credentialing Publication	~~Proposed~~ ~~Amendments~~ ~~to~~ ~~Title~~ ~~5~~ ~~of~~ ~~the~~ ~~California~~ ~~Code of~~ Regulations ~~Pertaining~~ to ~~the~~ ~~PK-3~~ ~~Childhood Education~~ Specialist ~~Credential,~~ ~~Coded~~ ~~Correspondence 23-02,~~ ~~February~~ ~~10,~~ ~~2023~~Approval of Regulations Authorizing the New PK-3 Early Childhood Education Specialist Instruction Credential, Coded Correspondence 24-03, March 2024 (https://www.ctc.ca.gov/docs/default-source/commission/coded/2024/coded-24-03.pdf)
California Department of Education Communication	Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing, June 2024
California Department of Education Publication	Implementation of the Classroom Assessment Scoring System (CLASS) and CLASS Environment and Removal of the Environment Rating Scale for the California State Preschool Program (CSPP), Early Education Division Management Bulletin 23-10, December 2023 (https://www.cde.ca.gov/sp/cd/ci/mb2310.asp)

California Department of Education Publication	Proposed Tools and Process for the Early identification of Developmental Delays and Learning Disabilities, October 2023 (https://www.cde.ca.gov/sp/cd/lr/documents/eilegeslativereport.docx)
California Department of Education Publication	Universal Prekindergarten FAQs
California Department of Education Publication	Transitional Kindergarten FAQs
California Department of Education Publication	Desired Results Developmental Profile: A Developmental Continuum from Early Infancy up to Kindergarten Entry, 2015
California Department of Education Publication	California Preschool Curriculum Framework, Vol. 1, 2010
California Department of Education Publication	California Preschool Curriculum Framework, Vol. 2, 2011
California Department of Education Publication	California Preschool Curriculum Framework, Vol. 3, 2013
California Department of Education Publication	California Preschool Learning Foundations, Vol. 1, 2008
California Department of Education Publication	California Preschool Learning Foundations, Vol. 2, 2010
California Department of Education Publication	California Preschool Learning Foundations, Vol. 3, 2012
CSBA Publication	Advancing Universal Transitional Kindergarten, April 2022
CSBA Publication	The Importance of Early Childhood Education Programs, September 2019
Website	California Department of Education, Universal PreKindergarten, California's Great Start
Website	California Office of Administrative Law
Website	CSBA District and County Office of Education Legal Services
Website	Transitional Kindergarten California
Website	California Kindergarten Association
Website	Commission on Teacher Credentialing
Website	CSBA
Website	California Department of Education

Cross References

Code	Description

0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
4112.2	Certification
4112.2	Certification
4131	Staff Development
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6111	School Calendar

6112	School Day
6112	School Day
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6151	Class Size
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment
6174	Education For English Learners
6174	Education For English Learners

Policy 6174: Education For English Learners

Status: ADOPTED

Original Adopted Date: 03/01/2017 **| Last Revised Date:** ~~06~~12/01/~~2023~~2024 **| Last Reviewed Date:** ~~06~~12/01/~~2023~~2024

CSBA NOTE: The following policy may be revised to reflect district practice. State and federal law establish requirements for the identification, placement, and education of English learners.

Pursuant to Education Code 42238.02 and 42238.03, the local control funding formula provides additional funding based on the number and concentration of unduplicated counts of students who are English learners, foster youth, and/or eligible for free or reduced-price meals. Such funds must be used to increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number or concentration of unduplicated students; see BP 3100 - Budget.

In addition, 20 USC 6801-7014 (Title III) provide grant funds that may be used to supplement, but not supplant, funding from other sources for the purpose of ensuring that English learners attain English proficiency and meet the same challenging academic standards that are applicable to all students. During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will expect to see evidence that the district has complied with state and federal requirements. See CDE's website for FPM compliance monitoring instruments.

For further information regarding English learners, programs, and services, see CDE's, "The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners," (Roadmap) available on its website.

Pursuant to Education Code 361, as added by AB 2074 (Ch. 946, Statutes of 2024), CDE is required to develop a statewide implementation plan for the, "EL Roadmap Policy," which includes clear and measurable statewide goals of implementation, alignment with other state initiatives, guidance for districts, and a system for monitoring implementation of the plan.

The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

CSBA NOTE: Pursuant to Education Code 60811, the State Board of Education (SBE) adopted state academic content standards for English language development (ELD), and the English Language Arts/English Language Development Framework aligned with the California Common Core State Standards for English language arts, for students whose primary language is a language other than English. A supplementary resource, "Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning," specifies the correspondence of the state ELD standards to the California Common Core State Standards for mathematics and the Next

Generation Science Standards.

CDE's, "California Digital Learning Integration and Standards Guidance," available on its website, provides distance learning curriculum and instructional guidance for mathematics, English language arts, and English language development.

Additionally, CDE's, "Roadmap" encourages differentiated instruction and curriculum which are integrated across all subject areas and emphasizes inquiry-based learning and critical thinking skills.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

CSBA NOTE: The following items are for use by districts that maintain middle and/or high schools and may be revised to reflect the grade levels offered by the district. Education Code 60811.8 prohibits districts from denying any student who is an English learner the opportunity to enroll in core curriculum courses, courses required for middle school promotion or high school graduation, courses required for college admission, or advanced courses, with specified exceptions for recently arrived immigrant ~~students.~~children and youth as defined in 20 USC 7011. Pursuant to Education Code 60811.8, as amended by AB 714 (Ch. 342, Statutes of 2023), "newcomer student" has the same meaning as "immigrant children and youth." However, Education Code 60811.8 does not require districts to create supplemental courses in languages other than English.

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history/social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

   However, ~~an English learner who has been enrolled in~~ a middle or high school ~~in the United States for less than 12 months or~~ student who is ~~enrolled~~a newcomer student or an immigrant child or youth, as defined in 20 USC 7011, or is a student participating in a program designed to ~~develop the basic English skills~~meet the academic and transitional needs of ~~newly arrived immigrant~~ newcomer students and that has as its primary objective the development of English language proficiency, may be denied ~~participation~~enrollment in any ~~such course,~~of the courses stated above if the course of study provided to the student is designed to remedy academic deficits incurred during participation and is reasonably calculated to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in Item #1 above

3. Other courses that meet the "A-G" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

CSBA NOTE: Education Code 52060 requires the district's local control and accountability plan (LCAP) to include annual goals and specific actions, aligned to state and local priorities, for all students and for each "numerically significant" student subgroup as defined in Education Code 52052, including English learners; see BP/AR 0460 - Local Control and Accountability Plan. CDE's, "Roadmap" provides an alignment between principles outlined for English learners and the eight state priority areas required in the district's LCAP.

Education Code 52052, as amended by SB 114 (Ch. 48, Statutes of 2023), has been expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner.

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners~~.~~ and long-term English learners, in accordance with Board Policy and Administrative Regulation 0460 – Local Control and Accountability Plan.

CSBA NOTE: The following paragraph may be revised to reflect district strategies for parent/guardian and community involvement. Education Code 305 requires the district to solicit input on language acquisition programs as part of the parent/guardian and community engagement process during the development of the LCAP; see ~~section on~~ "Language Acquisition Programs" below. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, Education Code 52063 requires the establishment of an English ~~learner parent advisory committee~~Learner Parent Advisory Committee to review and comment on the district's LCAP; see the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan.

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

Staff Qualifications and Training

CSBA NOTE: Commission on Teacher Credentialing's (CTC) leaflet CL-622, "Serving English Learners," and "Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations," describe requirements pertaining to the qualifications of teachers of English learners. A teacher who is assigned to provide English language development, specially designed academic instruction in English, and/or primary language instruction to English learners must hold an appropriate authorization from CTC; see AR 4112.22 - Staff Teaching English Learners.

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

CSBA NOTE: The following paragraph reflects a requirement for districts that receive federal Title III funds to improve the education of English learners~~,~~ and is recommended for use by all districts.

20 USC 6825 lists the required uses of such funds, including the provision of professional development of sufficient intensity and duration to have a positive and lasting impact on teachers' performance in the classroom. Pursuant to 20 USC 6825, such professional development must not include one-day or short-term workshops and conferences.

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

CSBA NOTE: The following paragraph is optional. CDE's, "Roadmap," indicates the importance of a supportive and collaborative environment in order for teachers to effectively address the complex needs of English learners.

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

Identification and Assessment

CSBA NOTE: CDE's, "Roadmap," emphasizes the importance of early identification of English learners, as early childhood is a crucial period of time for language development. Education Code 313 requires any district that has one or more students who are English learners to assess the English language proficiency of those students using the English Language Proficiency Assessments for California (ELPAC).

However, pursuant to Education Code 313, as amended by AB 2268 (Ch. 15, Statutes of 2024), students in transitional kindergarten (TK) are exempted from this assessment requirement. CDE's, "Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing," provides that districts should continue to conduct the Home Language Survey during TK enrollment to identify whether the primary or native language of a student is a language other than English. Since there may be implications with other state and federal laws, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, as necessary.

The ELPAC includes an initial test for identifying students who may be English learners and an annual summative assessment for determining English learners' level of English proficiency and progress in acquiring the skills of listening, speaking, reading, and writing in English. CDE also provides a home language survey to be used to identify students who should be tested for English proficiency. See the accompanying administrative regulation for further information about test administration, identification of English learners, and reclassification criteria.

The Superintendent or designee shall maintain procedures for the early identification ~~of English learners~~ and ~~an~~ assessment of ~~their~~the proficiency of English learners at all grade levels, except transitional kindergarten, using the English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a

district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.

CSBA NOTE: In addition to testing the level of English proficiency of English learners, districts are required, pursuant to Education Code 60640, to administer the California Assessment of Student Performance and Progress (CAASPP) to English learners; see BP/AR 6162.51 - State Academic Achievement Tests. As needed, English learners may be provided with ~~the~~ testing resources ~~(i.e.,~~ such as universal tools, designated supports, and accommodations~~)~~, specified in 5 CCR 853 during test administration.

CAASPP also includes the optional California Spanish Assessment for students in grades 3-8 and high school, which measures a student's competency in reading, writing, and listening in Spanish.

Pursuant to Education Code 60900.1, ~~as added by AB 1868 (Ch. 907, Statutes of 2022),~~ CDE is required to annually post on its website CAASPP test results by English language acquisition status and to report enrollment data by English language acquisition status and disability.

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 853. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853)

CSBA NOTE: The following paragraph is optional. CDE's, "Roadmap," highlights the importance of formative assessments in order to continually adapt methodologies and instruction to meet the needs of English learners.

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

Language Acquisition Programs

CSBA NOTE: Education Code 305-310 authorizes parents/guardians to select a language acquisition program that best suits their child. At a minimum, the district must offer a structured English immersion program. It also may offer a dual-language immersion program, transitional and developmental program for English learners, or other language acquisition program as defined in Education Code 306. Pursuant to 20 USC 6312 and 34 CFR 100.3, parents/guardians have a right to decline or opt their child out of a language acquisition program. The following section may be revised to reflect programs offered by the district. Also see the accompanying administrative regulation.

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students

on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The Education Code does not define the term "nearly all" for purposes of ensuring that nearly all instruction in the structured English immersion program is provided in English pursuant to Education Code 306. The following paragraph defines "nearly all" as to provide that all classroom instruction be conducted in English except for clarification, explanation, and support as needed. The district could instead establish a minimum percentage of classroom instructional time to be conducted in English or specify the types of courses to be conducted in English and the courses (e.g., science, algebra) to be taught in the student's primary language.

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

CSBA NOTE: Items #1-2 below are optional and may be revised to reflect district practice.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding

2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards

CSBA NOTE: The following paragraph is for use by districts that maintain any of grades K-3.

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

CSBA NOTE: Pursuant to 5 CCR 11311, districts are required to establish a process with specified components 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.

See ~~the section~~ "Language Acquisition Programs" in the accompanying administrative regulation.

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

~~CSBA NOTE: The following paragraph is optional and may be deleted if the district does not offer a dual-language immersion program.~~

~~Pursuant to Education Code 48345, as added by SB 941 (Ch. 711, Statutes of 2022), as an alternative to cancelling classes or seeking emergency credentials for teachers, the Governing Board is authorized, until July 1, 2029, to enter into an instruction collaboration agreement (ICA) with districts, county offices of education, or charter schools to offer courses and coursework to students who have been impacted by disruptions or cancellations to dual language immersion programs, or teacher shortages to such programs. See BP 5117 - Interdistrict Attendance for more information on ICAs.~~

~~Until July 1, 2029, the Superintendent or designee may, with Board approval, and as specified in BP 5117 - Interdistrict Attendance, enter into an instruction collaboration agreement (ICA) with another school district, county office of education, or charter school to offer the same or similar courses and coursework to students who have been impacted by teacher shortages, disruptions, or cancellations, or teacher shortages to dual language immersion programs. (Education Code 48345)~~

Reclassification/Redesignation

When an English learner ~~is~~has acquired a reasonable level of English proficiency, as determined based on state and district reclassification criteria ~~to have acquired a reasonable level of English proficiency~~ pursuant to Education Code ~~313 and~~ 52164.6, or upon the request ~~by~~of the ~~student's~~ parent/guardian of an English learner, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

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)

CSBA 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.

Additionally, during the FPM process CDE will review, as **mandatory** evidence of program implementation and compliance, if the district has a current adopted Board policy and/or administrative regulation(s) that describes the reclassification process.

SBE has approved the use of the Summative ELPAC Overall Performance Level (PL) 4 as the statewide standardized English language proficiency (ELP) criterion for reclassification. According to CDE's, "English Language Proficiency Assessments for California Information Guide," districts are required to use Overall PL 4 to determine whether a student has met the ELP assessment criterion, as reflected in Item #1 below. All other reclassification criteria, as provided in Items #2-4 below, remain locally determined.

Additional guidance and resources regarding reclassification criteria are available on CDE's website. The district may expand the following list to reflect any additional criteria it has established.

The criteria for determining 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)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

CSBA NOTE: CDE's "Observation Protocol for Teachers of English Learners (OPTEL)," is a resource to support educators in monitoring and evaluating language use of English learner.

2. Evaluation by the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student, including, but not limited to, a review of the student's curriculum mastery and academic performance

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

   c. Provision of an interpreter for the parent/guardian, when necessary

CSBA NOTE: Pursuant to Education Code 313, Item #4 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, "Updated Reclassification Guidance for 2018-19," dated January 18, 2019, clarifies that the Smarter Balanced Summative Assessment may be used as a local measure of the fourth criterion for grades 3-8 and 11, or districts may select another local assessment for all grade levels. CDE correspondence and resources, available on its website, provide examples of appropriate measures.

4. Comparison of student performance on an objective assessment of basic skills in English against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English

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)

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

CSBA NOTE: 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 standards for each of four years after they are no longer receiving services under Title III. During the FPM process, CDE will review 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. A letter from CDE to district superintendents, "Monitoring Reclassified Students," dated December 20, 2019, describes the areas in which districts should monitor students to ensure academic progress of former English learner students.

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 four years following their reclassification to ensure the students have not prematurely exited, any academic deficit incurred through participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instructional program compared to students who had never participated in an English learner program. (5 CCR 11304; 20 USC 6841)

Program Evaluation

CSBA NOTE: The following section may be revised to reflect indicators agreed upon by the Governing Board and Superintendent or designee for measuring the effectiveness of the district's educational program for English learners. Education Code 52061 requires that the annual update of the LCAP include a review of progress toward the goals included in the LCAP, an assessment of the effectiveness of the specific actions described in the LCAP toward achieving the goals, and a description of changes the district will make as a result of this review and assessment.

Pursuant to Education Code 313.2, CDE is required to annually determine the number of students in each district and school who are, or are at risk of becoming, long-term English learners and to report that information to districts and schools. Definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner" are contained in Education Code 313.1.

The definition of "long-term English learner" in Education Code 313.1 is an English learner who is enrolled in any of grades 6 to 12; has been enrolled in schools in the United States for six years or more; has remained at the same English language proficiency level for two or more consecutive prior years, or has regressed to a lower English language proficiency level; and a student in any of grades 6 to 9 who has scored far below basic or below basic on the prior year's English language arts standards-based achievement test administered pursuant to Education Code 60640, or a score determined by the Superintendent of Public Instruction on any successor test. This definition differs from the definition of long-term English learner pursuant to Education Code 52052 for purposes of state and local priorities set forth in the LCAP.

20 USC 6311 requires the inclusion of a performance indicator on English language proficiency within the state accountability system under Title I.

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners as defined in ~~accordance with~~ Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals ~~for English learners~~ identified in the district's LCAP for English learners and long-term English learners as defined in Education Code 52052
7. A comparison of current data with data from at least the previous year in regard to Items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

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

State	Description
5 CCR 11300-11316	English learner education
5 CCR 11510-11517.5	California English Language Development Test
5 CCR 11517.6-11519.5	English Language Proficiency Assessments for California
5 CCR 853	Administration of CAASPP
5 CCR 854.9	CAASPP and unlisted resources for students with disabilities
Ed. Code 200	Prohibition of discrimination
Ed. Code 300-340	English language education for immigrant children
Ed. Code 310	Language acquisition programs
Ed. Code 313-313.5	Assessment of English proficiency
Ed. Code 361	Statewide implementation plan for the "EL Roadmap Policy"
Ed. Code 33050	Nonwaivable provisions
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 430-446	English Learner and Immigrant Pupil Federal Conformity Act
Ed. Code 44253.1-44253.11	Qualifications of teachers of English learners
Ed. Code 48345	Interdistrict instruction collaboration agreements
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code ~~52059.5~~52060-52077	Local control and accountability plan
Ed. Code 52160-52178	Bilingual Bicultural Act of 1976
Ed. Code 56305	CDE manual on English learners with disabilities
Ed. Code 60603	Definition; recently arrived English learner
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 60811.8	Newcomer student; definition
Ed. Code 62002.5	Continuation of advisory committee after program sunsets

Federal	Description

20 USC 1412	State eligibility
20 USC 1701-1721	Equal Educational Opportunities Act
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6801-7014	Limited English proficient and immigrant students
20 USC 7011	Definition of immigrant children and youth
20 USC 7801	Definition of English learner
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin

Management Resources	**Description**
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 40 (2000)
California Department of Education Publication	Summative English Language Proficiency Assessments for California, Assessment Fact Sheet, July 2023
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California Department of Education Publication	Common Core State Standards for Mathematics, 2013
California Department of Education Publication	English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014
California Department of Education Communication	Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing, June 2024 (https://www.cde.ca.gov/sp/ml/tkguidanceletter.asp)
California Department of Education Communication	Updated Reclassification Guidance for 2018-19 (https://www.cde.ca.gov/sp/ml/reclassguide1819.asp#:~:text=In%20January%202019%2C%20based%20on,administration%20for%20grades%20K%E2%80%9312.)
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U.S. Department of Education Publication	Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017
U.S. Department of Education Publication	Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015
Website	Bilingual teacher training programs (https://www.ctc.ca.gov/credentials/leaflets/bilingual-teacher-training-programs-(cl-772))
Website	Bilingual teacher professional development program (https://www.cde.ca.gov/ci/pl/btpdp24.asp)
Website	California Department of Education home language survey (https://www.cde.ca.gov/ta/cr/documents/hls2020.pdf)
Website	California Department of Education, English Language Proficiency Assessments for California (ELPAC)
Website	California Digital Learning Integration and Standards Guidance, May 2021
Website	Observation Protocol for Teachers of English Learners (OPTEL) (https://www.cde.ca.gov/sp/ml/optel.asp)
Website	CSBA District and County Office of Education Legal Services
Website	National Clearinghouse for English Language Acquisition
Website	The Education Trust-West
Website	California Department of Education, English Learners
Website	California Association for Bilingual Education
Website	CSBA
Website	U.S. Department of Education

Cross References

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Regulation 6174: Education For English Learners

Status: ADOPTED

Original Adopted Date: 03/01/2017 **| Last Revised Date:** ~~06~~12/01/~~2023~~2024 **| Last Reviewed Date:** ~~06~~12/01/~~2023~~2024

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)

CSBA NOTE: Education Code 52052, as amended by SB 114 (Ch. 48, Statutes of 2023), has been expanded to include long-term English learners as a numerically significant subgroup, separate from English learners. Pursuant to Education Code 52052, as amended by SB 141 (Ch. 194, Statutes of 2023), a "long-term English learner" is defined as a student who has not attained English language proficiency within seven years of initial classification as an English learner. This definition differs from the definition in Educate Code 313.1 and used for the evaluation of English learner programs

Long-term English learner means:

1. For the purpose of setting the local control and accountability plan (LCAP) priorities, a student who has not attained English language proficiency within seven years of initial classification as an English learner (Education Code 52052)

2. For the purpose of English language proficiency assessment, an English learner in grades 6-12 who has been enrolled in school in the United States for six years or more and who either: (Education Code 313.1)

   a. Has remained at the same English language proficiency level for two or more consecutive years, or has regressed to a lower proficiency level; or

   b. Is a student in grades 6-9 who has scored far below basic or below basic on the prior year's English language arts standards-based achievement test, or a score determined by the Superintendent of Public Instruction on any successor test

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

CSBA 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) website.

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)

CSBA 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.

Although, pursuant to Education Code 313, as amended by AB 2268 (Ch. 15, Statutes of 2024), transitional kindergarten (TK) students are exempted from this assessment requirement, CDE's "Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing," recommends that districts continue to conduct the Home Language Survey during TK enrollment to identify whether the primary or native language of a student is a language other than English.

Since there may be implications with other state and federal laws, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel, as necessary.

Any student in kindergarten or grades 1-12, not including transitional kindergarten, 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)

CSBA NOTE: Pursuant to 5 CCR 11518.25, the district is required to provide English learners with disabilities with the designated supports and accommodations in accordance with the student's 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.

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 11518.5-11518.37.

CSBA 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 website 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~~Initial Fluent English ~~proficient~~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)

CSBA NOTE: The Summative ELPAC is annually administered to students who have been previously identified as English learners based on initial ELPAC results, and is used to measure progress toward English language proficiency, to inform English learner programs and services, and to help determine if a student is ready to be reclassified. Education Code 313 provides that the summative ELPAC be conducted annually during a four-month period after January 1 as determined by the Superintendent of Public Instruction (SPI) with the approval of the State Board of Education. (SBE). CDE's, "English Language Proficiency Assessments for California Information Guide," and the "Summative English Language Proficiency Assessments for California, Assessment Fact Sheet," clarify that the Summative ELPAC administration window is open from February 1 through May 31. The following paragraph is consistent with both Education Code 313 and CDE's guidance.

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)

CSBA 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 no later than 30 calendar days after the beginning of the school year or, if the student is identified for 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. When the student has been identified for special education, the manner in which the program meets the requirements of the student's ~~IEP~~individualized education program

    CSBA 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.

    The definition of "long-term English learner" in Education Code 313.1 is an English learner who is enrolled in any of grades 6-12; has been enrolled in schools in the United States for six years or more; has remained at the same English language proficiency level for two or more consecutive prior years, or has regressed to a lower English language proficiency level; and a student in any of grades 6-9 who has scored far below basic or below basic on the prior year's English language arts standards-based achievement test administered pursuant to Education Code 60640, or a score determined by the SPI on any successor test. This definition differs from the definition of long-term English learner pursuant to Education Code 52052 for purposes of state and local priorities set forth in the local control and accountability plan (LCAP).

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 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

CSBA 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.~~

   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 in accordance with Board Policy 3580 – District Records.

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.

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~~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 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.

The district shall 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. (5 CCR 11302)

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)

CSBA 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.

In 2019, SBE approved the standardization of criterion used to make decisions about reclassifying Englisher learners and approved the use of the Summative ELPAC Overall Performance Level (PL) 4 as the statewide standardized English language proficiency (ELP) criterion for reclassification. According to CDE's, "English Language Proficiency Assessments for California Information Guide," districts are required to use Overall PL 4 to determine whether a student has met the ELP assessment criterion, as reflected in Item #1 below. All other reclassification criteria, as provided in Items #2-4 below, remain locally determined.

Additional guidance and resources regarding reclassification criteria are available on CDE's website. The district may expand the following list to reflect any additional criteria it has established.

The criteria for determining 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)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

CSBA NOTE: Pursuant to Education Code 313.3, as amended by AB 181 (Ch. 52, Statutes of 2022), the date by which CDE is required to develop 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 has been extended to December 31, 2023. CDE is currently developing the, "Observation Protocol for Teachers of English Learners (OPTEL)," a resource to support educators in monitoring and evaluating language use of English learner students.

2. Evaluation by the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student, including, but not

limited to, a review of the student's curriculum mastery and academic performance

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

c. Provision of an interpreter for the parent/guardian, when necessary

CSBA NOTE: Pursuant to Education Code 313, Item #4 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, "Updated Reclassification Guidance for 2018-19," dated January 18, 2019, clarifies that the Smarter Balanced Summative Assessment may be used as a local measure of the fourth criterion for grades 3-8 and 11, or districts may select another local assessment for all grade levels. CDE correspondence and resources, available on its website, provide examples of appropriate measures.

4. Comparison of student performance on an objective assessment of basic skills in English against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English

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)

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

CSBA NOTE: 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 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. A letter from CDE to district superintendents, "Monitoring Reclassified Students," dated December 20, 2019, describes the areas in which districts should monitor students to ensure academic progress of former English learner students.

~~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 four years following their reclassification to ensure the students have not prematurely exited, any academic deficit incurred through participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instructional program compared to students who had never participated in an English learner program.~~ (~~5 CCR 11304; 20 USC 6841~~(5 CCR 11302)

Advisory Committees

CSBA NOTE: The following section should be revised to reflect district practice. Pursuant to 5 CCR 11308, 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 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 regular 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)

CSBA 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 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)

CSBA NOTE: 5 CCR 11308 delineates the duties of the DELAC, as provided below. The list of DELAC duties on CDE's website omits Item #5, administration of the annual language census.

During the federal program monitoring process, CDE will review that the district has a policy in accordance with SBE's, "English Learner Roadmap Policy," that requires the DELAC to advise the Governing Board on the development of a district master plan.

The DELAC shall advise the Board on at least the following tasks: (5 CCR 11308)

1. Developing a district master plan, including policy(ies), for education programs and services for English learners, taking into consideration the school site plans for English learners
2. Conducting a districtwide needs assessment on a school-by-school basis
3. Establishing a district program, goals, and objectives for programs and services for English learners
4. Developing a plan to ensure compliance with applicable teacher or instructional aide requirements
5. Administering the annual language census
6. Reviewing and commenting on the district's reclassification procedures
7. Reviewing and commenting on the required written parental notifications

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that DELAC and ELAC committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

Local Control and Accountability Plan (LCAP) Advisory Committee

CSBA 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~~Learner Parent Advisory Committee to review and comment on the district's ~~local control and accountability plan~~LCAP; see BP 0460 - Local Control and Accountability Plan. 5 CCR 15495 requires this committee to include a majority of parents/guardians of English learners~~. The English learner parent advisory committee is not required after July 1, 2024.~~

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~~Learner Parent Advisory Committee shall be established to review and comment on the district's ~~local control and accountability plan~~ (LCAP)~~).~~. Such advisory committee shall provide input regarding the district's existing language acquisition programs and language programs, and, where possible, the establishment of other such programs, in accordance with ~~BP~~Board Policy 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. If the DELAC acts as the ELAC pursuant to Education Code 52063 and 52062, the DELAC shall also review and comment on the development or annual update of the LCAP. (Education Code 52062, 52063; 5 CCR 11301, 15495)

The DELAC may also serve as the LCAP ~~English learner advisory committee~~ELAC, as specified in Board Policy 0460 – Local Control and Accountability Plan.

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Policy Reference Disclaimer:
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State	Description
5 CCR 11300-11316	English learner education
5 CCR 11510-11517.5	California English Language Development Test
5 CCR 11517.6-11519.5	English Language Proficiency Assessments for California
5 CCR 853	Administration of CAASPP
5 CCR 854.9	CAASPP and unlisted resources for students with disabilities
Ed. Code 200	Prohibition of discrimination
Ed. Code 300-340	English language education for immigrant children
Ed. Code 310	Language acquisition programs
Ed. Code 313-313.5	Assessment of English proficiency
Ed. Code 361	Statewide implementation plan for the "EL Roadmap Policy"
Ed. Code 33050	Nonwaivable provisions
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 430-446	English Learner and Immigrant Pupil Federal Conformity Act
Ed. Code 44253.1-44253.11	Qualifications of teachers of English learners
Ed. Code 48345	Interdistrict instruction collaboration agreements
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code ~~52059.5~~52060-52077	Local control and accountability plan
Ed. Code 52160-52178	Bilingual Bicultural Act of 1976
Ed. Code 56305	CDE manual on English learners with disabilities
Ed. Code 60603	Definition; recently arrived English learner

Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 60811.8	Newcomer student; definition
Ed. Code 62002.5	Continuation of advisory committee after program sunsets

Federal	**Description**
20 USC 1412	State eligibility
20 USC 1701-1721	Equal Educational Opportunities Act
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6801-7014	Limited English proficient and immigrant students
20 USC 7011	Definition of immigrant children and youth
20 USC 7801	Definition of English learner
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin

Management Resources	**Description**
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 40 (2000)
California Department of Education Publication	Summative English Language Proficiency Assessments for California, Assessment Fact Sheet, July 2023
California Department of Education Publication	Englisher Learner, Federal Program Monitoring Instrument
California Department of Education Publication	Monitoring Reclassified Students, December 2019
California Department of Education Publication	California Practitioners' Guide for Educating English Learners with Disabilities, 2019
California Department of Education Publication	English Language Proficiency Assessments for California Information Guide, July 2023
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, May 2021
California Department of Education Publication	Reclassification Guidance for 2020-21 and Statewide Testing Window Extension, CDE Correspondence, June 14, 2021
California Department of Education Publication	Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015
California Department of Education Publication	Accessibility Resources Matrix, 2022

California Department of Education Publication	Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015
California Department of Education Publication	English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012
California Department of Education Publication	California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017
California Department of Education Publication	EL Roadmap Policy (https://www.cde.ca.gov/sp/ml/elroadmappolicy.asp)
California Department of Education Publication	Common Core State Standards for Mathematics, 2013
California Department of Education Publication	English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014
California Department of Education Communication	Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing, June 2024 (https://www.cde.ca.gov/sp/ml/tkguidanceletter.asp)
California Department of Education Communication	Updated Reclassification Guidance for 2018-19 (https://www.cde.ca.gov/sp/ml/reclassguide1819.asp#:~:text=In%20January%202019%2C%20based%20on,administration%20for%20grades%20K%E2%80%9312.)
Commission on Teacher Credentialing Publication	Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021
Court Decision	Valeria O. v. Davis (2002) 307 F.3d 1036
Court Decision	California Teachers Association v. State Board of Education et al. (9th Circuit, 2001) 271 F.3d 1141
Court Decision	McLaughlin v. State Board of Education (1999) 75 Cal.App.4th 196
Court Decision	Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698
CSBA Publication	English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016
CSBA Publication	English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017

CSBA Publication	English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018
CSBA Publication	English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, September 2016
CSBA Publication	English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014
The Education Trust- West Publication	Unlocking Learning: Science as a Lever for English Learner Equity, January 2017
The Education Trust- West Publication	Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018
U.S. Department of Education Publication	English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), September 2016
U.S. Department of Education Publication	English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016
U.S. Department of Education Publication	Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017
U.S. Department of Education Publication	Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015
Website	Bilingual teacher training programs (https://www.ctc.ca.gov/credentials/leaflets/bilingual-teacher-training-programs-(cl-772))
Website	Bilingual teacher professional development program (https://www.cde.ca.gov/ci/pl/btpdp24.asp)
Website	California Department of Education home language survey (https://www.cde.ca.gov/ta/cr/documents/hls2020.pdf)
Website	California Department of Education, English Language Proficiency Assessments for California (ELPAC)
Website	California Digital Learning Integration and Standards Guidance, May 2021
Website	Observation Protocol for Teachers of English Learners (OPTEL) (https://www.cde.ca.gov/sp/ml/optel.asp)
Website	CSBA District and County Office of Education Legal Services
Website	National Clearinghouse for English Language Acquisition

Website	The Education Trust-West
Website	California Department of Education, English Learners
Website	California Association for Bilingual Education
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0200	Goals For The School District
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
3100	Budget
3100	Budget
3580	District Records
4112.22	Staff Teaching English Learners
4131	Staff Development
4231	Staff Development
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5126	Awards For Achievement
5126	Awards For Achievement
5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education

5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.91	Reading/Language Arts Instruction
6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504

6170.1	Transitional Kindergarten
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6175	Migrant Education Program
6175	Migrant Education Program
6190	Evaluation Of The Instructional Program

Bylaw 9240: Board Training

Status: ADOPTED

Original Adopted Date: 12/01/1987 **| Last Revised Date:** 12/01/~~2016~~2024 **| Last Reviewed Date:** 12/01/~~2016~~2024

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

CSBA's Professional Governance Standards include expectations that each ~~individual~~ Governing Board member will participate in professional development and commit the time and energy necessary to be an informed and effective leader. See CSBA's ~~web site~~website for education opportunities ~~available through CSBA~~, including, but not limited to, ~~CSBA's~~the Institute for New and First-Term Board Members, Masters in Governance ~~program~~Program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, ~~Back-to-School Webcast,~~Policy Update Webinars, and Ethics Trainings, as well as other workshops and webinars on specific topics, and in-district governance consulting services.

The Governing Board believes that the Board's ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. Board members shall ~~be provided sufficient~~ participate in mandatory ethics training, as outlined below, and are encouraged to participate in ongoing opportunities for professional development ~~that helps~~sufficient to help them understand their responsibilities, stay abreast of new developments in education, and ~~develop boardsmanship~~improve governance skills.

CSBA NOTE: Government Code 53234-53235.2 requires a Board member, except for a member whose term of office ends before January 1, 2026, to receive specified training in ethics by January 1, 2026, and at least once every two years thereafter, and for the district to maintain records of such training. Additionally, Government Code 53235, as amended by AB 2631 (Ch. 201, Statutes of 2024), requires the Fair Political Practices Commission, in consultation with the Attorney General, to create, maintain, and make an ethics training course available to local agency officials, including Board members.

Unless a Board member's term expires prior to January 1, 2026, each Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter. (Government Code 53235)

Once completed, the Board member shall inform the Board president and Superintendent, who shall ensure that records are retained for each Board member's participation in the required ethics training.

The Board president and/or the Superintendent or designee shall provide an orientation to newly elected or appointed Board members ~~which includes comprehensive information regarding Board roles, policies, and procedures and the district's vision and goals, operations, and current challenges. Throughout their first term, Board members shall continue to participate in additional educational opportunities designed to assist them~~consistent with Board Bylaw 9230 - Orientation.

The Board president shall work with the Superintendent or designee to include funds for professional development and associated reasonable travel expenses for the Board as a whole and for each individual Board member in the district's proposed annual budget.

Consistent with the availability of funds in the district's adopted annual budget, the Board president or designee shall annually develop, and bring to the Board for adoption at a Board meeting, a Board professional development calendar designed to assist the Board as a whole in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, labor relations, community relations, program evaluation, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

~~All Board members are encouraged to continuously participate in advanced training offered by the California School Boards Association in order to reinforce boardsmanship skills and build knowledge related to key education issues. Such activities may include online courses, webinars, webcasts, and in-person attendance at workshops and conferences. In addition, workshops and consultations may be held within the district on issues that involve the entire governance team.~~

~~CSBA NOTE: CSBA recommends that board training and travel expenses be budgeted as separate items. While training is essential to maintain an effective, well-informed Board, travel expenses are incurred for a variety of reasons.~~

~~It is also recommended that the Board determine the manner in which board training activities that require the use of district funds will be selected or approved. Districts may allocate funds equally to each Board member and allow each member discretion to select activities that meet his/her needs, or may require that all activities or activities over a specified cost be approved by the full Board. The following paragraph may be revised to reflect district practice.~~

CSBA NOTE: The following paragraph permits individual Board members to identify and participate in additional professional development opportunities, with the only condition that there are funds available in the district's adopted annual budget for such purpose. It may be revised to reflect district practice.

~~Funds for board training shall be budgeted annually for the Board and each Board member. In selecting appropriate activities, the Board and/or individual Board members shall consider activities that are aligned with the district's vision and goals and the needs of the Board or individual member to obtain specific knowledge and skills. The Board shall annually develop a board training calendar~~

~~in order to schedule and track board training activities and to schedule opportunities for Board members to report on the activities in which they participated.~~

Consistent with the availability of funds in the district's adopted annual budget, individual Board members may identify and participate in additional professional development opportunities, and shall timely inform the Board president and the Superintendent upon doing so. Additionally, the Superintendent or designee shall establish timelines and procedures for how an individual Board member shall request that the district pay for such professional development opportunities, whether in advance or by reimbursement.

Board members are encouraged to consider participating in the professional development opportunities offered by CSBA such as the Institute for New and First-Term Board Members, Masters in Governance Program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, Policy Update Webinars, and Ethics Trainings.

Individual Board members are encouraged to share the knowledge or skills acquired from individual professional development opportunities with the full Board, thereby benefiting the Board and district.

CSBA NOTE: Pursuant to Government Code 54952.2, a "meeting" subject to Brown Act requirements does not include the attendance of a majority of the Board's members at a conference or similar public gathering, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board. Also see BB 9320 - Meetings and Notices.

Consistent with Board Bylaw 9320 - Meetings And Notices, Board members may attend a professional development opportunity as part of a conference or similar public gathering ~~with other Board members and/or with the Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team-building exercises. In~~, such ~~cases,~~as the Annual Education Conference and Trade Show hosted by CSBA, so long as a majority of the Board members ~~shall~~do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the district's jurisdiction~~, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.~~

~~Board members shall report to the Board, orally or in writing, on the board training activities they attend, for the purpose of sharing the acquired knowledge or skills with the full Board and enlarging the benefit of the activity to the Board and district.~~

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State	Description
Gov. Code 53234-53235.2	Ethics Training
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952.2	Meeting; defined

Management Resources	Description
CSBA Publication	Professional Governance Standards for School Boards
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings
Website	CSBA District and County Office of Education Legal Services
~~Website~~	~~California County Boards of Education~~
~~Website~~	~~National School Boards Association~~
Website	CSBA

Cross References

Code	Description
0000	Vision
0100	Philosophy
0200	Goals For The School District
1112	Media Relations
2111	Superintendent Governance Standards
2140	Evaluation Of The Superintendent
3100	Budget
3100	Budget
6000	Concepts And Roles
9000	Role Of The Board
9005	Governance Standards
9100	Organization
9121	President
9150	Student Board Members

9220	Governing Board Elections
9220-E(1)	Governing Board Elections
9230	Orientation
9250	Remuneration, Reimbursement And Other Benefits
9250-E(1)	Remuneration, Reimbursement And Other Benefits
9320	Meetings and Notices
9400	Board Self-Evaluation

Bylaw 9270: Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 07/01/2010 **| Last Revised Date:** ~~03~~12/01/~~2023~~2024 **| Last Reviewed Date:** ~~03~~12/01/~~2023~~2024

~~CSBA NOTE: The determination as to whether a conflict of interest exists must be analyzed under two separate sets of statutes:~~CSBA NOTE: Pursuant to Government Code 87300, the Governing Board is **mandated** to adopt a conflict of interest code, as specified in "Conflict of Interest Code" below. Additionally, pursuant to Government Code 1126, the Board is **mandated** to adopt policy regarding incompatible offices and activities, as specified in "Incompatible Offices and Activities" below.

Determining whether a conflict of interest exists requires an analysis under (1) the conflict of interest provisions of the Political Reform Act (PRA) (Government Code 87100-87505), ~~detailed in the section below entitled~~as specified in "Conflict of Interest under the Political Reform Act," ~~and~~ (2) Government Code 1090-1098, ~~detailed in the section below entitled~~as specified in "Conflict of Interest under Government Code 1090 - Financial Interest in a Contract~~." Even when a conflict does not exist pursuant to those statutes, a violation might still occur under~~," and (3) the common law doctrine against conflict of interest~~; see the section below entitled~~, as specified in "Common Law Doctrine Against Conflict of Interest~~."

~~Because the~~" below. Additionally, different conflict of interest law provisions apply to different officials and ~~definitions are quite complex~~positions. Therefore, it is strongly recommended that districts consult ~~with~~ CSBA's District and County Office of Education Legal Services or district legal counsel, and staff from the Fair Political Practices Commission (FPPC), as soon as a potential conflict is ~~presented~~identified.

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no "District Official," defined as a Board member~~, district employee,~~ or ~~other person in a~~ position designated ~~position~~in the district's conflict of interest code, shall participate in the making of any decision for the district when the decision will or may be affected by the ~~Board member's, district employee's, or other designated persons~~District Official's financial, family, or other personal interest or consideration~~.~~

~~Even if a prohibited conflict of interest does not exist~~, as defined by law.

Additionally, a Board member shall abstain from voting on personnel matters that uniquely affect the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the Board member's relative belongs. Relative means an adult who is related to the Board member by blood or affinity

within the third degree, as determined by ~~the~~ common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

CSBA NOTE: The following paragraph reflects the common law definition of "relative within the third degree."

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

Conflict of Interest Code

CSBA NOTE: The ~~Governing~~ Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. ~~Board members and employees designated in the district's conflict of interest code are required by Government Code 87500 to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions.~~Pursuant to Government Code 87303, the district's conflict of interest code is required to ~~Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and designated employees who "manage public investments"; see section below entitled "Additional Requirements for Boards that Manage Public Investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation.~~

~~Pursuant to Government Code 87303, the district's conflict of interest code must~~ be approved by the appropriate code reviewing body. For districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The FPPC is the code reviewing body for those school districts located in more than one county.

Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference, along with a list of ~~designated positions~~District Officials and disclosure categories. The accompanying exhibit ~~(E 9270)~~ contains a sample resolution that includes an appendix with ~~designated positions~~District Officials and disclosure categories which, once adopted by the Board, will comprise the terms of the district's conflict of interest code that should be submitted to the code reviewing body.

The Board shall adopt ~~for the district~~ a conflict of interest code for the district that incorporates the provisions of 2 CCR 18730 by reference, ~~specifies~~delineates the ~~district's designated positions~~District Officials, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. ~~(Government Code 87303)~~

Upon direction by the code reviewing body, the Board shall review ~~the district's~~its conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new ~~designated positions,~~ District Officials or changes to the duties ~~assigned to existing positions, amendments, or revisions~~of District Officials, the ~~amended code~~Board shall amend the code, which shall then be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

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

~~Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)~~ (Government Code 87311)

Conflict of Interest under the Political Reform Act

CSBA NOTE: The FPPC has adopted an eight-step analysis, detailed in Government Code 87100-87500, 2 CCR 18700-~~18755~~18707, and interpretive opinions, to determine whether a conflict of interest exists under the PRA~~.~~ for a District Official. When such a conflict exists, the ~~affected district official must~~individual with a conflict is required to disclose the interest and not participate in the decision, as specified below. Because Family Code 297.5 grants a registered domestic partner the same rights, protections, and benefits as a spouse under state law, analysis of a conflict of interest with ~~regards~~regard to a Board member's spouse is also applicable to a registered domestic partner.

~~A district official, including a Board member, designated employee, or other person in a designated position~~A District Official shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the ~~district official~~District Official knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the ~~district official, the district official's~~District Official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A ~~district official~~District Official makes a governmental decision when, acting within the authority of the office or position, the ~~district official~~District Official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before ~~another district~~

~~official~~other District Officials for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

CSBA NOTE: 2 CCR 18705 permits a ~~Board member~~District Official who is financially interested in a contract to participate in making a decision on the contract if (1) the ~~Board member~~District Official discloses the existence of the conflict and describes with particularity the nature of the financial interest in the contract~~;~~, (2) gives a summary description of the circumstances under which the ~~Board member~~District Official believes the conflict may arise~~;~~, and (3) either the ~~Board member,~~ District Official, or another ~~Board member, or a district employee~~District Official, discloses the legal basis for concluding that no alternative source of decision exists for the district. ~~In general, this rule will permit a district to acquire an essential supply or service. CSBA strongly recommends that CSBA's District and County Office of Education Legal Services or district legal counsel be consulted when situations arise involving the rule of necessity, as strict compliance is required.~~

However, a ~~district official shall participate~~District Official is not prohibited from participating in the making of a contract in which the ~~district official~~District Official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Conflict of Interest from Campaign Contributions

CSBA NOTE: ~~Pursuant to~~ Government Code 84308, as amended by SB ~~1439~~1181 (Ch. ~~848~~785, Statutes of ~~2022), elected district officers, such as Board members,~~2024) and ~~"agency heads", which likely include Superintendents, are prohibited from participating in decisions involving parties who have provided campaign contributions~~SB 1243 (Ch. 1017, Statutes of ~~more than $250 in the prior 12 months to the officer's campaign committee. Such officers are also prohibited from~~2024), imposes specified disclosure requirements and restrictions on accepting, soliciting, or directing campaign contributions of more than $~~250~~500 by board members and superintendents from a party or participant ~~who has a financial interest in a Board~~to a proceeding before the district involving a contract, license, permit, or other entitlement for use, as defined, or from an agent of such a party or participant, with limited statutory exceptions. Some disclosure requirements and restrictions apply before the district's decision~~, to any campaign committee~~ on the proceeding is made, some apply while the decision is pending, and ~~for 12 months~~some apply after the decision ~~is made. These provisions do not apply to labor contracts, competitively bid contracts, and personal employment contracts~~has been made.

~~To avoid improper influence over~~ Prior to the ~~Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract,~~ district ~~officers, which includes Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308) A district officer is prohibited from accepting, soliciting, or directing~~rendering a ~~contribution of more than $250 from any party or participant to~~ decision in a proceeding before the district involving a contract, license, permit, or other entitlement for use, ~~including~~ as defined by Government Code 84308, a ~~contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, if the~~ Board member ~~knows or has reason to know that the party or participant has a financial interest in the Board's decision.~~

2. ~~Any district officer who~~whose campaign committee received a contribution of more than $~~250~~500 from any party or participant to the proceeding, or from an agent of such a party or participant, in the ~~preceding~~prior 12 months, and the party who made such a contribution, shall both publicly disclose that fact on the record of the proceeding ~~prior to the Board rendering a decision in the proceeding. If the district officer~~. Additionally, if a Board member willfully or knowingly received ~~the contribution~~a contribution to the Board member's campaign committee of more than $500 from any party or participant to such a proceeding, or from an agent of a party or participant, in the prior 12 months, and knows or has reason to know that the participant has a financial interest in the ~~Board's~~district's decision, the ~~district officer~~Board member shall not make, participate in making, or in any way attempt to use the Board member's official position to influence the ~~Board's~~district's decision~~.~~

3. ~~A district officer who receives~~ in the proceeding. However, a ~~contribution that would otherwise require disqualification as described in Item #2 above~~Board member may make, participate in making, or attempt to use the ~~proceeding~~Board member's official position to influence the decision if the contribution is returned within 30 days ~~from~~after the ~~time~~decision was made or after the ~~district officer~~Board member knows or should have known about the contribution and the proceeding~~.~~

4. ~~A district officer who unknowingly accepts, solicits, or directs a contribution of more than $250 during the 12 months after the date of the Board's final~~, whichever is later.

   All Board members and the Superintendent are prohibited from accepting, soliciting, or directing a contribution of more than $500 to a candidate or ballot measure campaign committee from any party or participant to a proceeding before the district involving a contract, license, permit, or other entitlement for use, as defined by Government Code 84308, or from an agent of a party or participant, while the proceeding is pending before the district and for 12 months following the date the district renders a final decision in the proceeding, if the Board member or Superintendent knows or has reason to know that the participant has a financial interest in the district's decision ~~on the proceeding may cure the violation by returning the~~ . However, if a Board member or the Superintendent does accept, solicit, or direct such a contribution during those 12 months but did not do so knowingly or willingly, the Board member or the Superintendent may cure the violation by ensuring that the contribution, or the portion exceeding $~~250,~~500, is returned within ~~14~~30 days of accepting, soliciting, or directing the contribution~~, provided the district officer did not knowingly or willfully accept, solicit, or direct the prohibited contribution.~~. The ~~district officer~~Board member or Superintendent shall maintain records of curing the violation.

~~The provisions in~~ (Government Code 84308 ~~as specified~~)

For a Board member or the Superintendent, a proceeding becomes "pending" when an item involving the contract, license, permit, or other entitlement for use, as defined by Government Code 84308, is placed on a Board agenda for discussion or decision or when it is reasonably foreseeable that the proceeding will come before the district for a decision. For a party or participant, and the agent of a party of participant, a proceeding becomes "pending" when an application is filed with the district, or, if the proceeding process does not require an application, when the proceeding is before the district for a decision or other action. (Government Code 84308)

The contributions disclosure requirements and restrictions above do not apply to contracts that are

required to be competitively bid, labor contracts, ~~competitively bid contracts, and~~ personal employment contracts~~.~~, contracts valued under $50,000, contracts where no party receives financial compensation, or contracts with another governmental agency. (Government Code 84308)

~~Additional Requirements for Boards that Manage Public Investments~~Form 700

~~CSBA NOTE: The following optional section is for use only by districts in which the Board and/or designated employees are considered to be "officials who manage public investments" and who are required to file a full financial disclosure statement in accordance with Government Code 87200. It should be deleted by all other districts. See the accompanying exhibit for further information.~~

~~According to the FPPC, officials who manage public investments are boards or designated employees who manage the investment of district surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Those boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, even if they delegate day-to-day investment decisions to staff, or approve investment transactions involving these funds are considered officials who manage public investments.~~

~~The Board does not manage public investments when the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANs) is issued. Board members and superintendents in these types of situations are not considered to have discretion regarding the investment of the district's money and are therefore not officials who manage public investments.~~

CSBA NOTE: Government Code 87500 requires all District Officials to annually file a Form 700 (also known as a Statement of Economic Interest). Under the PRA, there are two separate categories of Form 700 disclosure requirements.

For the first category, pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in its conflict of interest code. The second category, pursuant to Government Code 87200, is applicable to Board members, district employees, or district consultants who "manages public investments." Individuals in such positions, referred to by the FPPC as Government Code 87200/Article 2 filers, are required to file broader disclosure statements in accordance with the disclosure requirements specified in law and FPPC regulation. See "Additional Requirements for Boards that Manage Public Investments" below.

Each District Official shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. An individual who ceases to be a District Official shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date the individual ceased to be a District Official. (Government Code 87302)

Additional Requirements for Boards that Manage Public Investments

CSBA NOTE: The following optional section is for use only by districts with Government Code 87200/Article 2 filers and should be deleted by all other districts. See the accompanying exhibit for further information.

According to the FPPC, Government Code 87200/Article 2 filers are those positions which manage the investment of district surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Such filers include board members on boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, even if the boards delegate day-to-day investment decisions to staff, or approve investment transactions involving these funds. Such filers do not include board members on boards where the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANs) is issued.

Any Board member, district employee, or district consultant who manages public investments ~~pursuant to~~, as defined by Government Code 87200, and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required~~.~~

2. Not discuss or vote on the matter, or otherwise act in violation of Government Code 87100~~. The~~

   ~~2.~~ For a Board member , the Board member shall not be counted toward achieving a quorum while the item is discussed.

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

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded~~, unless~~

   ~~3.~~ However, the Board member, district employee, or district consultant who manages public investments, as defined by Government Code 87200, may speak on the issue during the time that the general public speaks on it. Additionally, for a Board member, if the matter has been placed on the ~~portion of the agenda reserved for uncontested matters.~~

   ~~If the item is on the~~ consent calendar, the Board member shall ~~either make a motion to remove~~abstain from voting on the consent calendar or, if the Board removes the item from the consent calendar ~~or~~, the Board member shall abstain from voting on the ~~consent~~

~~calendar~~item. In any event, the Board member shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If ~~the Board's~~a decision is made during closed session, disclose the interest orally during the open session preceding the closed session~~.~~

~~4.~~ This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member, district employee, or district consultant who manages public investments, as defined by Government Code 87200, shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the ~~Board's~~ decision.

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

CSBA NOTE: Pursuant to Government Code 1090, if a ~~Board member~~District Official has a financial interest in a contract, it is an absolute bar for that district to enter into the contract. The Attorney General has opined in 69 Ops.Cal.Atty.Gen. 255 (1986) that, unlike the PRA, the prohibitions in Government Code 1090 cannot, in most instances, be resolved by having the financially interested ~~Board member abstain~~District Official recuse themselves from participating in the matter. However, there are two categories of exceptions~~. If a financial interest meets the definition of a "noninterest" as specified in Government Code 1091.5, then the restrictions in Government Code 1090 do not apply and the district can enter into the contract. Secondly, if a Board member's interest is deemed a "~~, "~~remote interest"~~ pursuant Government Code 1091, then the district can enter into the contract as long as certain conditions~~" and "noninterest", both of which are ~~satisfied, as~~ specified below.

~~While the~~The prohibitions in ~~the PRA only~~Government Code 1090 generally apply to ~~designated employees, the prohibitions in Government Code 1090 apply to all district employees and consultants. California appellate courts have ruled in McGee v. Balfour Beatty Construction LLC and Davis v. Fresno Unified School District that Government Code 1090 applies to consultants, including corporate consultants, who fill the roles and positions of officers, employees, and agents of the district.~~District Officials. However, the Attorney General has opined in 63 Ops.Cal.Atty.Gen. 868 (1980) that, in contrast to a Board member, an employee's financial interest would not prohibit the district from entering into a contract as long as the employee has not participated in the making of the contract, such as in discussions and planning, as detailed below.

Government Code 1090 does not define financial interest, but courts have held that, for the purposes of this statute, the definition of "financial interest" is not the same as the definition in the PRA which requires a "material financial effect" in order for a conflict to exist. ~~Because the determination of whether a financial interest exists involves a review of statutes, court decisions, and Attorney General opinions as they apply to the particular facts at issue, the analysis can be complex and CSBA's District and County Office of Education Legal Services or district legal counsel should be consulted as appropriate.~~

Violators of Government Code 1090 may be subject to a fine or, unlike the PRA, even criminal charges and/or imprisonment.

~~Board members, employees, or district consultants~~A District Official shall not be financially interested in any contract made by the ~~Board on behalf of the~~ district, including in the development, ~~preliminary~~internal discussions, negotiations, ~~compromises~~modifications, planning, ~~reasoning~~deliberation of issues, and specifications and solicitations for bids. If a ~~Board member~~District Official has such a financial interest in a contract made by the ~~Board~~district, the contract is void. (Government Code 1090)

Remote Interest Exception to Government Code 1090

~~CSBA NOTE: The district may enter into a contract when a Board member's interest is a "remote interest" as defined in Government Code 1091. Generally, this issue arises when the district wishes to enter into a contract with the Board member's employer. When the~~CSBA NOTE: When the "remote interest" conditions specified in Government Code 1091 are satisfied (e.g., Board member is an employee of a nonprofit organization~~, the employer has at least 10 employees, and the Board member has been employed more than three years~~), then the district may enter into the contract as long as the affected Board member discloses the remote interest and abstains from the matter.

~~Board members who willfully fail to disclose a remote interest in a contract may be subject to a fine or imprisonment pursuant to Government Code 1097.~~ The "remote interest" exception only applies to Board members and not to other District Officials.

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

Noninterest Exception to Government Code 1090

CSBA NOTE: Pursuant to Government Code 1091.5, certain financial interests are defined as "noninterests," meaning a conflict of interest does not exist and the district can enter into the contract. The "noninterest" exception applies to all District Officials.

One of the noninterests listed in Government Code 1091.5 is when a Board member's spouse has been employed by the district for at least one year prior to the Board member's election or appointment. If the spouse has not been employed by the district for at least one year prior to the Board member's election or appointment, the ~~exception does not apply and Government Code 1090 prohibits the district from entering into a new contract to hire the spouse.~~ ~~(~~Attorney General opined in 80 Ops.Cal.Atty.Gen. 320 (1997)~~)~~

~~Attorney General opinions~~) that the exception does not apply. The Attorney General, in 92 Ops.Cal.Atty.Gen. 26 (2009) and 87 Ops.Cal.Atty.Gen. 23 (2004), and case law have further clarified the application of this noninterest exception when a previously employed spouse changes to a

different position during the Board member's term. Generally, these opinions have held that a lateral transfer or change of classification that does not require Board approval (e.g., second year probationary teacher automatically achieving permanent status, step increase) is the same employment not requiring a new contract and thus constitutes a noninterest. ~~(92~~

However, the Attorney General has also opined in 69 Ops.Cal.Atty.Gen. ~~26 (2009), 87 Ops.Cal.Atty.Gen. 23 (2004)) However,~~255 (1986) that when a new contract is involved (e.g., promotion from classroom teacher to principal, substitute employee becoming a probationary employee), the exception in Government Code 1091.5 does not apply and the action would be prohibited under Government Code 1090 because Board approval of the contract is required. ~~(Thorpe v. Long Beach Community College District, 69 Ops.Cal.Atty.Gen. 255 (1986))~~

~~Because this area of law is complex, it is strongly recommended that CSBA's District and County Office of Education Legal Services or district legal counsel be consulted if a Board member's spouse is an employee of the district or when analyzing whether an interest is a noninterest or remote interest.~~

~~In addition, a Board member~~A District Official shall not be considered to be financially interested in a contract ~~in which~~if the interest is a ~~"noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed~~reimbursement for actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other ~~applicable circumstance~~"noninterest" specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

CSBA NOTE: Even when there is not a conflict pursuant to the PRA ~~(Government Code 87100-87505)~~ or Government Code 1090, the Attorney General has found that special situations may still exist under the common law doctrine against conflict of interest which, unlike the statutes, extends to noneconomic interests. In 92 Ops.Cal.Atty.Gen. 19 (2009), the Attorney General opined that a redevelopment board member should abstain from voting on a loan agreement where the recipient of the loan was a corporation owned by the board member's adult son. Although the board member was not financially interested in the contract under the PRA or Government Code 1090, the Attorney General determined that abstention was ~~necessary in order to avoid a conflict between the member's official and personal interests and to avoid the appearance of impropriety.~~

~~Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or legal counsel if situations arise that raise the question as to whether such a conflict exists.~~advisable under the common law doctrine against conflict of interest.

A ~~Board member~~District Official shall abstain from any official action in which the ~~Board member's~~District Official's private or personal interest may conflict with official duties pursuant to the common law doctrine against conflict of interest.

Incompatible Offices and Activities

CSBA NOTE: Government Code 1099 and 1126 prohibit Board members and employees from engaging in any employment or activity which is inconsistent, incompatible, in conflict with, or inimical to their duties with the district. Government Code 1126 mandates that the district ~~to~~ adopt procedures regarding this prohibition. See BP 4136/4236/4336 - Nonschool Employment for language implementing this mandate relative to employees.

The Attorney General ~~opinions have~~ indicated in 105 Ops.Cal.Atty.Gen. 69 (2022), 85 Ops.Cal.Atty.Gen. 60 (2002), 68 Ops.Cal.Atty.Gen. 171 (1985), and 65 Ops.Cal.Atty.Gen. 606 (1982) that it would be incompatible for Board members to serve on other elected or appointed boards, councils, or commissions that have interests which may conflict with the interests of the district ~~(105 Ops.Cal.Atty.Gen. .60 (2002); 68 Ops.Cal.Atty.Gen. 171 (1985); 65 Ops.Cal.Atty.Gen. 606 (1982)).~~ If a Board member is sworn into an incompatible office, then the Board member's position in the prior office is automatically terminated.

Pursuant to Education Code 35107, an employee of a school district may not be sworn into office as an elected or appointed member of that district's Board unless the ~~Board member~~employee resigns ~~as an employee.~~. If the employee does not resign, the employment automatically terminates when the employee is sworn into office. See BB 9220 - Governing Board Elections.

The determination as to whether an activity or office is incompatible is complex and requires a case-by-case analysis of the particular activities or duties of the office; therefore, it is recommended that CSBA's District and County Office of Education Legal Services or district legal counsel be consulted as appropriate.

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

Gifts

CSBA NOTE: Pursuant to 2 CCR ~~18730~~18940.2, the gift ~~limitation~~limit is ~~currently $590. This amount is adjusted in odd-numbered years by~~ $630 for the ~~FPPC.~~term January 1, 2025 through December 31, 2026. Pursuant to Government Code 89503, Board members and candidates are subject to gift ~~limitation~~limits for gifts from all sources ~~except when~~unless exempted by law or regulation. For those Board members who file a Form 700 based on the disclosure categories specified in the district's conflict of interest code pursuant to Government Code 87302 (see the accompanying exhibit), the gift limit is only applicable ~~as~~ to those individuals and entities that are disclosed on the Form 700.

Several exceptions exist within the Government Code's definitions of gifts, income, interest in real property, and investment; see Government Code 82028, 82030, 82033, and 82034. If questions arise as to such exceptions, the district may seek clarification from the FPPC through email to advice@fppc.ca.gov or consult CSBA's District and County Office of Education Legal Services or district legal counsel.

~~Board members and designated employees~~District Officials may accept gifts only under the conditions and limitations specified in law including, but not limited to, Government Code 89503

and 2 CCR 18730.

~~The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)~~

~~In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)~~

CSBA NOTE: ~~Board members and designated employees~~District Officials may, in the circumstances described in Government Code 89506, receive payments, advances, or reimbursements for travel and related lodging and subsistence, which will not be subject to the gift limit set in Government Code 89503.

Gifts of travel and related lodging and subsistence shall be subject to the current gift ~~limitation~~conditions and limitations, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a ~~Board member or designated employee~~District Official, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States~~.~~

2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code~~.~~

Gifts of travel exempted from the gift limitation, as described in Items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for ~~Board members and designated employees.~~District Officials. (Government Code 89506)

Honoraria

~~Board members and designated employees~~District Officials shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches

2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Advice

Any District Official, who, in good faith, believes that they may be subject to the requirements of this Bylaw and has questions, is unclear, or is unsure regarding the application of the requirements of this Bylaw to any particular instance or situation, may seek advice from the district's legal counsel with the permission of the Superintendent, Board President, or majority of the Board.

Training

CSBA NOTE: Government Code 53234-53235.2 require a Board member, except for a member whose term of office ends before January 1, 2026, to receive specified training in ethics by January 1, 2026, and at least once every two years thereafter, and for the district to maintain records of such training. Additionally, Government Code 53235, as amended by AB 2631 (Ch. 201, Statutes of 2024), requires the FPPC, in consultation with the Attorney General, to create, maintain, and make an ethics training course available to local agency officials, including Board members.

Unless a Board member's term expires prior to January 1, 2026, each Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter as specified in Board Bylaw 9240 – Board Training.

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

State	Description
2 CCR 18110-18997	Regulations of the Fair Political Practices Commission
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	Conflicts of Interest
2 CCR 18722-18740	Disclosure of interests
2 CCR 18753-18756	Conflict of interest codes
2 CCR 18940.2	Gift limit amount
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 35107	School district employees

Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	Prohibitions applicable to members of governing boards
Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 1125-1129	Incompatible activities
Gov. Code 53234-53235.2	Ethics training
Gov. Code 81000-91014	Political Reform Act
Gov. Code 82011	Code reviewing body
Gov. Code 82019	Definition; designated employee
Gov. Code 82028	Definition; gift
Gov. Code 82030	Definition; income
Gov. Code 82033	Definition; interest in real property
Gov. Code 82034	Definition; investment
Gov. Code 84308	Campaign Disclosure
Gov. Code 87100-~~87103.6~~87505	~~General prohibitions~~Political Reform Act; conflict of interest
~~Gov. Code 87200-87210~~	~~Disclosure~~
~~Gov. Code 87300-87313~~	~~Conflict of interest code~~
~~Gov. Code 87500~~	~~Statement of economic interests~~
Gov. Code 89501-89503	Honoraria and gifts
Gov. Code 89506	Ethics; travel
Gov. Code 91000-91014	Enforcement
Pen. Code 85-88	Bribes
Pub. Cont. Code 6102	Bribery of public official; voidable contract
Rev. & Tax Code 203	Taxable and exempt property – ;colleges

Management Resources	**Description**
Attorney General Opinion	105 Ops.Cal.Atty.Gen.69 (2022)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 868 (1980)

Attorney General Opinion	65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 327 (1998)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 83 (1999)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 60 (2002)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 138 (2003)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 217 (2006)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 19 (2009)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 26 (2009)
Court Decision	Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Court Decision	Klistoff v. Superior Court (2007) 157 Cal.App.4th 469
Court Decision	Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App.4th 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235
Court Decision	Thorpe v. Long Beach Community College District (2000) 83 Cal.App.4th 655
CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission Publication	Advice Letter: A-96-314 (December 18, 1996)
Fair Political Practices Commission Publication	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government Publication	Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	Fair Political Practices Commission

Website	CSBA

Cross References

Code	Description
1340	Access To District Records
1340	Access To District Records
1700	Relations Between Private Industry And The Schools
3230	Federal Grant Funds
3230	Federal Grant Funds
3300	Expenditures And Purchases
3311	Bids
3311	Bids
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3430	Investing
3430	Investing
3470	Debt Issuance And Management
3600	Consultants
4112.8	Employment Of Relatives
4117.2	Resignation
4136	Nonschool Employment
4212.8	Employment Of Relatives
4217.2	Resignation
4236	Nonschool Employment
4312.8	Employment Of Relatives
4317.2	Resignation
4336	Nonschool Employment
6161.1	Selection And Evaluation Of Instructional Materials

6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
7140	Architectural And Engineering Services
7140	Architectural And Engineering Services
7214	General Obligation Bonds
7214	General Obligation Bonds
9000	Role Of The Board
9005	Governance Standards
9140	Board Representatives
9200	Limits Of Board Member Authority
9220	Governing Board Elections
9220-E(1)	Governing Board Elections
9222	Resignation
9230	Orientation
9240	Board Training
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9323	Meeting Conduct

Exhibit 9270-E(1): Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 07/01/2010 **| Last Revised Date:** ~~05~~12/01/~~2016~~2024 **| Last Reviewed Date:** ~~05~~12/01/~~2016~~2024

RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

CSBA NOTE: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313 of the Political Reform Act ~~(PRA).~~ . Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference along with a list of District Officials, defined as a Board member or position designated ~~positions~~in the district's conflict of interest code, and disclosure categories. ~~Board members and designated employees must~~District Officials are required to annually file a Form 700 (also known as a Statement of Economic Interest~~/Form 700~~) pursuant to the disclosure requirements of the district's conflict of interest code.

Government Code 87303 requires a district's conflict of interest code to be approved by a code reviewing body. For school districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The Fair Political Practices Commission ~~(FPPC)~~ is the code reviewing body for school districts with jurisdiction in more than one county.

The code reviewing body needs to review only the portion of the district's conflict of interest code that ~~specifies~~delineates the ~~district's designated positions~~District Officials and the disclosure categories as detailed in the following sample ~~Resolution~~resolution, including its Appendix, and not the other legal requirements related to conflict of interest reflected in the accompanying sample bylaw. The ~~Resolution~~resolution, including the Appendix, should be adopted by the Board and, as necessary, forwarded to the code reviewing body. Pursuant to Government Code 87306.5, the code reviewing body is required to notify the district in even-numbered years of the need to review the district's conflict of interest code. Upon such notification, the district should review the Appendix and make any necessary changes. In some counties, the code reviewing body requires that a resolution be adopted during each review and that the Board's resolution and amended ~~appendix~~Appendix be submitted to that body. In other counties, only the ~~appendix~~Appendix needs to be submitted. In both cases, districts need not submit BB 9270 - Conflict of Interest to the code reviewing body.

In addition to the biannual review, districts should modify the Appendix and submit it, and the resolution, if required, to the code reviewing body when any changed circumstances within the district require amendments to the Appendix, such as the creation of a new ~~designated~~

positionsDistrict Official or a change of duties assigned to existing positionsof a District Official.

The following resolution should be modified to reflect district practice as well as any specific requirements of the district's code reviewing body.

WHEREAS, the Political Reform Act, Government Code 87300-87313, requiresrequire each public agency in California, including each school district, to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the _____ School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments

WHEREAS, a district is permitted to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporationcreate its conflict of interest code by incorporating by reference of the terms of that regulation2 CCR 18730, along with an agency-specific appendix designating positions and a list of District Officials to whom the code applies and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with , in accordance with Government Code 87300 and 87306; and

WHEREAS, the Governing Board of the _____ School District ("District") has previously adopted a local conflict of interest code in this manner; and

WHEREAS, the District has recently reviewed its positionslist of District Officials, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and.

NOW THEREFORE BE IT RESOLVED that the _____ School District , the Governing Board of the District adopts the following Conflict of Interest Code, including itsthe accompanying Appendix of Designated EmployeesDistrict Officials and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day, and

BE IT FURTHER RESOLVED, any earlier resolutions, bylaws, and/or appendices containing the District's conflict of interest code are hereby rescinded and superseded by this Resolution and Appendix.

[Add final resolution language template including date of _____, _____ at a meeting, by the followingpassage, vote: count, and requisite signatures]

AYES:_____ NOES:_____ ABSENT:_____

Attest:

_____
Secretary/President

Conflict of Interest Code ("Code") of the
_____ School District ("District")

The provisionsPolitical Reform Act (PRA) (Government Code 81000-87505) requires the District to adopt a conflict of interest code. 2 CCR 18730 contains the terms of a conflict of interest code, which may be amended by the Fair Political Practices Commission (FPPC) to conform to amendments in the PRA. Therefore, the terms of 2 CCR 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, areFPPC are hereby incorporated by reference. This Code and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the district's conflict of interest code. Governing Board members and designated employees of the district.

District Officials, defined as those positions listed herein, shall file a Form 700 (also known as a Statement of Economic Interest/Form 700) in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic InterestForm 700 shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

CSBA NOTE: The following list must be modified to reflect the specific disclosure categories in the district.

1. Category 1: A personDistrict Official designated "Category 1" shall disclose:the following:

a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.

b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.

1. Category 2: A personDistrict Official designated "Category 2" shall disclose:the following:

a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.

b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

For a principal in this category, the principal's department is the principal's entire school.

CSBA NOTE: Item #3 below is for use only by districts in which the Board and Superintendent "manage public investments." All other districts must delete item #3.

Government Code 87500 requires public officials and designated employees to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and Superintendents who "manage public investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation. See section in accompanying bylaw entitled "Additional Requirements for Boards that Manage Public Investments" for a further discussion of this issue.CSBA NOTE: Category #3 below is for use only by districts in which certain positions "manage public investments," as defined by Government Code 87200; see the accompanying Board Bylaw. All other districts should delete Category #3.

2. Full Disclosure: Because it has been determinedCategory 3 (Applicable to positions that the district's Board members and/or Superintendent "manage public investments," they and other personsas defined by Government Code 87200): A District Official designated for "full disclosure"Category 3" shall disclose, in accordance with Government Code 87200:87210, the following:

a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.

b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

Designated Positions

CSBA NOTE: The district should modify the following list must be modified to reflect the specific designated positions and applicable disclosure categories in the district. For districts in which the Board and Superintendent "manage public investments," the disclosure category for Board members and the Superintendent in the list below must be modified to "Full Disclosure."

Designated PositionDistrict Officials	Disclosure Category
Governing Board Members	1 or 3
Superintendent of Schools	1 or 3
Assistant/Associate Superintendent	1 or 3
Purchasing Agent	1
Director	2
Principal	2
Assistant Principal	2
Maintenance and Operations Director	2
Program Coordinator	2
Project Specialist	2
Supervisor	2
Dean of Students	2

Disclosures for Consultants

CSBA NOTE: The definition of designated employees in Government Code 82019 includes consultants. To preclude amending the conflict of interest code whenever retaining a consultant in a decision-making capacity, the following section provides that the Superintendent or designee shall make case-by-case determinations of the disclosures necessary, depending on the range of duties to be performed by the consultant.

Consultants are designated employeesThe Superintendent or designee shall annually determine, on a case-by-case basis, which district consultants, if any, shall constituent District Officials and who

~~must~~shall disclose financial interests ~~as determined on a case-by-case basis by the Superintendent or designee~~. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

1. Approve a rate, rule, or regulation

2. Adopt or enforce a law

3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement

4. Authorize the district to enter into, modify, or renew a contract that requires district approval

5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract

6. Grant district approval to a plan, design, report, study, or similar item

7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704~~, subsections (a) and (b),~~ or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18700.3)

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

State	Description

2 CCR 18110-18997	Regulations of the Fair Political Practices Commission
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	Conflicts of Interest
2 CCR 18722-18740	Disclosure of interests
2 CCR 18753-18756	Conflict of interest codes
2 CCR 18940.2	Gift limit amount
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 35107	School district employees
Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	Prohibitions applicable to members of governing boards
Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 1125-1129	Incompatible activities
Gov. Code 53234-53235.2	Ethics training
Gov. Code 81000-91014	Political Reform Act
Gov. Code 82011	Code reviewing body
Gov. Code 82019	Definition; designated employee
Gov. Code 82028	Definition; gift
Gov. Code 82030	Definition; income
Gov. Code 82033	Definition; interest in real property
Gov. Code 82034	Definition; investment
Gov. Code 84308	Campaign Disclosure
Gov. Code 87100-~~87103.6~~87505	~~General prohibitions~~Political Reform Act; conflict of interest
~~Gov. Code 87200-87210~~	~~Disclosure~~
~~Gov. Code 87300-87313~~	~~Conflict of interest code~~
~~Gov. Code 87500~~	~~Statement of economic interests~~

Gov. Code 89501-89503	Honoraria and gifts
Gov. Code 89506	Ethics; travel
Gov. Code 91000-91014	Enforcement
Pen. Code 85-88	Bribes
Pub. Cont. Code 6102	Bribery of public official; voidable contract
Rev. & Tax Code 203	Taxable and exempt property – ;colleges

Management Resources	**Description**
Attorney General Opinion	105 Ops.Cal.Atty.Gen.69 (2022)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 868 (1980)
Attorney General Opinion	65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 327 (1998)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 83 (1999)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 60 (2002)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 138 (2003)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 217 (2006)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 19 (2009)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 26 (2009)
Court Decision	Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Court Decision	Klistoff v. Superior Court (2007) 157 Cal.App.4th 469
Court Decision	Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App.4th 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235
Court Decision	Thorpe v. Long Beach Community College District (2000) 83 Cal.App.4th 655
CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

Fair Political Practices Commission Publication	Advice Letter: A-96-314 (December 18, 1996)
Fair Political Practices Commission Publication	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government Publication	Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	Fair Political Practices Commission
Website	CSBA

Cross References

Code	Description
1340	Access To District Records
1340	Access To District Records
1700	Relations Between Private Industry And The Schools
3230	Federal Grant Funds
3230	Federal Grant Funds
3300	Expenditures And Purchases
3311	Bids
3311	Bids
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3430	Investing
3430	Investing
3470	Debt Issuance And Management
3600	Consultants
4112.8	Employment Of Relatives

4117.2	Resignation
4136	Nonschool Employment
4212.8	Employment Of Relatives
4217.2	Resignation
4236	Nonschool Employment
4312.8	Employment Of Relatives
4317.2	Resignation
4336	Nonschool Employment
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
7140	Architectural And Engineering Services
7140	Architectural And Engineering Services
7214	General Obligation Bonds
7214	General Obligation Bonds
9000	Role Of The Board
9005	Governance Standards
9140	Board Representatives
9200	Limits Of Board Member Authority
9220	Governing Board Elections
9220-E(1)	Governing Board Elections
9222	Resignation
9230	Orientation
9240	Board Training
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session

9321-E(2)	Closed Session
9323	Meeting Conduct

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY

As of April 4, 2025

For the School Year of:	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	2024/ 2025
August	503	514	505	528	509	499	548	526	484	443	470	490	498	476
September	507	512	496	529	497	499	525	508	477	456	474	482	501	468
October	505	510	492	535	502	500	522	511	480	465	470	487	496	471
November	507	517	497	538	502	494	528	512	483	469	468	490	496	470
December	500	513	493	538	498	493	528	505	481	462	458	502	497	477
January	509	520	498	532	503	496	530	500	491	460	462	505	500	492
February	503	518	501	539	504	498	533	494	492	460	459	504	497	493
March	504	520	511	536	501	503	530	494	493	462	458	502	500	502
April	501	527	516	538	498	500	531	493	491	467	470	505	501	509
May	501	532	512	537	499	507	541	500	490	476	464	510	495	
June	496	531	511	535	495	504	535	497	490	472	466	510	495	

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY - CDS

As of April 4, 2025

For the School Year of:	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/23	2023/24	2024/25
August	6	4	7	8	5	4	3	5	1
September	7	5	10	9	5	3	4	5	1
October	7	7	7	10	4	6	3	7	5
November	8	7	5	10	5	4	3	7	4
December	10	8	5	8	6	4	3	4	4
January	10	10	4	6	8	5	3	4	5
February	9	11	4	8	6	5	5	6	4
March	9	9	6	9	6	5	3	6	5
April	8	9	4	8	6	5	6	9	7
May	10	9	7	8	6	7	5	9	
June	10	10	9	8	6	10	6	8	

Happy Valley Community Day School

2024-2025

Enrollment by Teacher and Grade

Teacher	K			1			3			4			8			ALL		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
001 Gandolfo	1	-	1	1	-	1	1	-	1	2	-	2	2	-	2	7	-	7
School Total:	1		1	1		1	1		1	2		2	2		2	7		7

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY - ELEMENTARY

As of April 4, 2025

For the School Year of:	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/24	2024/25
August	278	284	263	248	237	254	252	246
September	279	279	266	205	237	245	252	245
October	279	281	263	212	229	247	242	242
November	275	282	264	215	224	246	240	239
December	280	282	266	215	223	251	239	242
January	282	285 as of 1/16	275	215	222	252	245	247
February	284	285	275	214	223	254	244	247
March	281	284	276	216	228	246	245	249
April	289	284	275	221	226	246	244	246
May	286	284	274	226	226	248	239	
June	286	283	274	224	226	245	240	

Happy Valley Elementary School

04/04/2025
08:07 AM

2024-2025

Enrollment by Teacher and Grade

Teacher	------- 4 -------			------- 5 -------			------- 6 -------			------- 7 -------			------- 8 -------			--------- ALL ---------		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
172 Baldwin 3	-	-	-	-	-	-	-	-	-	14	7	21	-	-	-	14	7	21
116 Bassett 1	-	-	-	-	-	-	9	12	21	-	-	-	-	-	-	9	12	21
127 Francescut 9	-	-	-	-	-	-	-	-	-	-	-	-	12	15	27	12	15	27
				-	-	-	-	-	-	-	-	-						
164 Goodman 19	-	-	-	11	15	26	-	-	-	-	-	-	-	-	-	11	15	26
111 Hutchison 17	-	-	-	16	6	22	-	-	-	-	-	-	-	-	-	16	6	22
141 Keown 8	-	-	-	-	-	-	13	14	27	-	-	-	-	-	-	13	14	27
114 Kinsey 21	9	18	27	-	-	-	-	-	-	-	-	-	-	-	-	9	18	27
173 Morgan 2	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	1	1
113 Price 11	-	-	-	-	-	-	-	-	-	11	9	20	-	-	-	11	9	20
110 Sanford 20	11	15	26	-	-	-	-	-	-	-	-	-	-	-	-	11	15	26
001 Unassigned 1 11	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	1	1
153 Youman 7	-	-	-	-	-	-	-	-	-	-	-	-	14	13	27	14	13	27
School Total:	**20**	33	**53**	27	22	49	22	27	49	25	16	41	**26**	28	**54**	12**0**	126	2**46**

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY - PRIMARY

As of April 4, 2025

For the School Year of:	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/25
August	193	207	215	198	185	216	224	231	214
September	200	213	217	205	165	216	224	232	215
October	201	210	217	207	172	212	227	235	218
November	197	216	210	209	179	215	230	235	218
December	195	218	206	207	186	210	235	234	219
January	198	219	203	210	188	213	235	233	227
February	201	226	205	209	191	210	231	230	227
March	203	228	202	208	196	208	228	230	232
April	205	238	205	208	195	211	235	229	231
May	210	237	208	208	200	208	240	229	
June	211	238	205	208	200	207	239	229	

Happy Valley Primary School

04/04/2025
08:08 AM

2024-2025

Enrollment by Teacher and Grade

Teacher	------- TK -------			------- K -------			------- 1 -------			------- 2 -------			------- 3 -------			--------- ALL ---------		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
141 Collver 7	-	-	-	2	-	2	-	1	1	1	-	1	3	-	3	6	1	7
140 Cook 8	-	1	1	1	-	1	3	-	3	-	-	-	-	-	-	4	1	5
	-	-	-							-	-	-						
132 Gurwell 2	9	11	20	-	-	-	-	-	-	-	-	-	-	-	-	9	11	20
135 Jaramillo 6	-	-	-	-	-	-	10	11	21	-	-	-	-	-	-	10	11	21
130 McEvoy 10	-	-	-	2	-	2	1	-	1	1	-	1	2	-	2	6	-	6
121 Piazza 5	-	-	-	-	-	-	10	12	22	-	-	-	-	-	-	10	12	22
126 Roach 13	-	-	-	-	-	-	-	-	-	16	11	27	-	-	-	16	11	27
123 Russell 4	-	-	-	11	11	22	-	-	-	-	-	-	-	-	-	11	11	22
134 Salcido 16	-	-	-	-	-	-	-	-	-	-	-	-	13	13	26	13	13	26
136 Sanders 12	-	-	-	-	-	-	-	-	-	13	14	27	-	-	-	13	14	27
120 Spencer 15	-	-	-	-	-	-	-	-	-	-	-	-	19	7	26	19	7	26
129 Stotka 3	-	-	-	12	10	22	-	-	-	-	-	-	-	-	-	12	10	22
School Total:	9	12	21	**28**	21	**49**	**24**	24	**48**	31	25	56	**37**	20	**57**	**129**	102	23**1**

HAPPY VALLEY UNION SCHOOL DISTRICT

ENROLLMENT HISTORY – INDEPENDENT STUDY

As of April 4, 2025

For the School Year of:	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025			
August	5	13	9	10	7			
September	81	18	9	11	7			
October	77	21	10	12	6			
November	70	20	11	14	9			
December	56	20	15	20	12			
January	51	21	16	18	13			
February	52	22	16	18	15			
March	49	22	17	19	16			
April	44	21	18	19	25			
May	44	23	17	18				
June	43	23	20	18				

Enrollment by Teacher and Grade

Teacher	K			1			2			3			4			5			6			7			8			ALL		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
004 Blevins	-	1	1	2	1	3	-	1	1	1	-	1	1	-	1	2	2	4	2	3	5	1	1	2	2	5	7	11	14	25
School Total:		1	1	2	1	3		1	1	1		1	1		1	2	2	4	2	3	5	1	1	2	2	5	7	11	14	25